

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Chapter 1

[Docket No. FAR-2019-0001, Sequence No. 5]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2019-06;
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) 2019-06. A
companion document, the *Small Entity
Compliance Guide* (SECG), follows this
FAC. The FAC, including the SECG, is
available via the internet at [http://](http://www.regulations.gov)
www.regulations.gov.

DATES: For effective date 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. For
information pertaining to status or
publication schedules, contact the
Regulatory Secretariat Division at 202-
501-4755.

RULES LISTED IN FAC 2019-06

Item	Subject	FAR case	Analyst
I	Use of Products and Services Of Kaspersky Lab	2018-010	Francis.
II	Update of "Affiliates" and Section 8(a) Clauses	2019-006	Chambers.
III	Update to Contractor Performance Assessment Reporting System (CPARS)	2019-005	Glover.
IV	New World Trade Organization Government Procurement Agreement Country-Australia	2019-011	Davis.

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow.
For the actual revisions and/or
amendments made by these FAR rules,
refer to the specific item numbers and
subjects set forth in the documents
following these item summaries. FAC
2019-06 amends the FAR as follows:

**Item I—Use of Products and Services of
Kaspersky Lab (FAR Case 2018-010)**

This final rule adopts an interim rule
published on June 15, 2018, without
changes. The interim rule implemented
section 1634 of Division A of the
National Defense Authorization Act for
Fiscal Year 2018 (Pub. L. 115-91),
which prohibited the use of hardware,
software, and services developed or
provided, in whole or in part, by
Kaspersky Lab or related entities by the
Federal Government, on or after October
1, 2018. The interim rule also required
contractors to report any such hardware,
software, or services discovered during
contract performance. This rule is being
implemented as a national security
measure to protect Government
information and information systems.

**Item II—Update of "Affiliates" and
Section 8(a) Clauses (FAR Case 2019-
006)**

This final rule amends the FAR to
revise the definition of "affiliates" at
FAR 19.101 and 2.101. This rule
amends the clauses at FAR 52.219-12,
Special 8(a) Subcontract Conditions,
and 52.219-17, Section 8(a) Award, to
remove an obsolete requirement for 8(a)

contractors to obtain written approval
from the Small Business Administration
and the contracting officer before
subcontracting the performance of any
contract requirements. This final rule is
expected to result in savings for Federal
contractors who are participants in the
8(a) Program.

**Item III—Update to Contractor
Performance Assessment Reporting
System (CPARS) (FAR Case 2019-005)**

This final rule amends the FAR at
FAR 42.1501 and 42.1503 to establish
the Contractor Performance Assessment
Reporting System (CPARS) as the
official system for past performance
information. The rule makes conforming
changes in FAR parts 9, 13, 15, and 25
to remove all references to Past
Performance Information Retrieval
System (PPIRS) and adds CPARS for
past performance information. The final
rule is not expected to have a significant
economic impact on small entities,
because the rule merely designates an
existing system, CPARS, as the single
official repository for recording and
maintaining contractor performance
information.

**Item IV—New World Trade
Organization Government Procurement
Agreement Country—Australia (FAR
Case 2019-011)**

DoD, GSA, and NASA are issuing a
final rule amending the FAR to add
Australia as a new World Trade
Organization Government Procurement
Agreement (WTO GPA) country.

Australia is already a designated
country, because it is a Free Trade
Agreement country.

This final rule has no significant
impact on the Government and
contractors, including small business
entities.

William F. Clark,

*Director, Office of Government-wide
Acquisition Policy, Office of Acquisition
Policy, Office of Government-wide Policy.*

Federal Acquisition Circular (FAC) 2019-
06 is issued under the authority of the
Secretary of Defense, the Administrator of
General Services, and the Administrator of
National Aeronautics and Space
Administration.

Unless otherwise specified, all Federal
Acquisition Regulation (FAR) and other
directive material contained in FAC 2019-06
is effective September 10, 2019 except for
Items II, III, and IV, which are effective
October 10, 2019.

Linda W. Neilson,
Director, Defense Pricing and Contracting,
Defense Acquisition Regulations System,
Department of Defense.

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

William G. Roets, II,
Acting Assistant Administrator, Office of
Procurement, National Aeronautics and
Space Administration.

[FR Doc. 2019-19359 Filed 9-9-19; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 4, 13, 39, and 52

[FAC 2019–06; FAR Case 2018–010; Item I; Docket No. FAR–2018–0010, Sequence No. 1]

RIN 9000–AN64

Federal Acquisition Regulation: Use of Products and Services of Kaspersky Lab

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 adopting as final, without change, an interim rule amending the Federal Acquisition Regulation (FAR) to implement a section of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018.

DATES: Effective September 10, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Camara Francis, Procurement Analyst, at 202–550–0935 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2019–06, FAR Case 2018–010.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 83 FR 28141 on June 15, 2018, to revise the FAR to implement section 1634 of Division A of the NDAA for FY 2018 (Pub. L. 115–91). Section 1634 of this law prohibits the use of products or services of Kaspersky Lab and its related entities by the Federal Government on or after October 1, 2018.

The interim rule amended FAR part 4, adding a new subpart 4.20, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab, with a corresponding new contract clause at 52.204–23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities. The interim rule also added text in subpart 13.2, Actions at or Below the Micro-Purchase Threshold, to address section 1634 with regard to micro-purchases. To implement section 1634, the clause at

52.204–23 prohibits contractors from providing any hardware, software, or services developed or provided by Kaspersky Lab or its related entities, or using any such hardware, software, or services in the development of data or deliverables first produced in the performance of the contract. The contractor must also report any such hardware, software, or services discovered during contract performance; this requirement flows down to subcontractors. For clarity, the rule defines “covered entity” and “covered article”. A covered entity includes the entities described in section 1634. A covered article includes hardware, software, or services that the Federal Government will use on or after October 1, 2018. The public comment period ended August 14, 2018.

II. Discussion and Analysis

Three respondents submitted public comments, one of which was outside the scope of the rule. There are no changes made to the final rule as a result of the public comments. Responses to comments received follow below.

Comment: A respondent stated, “To reduce burden on contractors, a specific list or definition around ‘covered article’ or ‘covered entity’ are requested. It is also requested to share how and when an entity or article would be added to this list and incorporated into this clause.”

Response: The rule defines “covered article” and “covered entity” in FAR 4.2001, Definitions. With respect to use of a products list, the preamble to the interim rule included a series of detailed questions designed to elicit feedback on how a list might be developed and maintained, as well as other steps that might be taken to reduce burden, but no public input was offered. Due to the continually evolving nature of technological product and service offerings, including third-party products that may either add or eliminate inclusion of elements such as Kaspersky Lab software, and the lack of suggestions for how this challenge might be managed, DoD, GSA, and NASA have concluded that providing a definitive list of hardware, software, or services subject to the definition of “covered article” is impractical, particularly in regulation. Similar challenges regarding the shifting nature of ownership, affiliate and subsidiary relationships also apply to the definition of “covered entity.” DoD, GSA, and NASA intend to confer with the Federal Acquisition Security Council staff as it considers issues related to the appropriate sharing of

information to support management decisions associated with supply chain risk management.

Comment: A respondent indicated that the prohibition should be effective immediately to prevent continued use and additional risk to the Government. The respondent had similar concerns that existing contracts would not be modified to incorporate the clause unless the period of performance was being extended for six or more months.

Response: The statutory prohibition in section 1634 took effect on October 1, 2018, and the interim rule was published in advance of the effective date in order to provide sufficient time for both Government and industry to identify any current use or planned procurements of covered articles from covered entities. Publication of the FAR rule was one tool to help agencies in their implementation of section 1634, but the rule did not impact or impair any other planned or ongoing efforts agencies undertook to address the presence of covered articles.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

This rule applies the requirements of section 1634 of the NDAA for FY 2018 to contracts at or below the SAT, to include contracts for the acquisition of commercial items, including COTS items.

A. Applicability to Contracts at or Below the Simplified Acquisition Threshold

41 U.S.C. 1905 governs the applicability of laws to acquisitions at or below the simplified acquisition threshold (SAT). Section 1905 generally limits the applicability of new laws when agencies are making acquisitions at or below the SAT, but provides that such acquisitions will not be exempt from a provision of law if: (i) the law contains criminal or civil penalties; (ii) the law specifically refers to 41 U.S.C. 1905 and states that the law applies to contracts and subcontracts in amounts not greater than the SAT; or (iii) the FAR Council makes a written determination and finding that it would not be in the best interest of the Federal Government to exempt contracts and subcontracts in amounts not greater than the SAT from the provision of law.

B. Applicability to Contracts for the Acquisition of Commercial Items, Including COTS Items

41 U.S.C. 1906 governs the applicability of laws to contracts for the acquisition of commercial items, and is

intended to limit the applicability of laws to contracts for the acquisition of commercial items. Section 1906 provides that if a provision of law contains criminal or civil penalties, or if the FAR Council makes a written determination that it is not in the best interest of the Federal Government to exempt commercial item contracts, the provision of law will apply to contracts for the acquisition of commercial items.

Finally, 41 U.S.C. 1907 states that acquisitions of COTS items will be exempt from a provision of law unless the law (i) contains criminal or civil penalties; (ii) specifically refers to 41 U.S.C. 1907 and states that the law applies to acquisitions of COTS items; (iii) concerns authorities or responsibilities under the Small Business Act (15 U.S.C. 644) or bid protest procedures developed under the authority of 31 U.S.C. 3551 *et seq.*, 10 U.S.C. 2305(e) and (f), or 41 U.S.C. 3706 and 3707; or (iv) the Administrator for Federal Procurement Policy makes a written determination and finding that would not be in the best interest of the Federal Government to exempt contracts for the procurement of COTS items from the provision of law.

C. Determinations

With the publication of the interim rule the FAR Council has determined it was in the best interest of the Government to apply the rule to contracts at or below the SAT and for the acquisition of commercial items. Likewise, the Administrator for Federal Procurement Policy determined it was in the best interest of the Government to apply this rule to contracts for the acquisition of COTS items.

While the law does not specifically address acquisitions of commercial items, including COTS items, there is an unacceptable level of risk for the Government in buying hardware, software, or services developed or provided in whole or in part by Kaspersky Lab. This level of risk is not alleviated by the fact that the item being acquired has been sold or offered for sale to the general public, either in the same form or a modified form as sold to the Government (*i.e.*, that it is a commercial item or COTS item), nor by the small size of the purchase (*i.e.*, at or below the SAT). As a result, agencies may face increased exposure for violating the law and unknowingly acquiring a covered article absent coverage of these types of acquisitions by this rule.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs

and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

V. Executive Order 13771

This rule is not subject to E.O. 13771, because this rule is not a significant regulatory action under E.O. 12866.

VI. Regulatory Flexibility Act

A final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* was prepared. The FRFA is summarized below.

This final rule implements section 1634 of Division A of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 (Pub. L. 115–91). The objective of the rule is to prescribe appropriate policies and procedures to enable agencies to determine that they are not purchasing articles that section 1634 prohibits for use by the Government on or after October 1, 2018.

There were no significant issues raised by the public in response to the Initial Regulatory Flexibility Analysis provided in the interim rule.

The rule applies to all contractors and subcontractors, regardless of size. Data from the Federal Procurement Data System (FPDS) indicates that the Government awarded contracts to an average of 93,792 unique entities in FY 2017 and FY 2018, of which an average of 68,778 (73 percent) were small entities. It is estimated that reports will be submitted by 5 percent of contractors, or 3,439 small entities.

The rule requires contractors and subcontractors that are subject to the clause to report to the contracting officer, or for DoD, to the website listed in the clause, any discovery of a covered article during the course of contract performance.

Because of the nature of the prohibition enacted by section 1634, it is not possible to establish different compliance or reporting requirements or timetables that take into account the resources available to small entities or to exempt small entities from coverage of the rule, or any part thereof. DoD, GSA, and NASA were unable to identify any alternatives that would reduce the burden on small entities and still meet the objectives of section 1634.

Interested parties may obtain a copy of the FRFA from the Regulatory

Secretariat Division. The Regulatory Secretariat Division has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

VII. Paperwork Reduction Act

This rule contains information collection requirements that have been approved by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35). This information collection requirement has been assigned OMB Control Number 9000–0197, entitled “Use of Products and Services of Kaspersky Lab”.

List of Subjects in 48 CFR Parts 1, 4, 13, 39, and 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 48 CFR parts 1, 4, 13, 39, and 52 which was published in the **Federal Register** at 83 FR 28141 on June 15, 2018, is adopted as a final rule without change.

[FR Doc. 2019–19360 Filed 9–9–19; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 19, and 52

[FAC 2019–06; FAR Case 2019–006; Item II; Docket No. FAR–2019–0006, Sequence No. 1]

RIN 9000–AN89

Federal Acquisition Regulation: Update of “Affiliates” and Section 8(a) Clauses

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 to amend the Federal Acquisition Regulation (FAR) to update the definition of “affiliates” in the FAR, including references to that definition, and to delete an obsolete requirement for contractors who are 8(a) Program participants.

DATES: *Effective* October 10, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Marilyn E. Chambers, Procurement Analyst, at 202–285–7380 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2019–06, FAR Case 2019–006.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are amending the FAR to revise the definition of “affiliates” at FAR 19.101, as well as references to this definition at FAR 2.101, 19.001, 19.1303, 19.1403, and in the clause at FAR 52.219–27, Notice of Service-Disabled Veteran-Owned Small Business Set-Aside. The clauses at FAR 52.219–12, Special 8(a) Subcontract Conditions, and 52.219–17, Section 8(a) Award, currently require contractors who are 8(a) Program participants to obtain written approval from the Small Business Administration (SBA) and the contracting officer before subcontracting the performance of any contract requirements. SBA has removed this requirement from their regulations on the 8(a) Program at 13 CFR part 124. Therefore, DoD, GSA, and NASA are removing this obsolete requirement from the FAR.

II. Discussion and Analysis

A. Definition of “affiliates” in parts 2 and 9.

Subpart 2.1, Definitions, is amended to revise the definition of “affiliates” to include references to the unique definitions of that term in 9.403 and 19.101.

B. Definition of “concern”. Section 19.001, Definitions, is amended to delete a reference to section 19.101 regarding affiliation and to replace it with a reference to SBA’s regulations at 13 CFR 121.105.

C. Definition of “affiliates” in part 19. Subpart 19.1, Size Standards, is amended to revise the definition of

“affiliates” by deleting existing language and replacing it with a reference to SBA’s regulations on determining affiliation at 13 CFR 121.103. Editorial changes are made in 19.1303(c), 19.1403(c)(3), and paragraph (e)(3) of the clause at 52.219–27 to remove references to the definition of “affiliates” in 19.101 and 52.219–27 and to replace them with references to the applicable SBA regulation.

D. Removal of obsolete requirement for 8(a) contractors. The clauses at FAR 52.219–12 and 52.219–17 are amended to delete from each clause the paragraph requiring 8(a) contractors to obtain approval from SBA and the contracting officer prior to subcontracting the performance of any contract requirements. These paragraphs are obsolete.

III. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the FAR is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. While this final rule relates to the expenditure of appropriated funds, it is not required to be published for public comment, because it does not have a significant effect or impose any requirements on contractors or offerors. The rule makes minor revisions to the definition of “affiliates” that have no bearing on the meaning of the term and replaces FAR coverage that is redundant of SBA regulations with references to SBA’s

rules. Additionally, this rule eliminates a requirement that no longer exists in SBA’s regulations on the 8(a) Business Development Program at 13 CFR part 124.

IV. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

This rule amends the FAR to update the definition of “affiliates,” as well as a reference to this definition in the clause at 52.219–27, Notice of Service-Disabled Veteran-Owned Small Business Set-Aside. Additionally, this rule removes an obsolete requirement from the clauses at FAR 52.219–12, Special 8(a) Subcontract Conditions, and 52.219–17, Section 8(a) Award, for contractors who are 8(a) Program participants to obtain written approval from SBA and the contracting officer before subcontracting the performance of any contract requirements. This rule does not change the applicability of these clauses, which currently apply to solicitations and contracts below the SAT and to the acquisition of commercial items, including COTS items.

V. Expected Cost Savings

This rule impacts only 8(a) Program participants who do business with the Government. Currently, 8(a) Program participants who have Federal contracts must obtain written approval from SBA and the contracting officer before subcontracting the performance of any contract requirements in accordance with FAR clauses 52.219–12 and 52.219–17. Removal of the requirement to obtain this approval is expected to result in savings for contractors who are 8(a) Program participants. The following is a summary of the estimated public and Government cost savings calculated in perpetuity in 2016 dollars at a 7-percent discount rate:

Summary	Public	Government	Total
Present Value	–\$14,595,843	–\$7,297,914	–\$21,893,757
Annualized Costs	– 1,021,709	– 510,854	– 1,532,563
Annualized Value Costs (as of 2016 if Year 1 is 2020)	– 799,457	– 389,728	– 1,189,185

To access the full Regulatory Cost Analysis for this rule, go to the Federal eRulemaking Portal at www.regulations.gov, search for “FAR Case 2019–006”, click “Open Docket,” and view “Supporting Documents”.

VI. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits

(including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant

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

VII. Executive Order 13771

This final rule is considered to be an E.O. 13771 deregulatory action. The total annualized value of the cost savings is \$1,189,185. Details on the estimated cost savings can be found in section V. of this preamble.

VIII. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply to this rule, because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section III. of this preamble). Accordingly, no regulatory flexibility analysis is required and none has been prepared.

IX. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 2, 19, and 52

Government procurement.

William F. Clark,
Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 2, 19, and 52 as set forth below:

- 1. The authority citation for parts 2, 9, 19, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 2—DEFINITIONS OF WORDS AND TERMS

- 2. Amend section 2.101, in paragraph (b)(2), by revising the definition of “Affiliates” to read as follows:

2.101 Definitions.

- (b) * * *
- (2) * * *

Affiliates means associated business concerns or individuals if, directly or indirectly either one controls or can control the other; or third party controls or can control both, except as follows:

- (1) For the use in subpart 9.4, see the definition at 9.403.

- (2) For the use in subpart 19.1, see the definition at 19.101.

* * * * *

PART 19—SMALL BUSINESS PROGRAMS

19.001 [Amended]

- 3. Amend section 19.001, in the defined term “Concern” by removing the last sentence and adding “For more information, see 13 CFR 121.105.” in its place.

- 4. Amend section 19.101 by revising the section heading and the definition of “Affiliates” to read as follows:

19.101 Definitions.

* * * * *

Affiliates means business concerns, one of whom directly or indirectly controls or has the power to control the others, or a third party or parties control or have the power to control the others. In determining whether affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships. SBA determines affiliation based on the factors set forth at 13 CFR 121.103.

* * * * *

19.1303 [Amended]

- 5. Amend section 19.1303, in paragraph (c) by removing “the explanation of affiliates (see 19.101)” and adding “13 CFR 121.103(h)” in its place.

19.1403 [Amended]

- 6. Amend section 19.1403, in paragraph (c)(3), by removing “of paragraph 7 of the explanation of Affiliates in 19.101” and adding “in 13 CFR 121.103(h)” in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

- 7. Amend section 52.212–5 by revising the date of the clause and paragraph (b)(21) to read as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items Oct 2019)

* * * * *

- (b) * * *

- (21) 52.219–27, Notice of Service-Disabled Veteran-Owned Small

Business Set-Aside (Oct 2019) (15 U.S.C. 657f).

* * * * *

- 8. Amend section 52.219–12 by—
- a. Revising the date of the clause;
- b. Removing paragraph (b)(3);
- c. Redesignating paragraph (b)(4) as (b)(3); and
- d. Removing from newly redesignated paragraph (b)(3) “That is” and adding “That it” in its place.

The revision reads as follows:

52.219–12 Special 8(a) Subcontract Conditions.

* * * * *

Special 8(a) Subcontract Conditions (Oct 2019)

* * * * *

- 9. Amend section 52.219–17 by revising the date of the clause and paragraph (a)(2) and removing paragraph (c).

The revisions read as follows:

52.219–17 Section 8(a) Award.

* * * * *

Section 8(a) Award (Oct 2019)

- (a) * * *

(2) Except for novation agreements, delegates to the ___ [insert name of contracting activity] the responsibility for administering the contract with complete authority to take any action on behalf of the Government under the terms and conditions of the contract; provided, however that the contracting agency shall give advance notice to the SBA before it issues a final notice terminating the right of the subcontractor to proceed with further performance, either in whole or in part, under the contract.

* * * * *

- 10. Amend section 52.219–27 by revising the date of the clause and removing from paragraph (e)(3) “paragraph 7 of the explanation of Affiliates in 19.101 of the Federal Acquisition Regulation” and adding “13 CFR 121.103(h)” in its place.

The revision reads as follows:

52.219–27 Notice of Service-Disabled Veteran-Owned Small Business Set-Aside.

* * * * *

Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (Oct 2019)

* * * * *

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 9, 13, 15, 25, and 42

[FAC 2019–06; FAR Case 2019–005; Item III; Docket No. FAR–2019–0005, Sequence No. 1]

RIN 9000–AN88

Federal Acquisition Regulation: Update to Contractor Performance Assessment Reporting System (CPARS)

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 implement changes regarding the retirement of the Past Performance Information Retrieval System and establishment of the Contractor Performance Assessment Reporting System as the official system for past performance information.

DATES: Effective October 10, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, at 202–501–1448 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2019–06, FAR Case 2019–005.

SUPPLEMENTARY INFORMATION:

I. Background

Effective January 15, 2019, the Past Performance Information Retrieval System (PPIRS) was retired, concluding its merger with the Contractor Performance Assessment Reporting System (CPARS). All data from PPIRS has been merged into CPARS.gov. The transition to a single system provides one location and one account to perform functions such as creating and editing performance and integrity records, changes to administering users, running reports, generating performance records, and viewing/managing performance records.

II. Discussion and Analysis

This final rule amends FAR 42.1501 and 42.1503, to establish CPARS as the official system for contractor past

performance information. Conforming changes are also made in parts 9, 13, 15, and 25 to remove all references to PPIRS and add CPARS.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

This final rule does not create any new provisions or clauses, nor does it change the applicability or burden of any existing provisions or clauses included in solicitations and contracts valued at or below the SAT, or for commercial items, including COTS items.

IV. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the FAR is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. While this final rule relates to the expenditure of appropriated funds, it is not required to be published for public comment because it does not have a significant effect on contractors or offerors (*i.e.*, this action is administrative—it does not require contractors to take any action, affect the way in which contractors retrieve or provide information regarding their performance, or otherwise change policies addressing the assessment or recording of contractor performance). The rule merely reflects the merger of PPIRS into an existing system, CPARS, which now serves as the single official repository for recording and maintaining contractor performance information.

V. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the

importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

VI. Executive Order 13771

This rule is not subject to E.O. 13771, because this rule is not a significant regulatory action under E.O. 12866.

VII. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section IV of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VIII. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does apply; however, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Number 9000–0142, Past Performance Information.

List of Subjects in 48 CFR Parts 9, 13, 15, 25, and 42

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 9, 13, 15, 25, and 42 as set forth below:

■ 1. The authority citation for parts 9, 13, 15, 25, and 42 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 9—CONTRACTOR QUALIFICATIONS

9.104–6 [Amended]

■ 2. Amend section 9.104–6, in paragraph (a)(1), by removing “www.ppirs.gov,” then select FAPIIS” and “Past Performance Information Retrieval System (PPIRS)” and adding “<https://www.cpars.gov>” and “Contractor Performance Assessment Reporting System (CPARS)” in their places, respectively.

9.105–1 [Amended]

■ 3. Amend section 9.105–1, in paragraph (c) introductory text, by removing “PPIRS” and adding “CPARS” in its place.

9.105–2 [Amended]

■ 4. Amend section 9.105–2, in paragraph (b)(2)(i) introductory text, by removing “www.cpars.gov,” then select FAPIIS” and adding “<https://www.cpars.gov>” in its place.

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

13.106–2 [Amended]

■ 5. Amend section 13.106–2, in paragraph (b)(3)(ii)(C) by removing “Governmentwide Past Performance Information Retrieval System (PPIRS) at www.ppirs.gov” and adding “Contractor Performance Assessment Reporting System (CPARS) at <https://www.cpars.gov>” in its place.

PART 15—CONTRACTING BY NEGOTIATION

15.407–1 [Amended]

■ 6. Amend section 15.407–1, in paragraph (d) introductory text, by removing “PPIRS” and adding “Contractor Performance Assessment Reporting System (CPARS)” in its place.

PART 25—FOREIGN ACQUISITION

25.702–4 [Amended]

■ 7. Amend section 25.702–4, in paragraph (c)(3)(vi), by removing “Past Performance Information Retrieval System” and “www.ppirs.gov” and adding “Contractor Performance Assessment Reporting System (CPARS)” and “<https://www.cpars.gov>” in their places, respectively.

25.703–4 [Amended]

■ 8. Amend section 25.703–4, in paragraph (c)(6), by removing “Past Performance Information Retrieval System” and “www.ppirs.gov” and adding “Contractor Performance Assessment Reporting System (CPARS)” and “<https://www.cpars.gov>” in their places, respectively.

PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

■ 9. Amend section 42.1501 by revising paragraph (b) to read as follows:

42.1501 General.

* * * * *

(b) Agencies shall monitor their compliance with the past performance evaluation requirements (see 42.1502),

and use the Contractor Performance Assessment Reporting System (CPARS) metric tools to measure the quality and timely reporting of past performance information. CPARS is the official source for past performance information.

■ 10. Amend section 42.1503 by—

■ a. Removing from paragraph (a)(1)(iii) “PPIRS” and adding “CPARS” in its place;

■ b. Revising paragraph (f);

■ c. Removing from paragraph (g) “PPIRS” and adding “CPARS” in its place; and

■ d. Removing from paragraph (h)(3) “<http://www.cpars.gov/>,” then select FAPIIS” and adding “<https://www.cpars.gov>” in its place.

The revision reads as follows:

42.1503 Procedures.

* * * * *

(f) Agencies shall prepare and submit all past performance evaluations electronically in CPARS at <https://www.cpars.gov>. These evaluations, including any contractor-submitted information (with indication whether agency review is pending), become available for source selection officials not later than 14 days after the date on which the contractor is notified of the evaluation’s availability for comment. The Government shall update CPARS with any contractor comments provided after 14 days, as well as any subsequent agency review of comments received. Past performance evaluations for classified contracts and special access programs shall not be reported in CPARS, but will be reported as stated in this subpart and in accordance with agency procedures. Agencies shall ensure that appropriate management and technical controls are in place to ensure that only authorized personnel have access to the data and the information safeguarded in accordance with 42.1503(d).

* * * * *

[FR Doc. 2019–19362 Filed 9–9–19; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 22, 25, and 52

[FAC 2019–06; FAR Case 2019–011; Item IV; Docket No. FAR–2019–0011; Sequence No. 1]

RIN 9000–AN93

Federal Acquisition Regulation: New World Trade Organization Government Procurement Agreement Country—Australia

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 add Australia as a World Trade Organization Government Procurement Agreement (WTO GPA) country.

DATES: *Effective:* October 10, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Cecelia L. Davis, Procurement Analyst, at 202–219–0202 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2019–06, FAR Case 2019–011.

SUPPLEMENTARY INFORMATION:

I. Background

On May 5, 2019, Australia became a party to the World Trade Organization Government Procurement Agreement (WTO GPA). The Trade Agreements Act (19 U.S.C. 2501 *et seq.*) provides the authority for the President to waive the Buy American Act and other discriminatory provisions for eligible products from countries that have signed an international trade agreement with the United States (such as the WTO GPA). The President has delegated this authority to the U.S. Trade Representative.

The U.S. Trade Representative has determined that Australia will provide appropriate reciprocal competitive Government procurement opportunities to United States products and services. The U.S. Trade Representative published a notice in the **Federal Register** (84 FR 18110, April 29, 2019) waiving the Buy American Act and other discriminatory provisions for eligible products from Australia.

II. Discussion and Analysis

This rule adds Australia to the list of WTO GPA countries wherever the list appears in the FAR, whether as a separate definition, part of the definition of “designated country” or “Recovery Act designated country,” or as part of the list of countries exempt from the prohibition of acquisition of products produced by forced or indentured child labor (FAR 22.1503, 25.003, 52.222–19, 52.225–5, 52.225–11, and 52.225–23).

Conforming changes were required to FAR 52.212–5, Contract Terms and Conditions Required to Implement Statute or Executive Orders—Commercial Items, and 52.213–4, Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).

Australia is already a designated country because it is a Free Trade Agreement Country.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

This rule is not statutory and is not subject to 41 U.S.C. 1905 through 1907. The rule adds Australia to the list of WTO GPA countries to reflect the U.S. Trade Representative’s determination. It applies to acquisitions over the WTO GPA threshold, as well as to acquisitions for commercial items and COTS items.

IV. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the FAR is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it has no significant cost or administrative impact on contractors or offerors. It is just updating the lists of designated countries, in order to conform to the determination by the U.S. Trade Representative.

V. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

VI. Executive Order 13771

This rule is not subject to E.O. 13771, because this rule is not a significant regulatory action under E.O. 12866.

VII. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section IV of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VIII. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. Chapter 35) does apply. However, this rule does not affect the response of an offeror that is offering a product of Australia to the information collection requirements in the provisions at FAR 52.212–3(g)(5), 52.225–6, and 52.225–11. Australia is already a designated country because it is a Free Trade Agreement country. These information collection requirements are currently approved under OMB Control Numbers 9000–0136 and 9000–0024, respectively.

List of Subjects in 48 CFR Parts 22, 25, and 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 22, 25, and 52 as set forth below:

■ 1. The authority citation for parts 22, 25, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

22.1503 [Amended]

■ 2. Amend section 22.1503 by removing from paragraph (b)(4) the words “Aruba, Austria,” and adding “Aruba, Australia, Austria,” in their place.

PART 25—FOREIGN ACQUISITION

25.003 [Amended]

■ 3. Amend section 25.003 by—
■ a. Removing from the definition “Designated country”, paragraph (1), the words “Aruba, Austria” and adding “Aruba, Australia, Austria,” in their place; and
■ b. Removing from the definition “World Trade Organization Government Procurement Agreement (WTO GPA) country” the words “Aruba, Austria,” and adding “Aruba, Australia, Austria,” in their place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. Amend section 52.212–5 by revising the date of the clause and paragraphs (b)(26) and (48) to read as follows:

52.212–5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (Oct 2019)

* * * * *

(b) * * *
(26) 52.222–19, Child Labor—Cooperation with Authorities and Remedies (Oct 2019) (E.O. 13126).

* * * * *

(48) 52.225–5, Trade Agreements (Oct 2019) (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).

* * * * *

■ 5. Amend section 52.213–4 by revising the date of the clause and paragraph (b)(1)(ii) to read as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).

* * * * *

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) (Oct 2019)

* * * * *

(b) * * *

(1) * * *

(ii) 52.222–19, Child Labor-Cooperation with Authorities and Remedies (Oct 2019) (E.O. 13126). (Applies to contracts for supplies exceeding the micro-purchase threshold).

* * * * *

■ 6. Amend section 52.222–19 by revising the date of the clause and removing from paragraph (a)(4) the words “Aruba, Austria,” and adding “Aruba, Australia, Austria,” in their place.

The revision reads as follows:

52.222–19 Child Labor—Cooperation with Authorities and Remedies.

* * * * *

Child Labor—Cooperation With Authorities and Remedies (Oct 2019)

* * * * *

■ 7. Amend section 52.225–5 by revising the date of the clause; and in paragraph (a) by removing from the definition “Designated country”, in paragraph (1), the words “Aruba, Austria,” and adding “Aruba, Australia, Austria,” in their place.

The revision reads as follows:

52.225–5 Trade Agreements.

* * * * *

Trade Agreements (Oct 2019)

* * * * *

■ 8. Amend section 52.225–11 by—

■ a. Revising the date of the clause; and

■ b. Removing from paragraph (a), in the definition “Designated country”, paragraph (1), the words “Aruba, Austria,” and adding “Aruba, Australia, Austria,” in their place.

The revision reads as follows:

52.225–11 Buy American Act—Construction Materials under Trade Agreements.

* * * * *

Buy American Act —Construction Materials Under Trade Agreements (Oct 2019)

* * * * *

■ 9. Amend section 52.225–23 by—

■ a. Revising the date of the clause; and

■ b. Removing from paragraph (a), in the definition “Designated country”, paragraph (1), the words “Aruba, Austria,” and adding “Aruba, Australia, Austria,” in their place; and

■ c. Removing from paragraph (a), in the definition “Recovery Act designated country”, paragraph (1), the words “Aruba, Austria,” and adding “Aruba, Australia, Austria,” in their place.

The revision reads as follows:

52.225–23 Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements.

* * * * *

Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements (Oct 2019)

* * * * *

[FR Doc. 2019–19363 Filed 9–9–19; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR–2019–0001, Sequence No. 5]

Federal Acquisition Regulation; Federal Acquisition Circular 2019–06; 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) 2019–06, 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 2019–06, which precedes this document. These documents are also available via the internet at <http://www.regulations.gov>.

DATES: September 10, 2019.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2019–06 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 2019–06

Item	Subject	FAR case	Analyst
*I	Use of Products and Services of Kaspersky Lab	2018–010	Francis.
II	Update of “Affiliates” and Section 8(a) Clauses	2019–006	Chambers.
III	Update to Contractor Performance Assessment Reporting System (CPARS)	2019–005	Glover.
IV	New World Trade Organization Government Procurement Agreement Country—Australia.	2019–011	Davis.

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 2019–06 amends the FAR as follows:

Item I—Use of Products and Services of Kaspersky Lab (FAR Case 2018–010)

This final rule adopts an interim rule published on June 15, 2018, without changes. The interim rule implemented section 1634 of Division A of the

National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115–91), which prohibited the use of hardware, software, and services developed or provided, in whole or in part, by Kaspersky Lab or related entities by the Federal Government, on or after October 1, 2018. The interim rule also required contractors to report any such hardware, software, or services discovered during contract performance. This rule is being implemented as a national security measure to protect Government information and information systems.

Item II—Update of “Affiliates” and Section 8(a) Clauses (FAR Case 2019–006)

This final rule amends the FAR to revise the definition of “affiliates” at FAR 19.101 and 2.101. This rule amends the clauses at FAR 52.219–12, Special 8(a) Subcontract Conditions, and 52.219–17, Section 8(a) Award, to remove an obsolete requirement for 8(a) contractors to obtain written approval from the Small Business Administration

and the contracting officer before subcontracting the performance of any contract requirements. This final rule is expected to result in savings for Federal contractors who are participants in the 8(a) Program.

Item III—Update to Contractor Performance Assessment Reporting System (CPARS) (FAR Case 2019–005)

This final rule amends the FAR at FAR 42.1501 and 42.1503 to establish the Contractor Performance Assessment Reporting System (CPARS) as the official system for past performance information. The rule makes conforming changes in FAR parts 9, 13, 15, and 25 to remove all references to Past Performance Information Retrieval System (PPIRS) and adds CPARS for past performance information. The final rule is not expected to have a significant economic impact on small entities, because the rule merely designates an existing system, CPARS, as the single official repository for recording and

maintaining contractor performance information.

Item IV—New World Trade Organization Government Procurement Agreement Country—Australia (FAR Case 2019–011)

DoD, GSA, and NASA are issuing a final rule amending the FAR to add Australia as a new World Trade Organization Government Procurement Agreement (WTO GPA) country. Australia is already a designated country, because it is a Free Trade Agreement country.

This final rule has no significant impact on the Government and contractors, including small business entities.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2019–19364 Filed 9–9–19; 8:45 am]

BILLING CODE 6820–EP–P