

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Chapter 1****[Federal Acquisition Circular 90-30]****Federal Acquisition Regulation;
Introduction of Miscellaneous
Amendments****AGENCIES:** Department of Defense (DOD),
General Services Administration (GSA),and National Aeronautics and Space
Administration (NASA).
ACTION: Summary presentation of final
rules.**SUMMARY:** This document serves to
introduce the final rules which follow
and which comprise Federal
Acquisition Circular (FAC) 90-30. The
Federal Acquisition Regulatory Council
has agreed to issue FAC 90-30 to amendthe Federal Acquisition Regulation
(FAR) to implement changes in the
following subject areas:

Item	Subject	FAR case	Team leader
I	Officials not to benefit	94-802	Rothlein, (703) 697-4349.
II	Procurement integrity	94-804	Rothlein, (703) 697-4349.
III	Whistleblower protection	94-803	Rothlein, (703) 697-4349.
IV	Repeal of requirements for secretarial/agency head deter- minations regarding use of cost type or incentive con- tracts.	94-700	Rider, (703) 614-1634.
V	Service contract funding	94-766	Galbraith, (703) 697-6710.

DATES: For effective dates, see
individual documents following this
one.**FOR FURTHER INFORMATION CONTACT:**
The team leader whose name appears in
relation to each FAR case. For general
information, contact the FAR
Secretariat, Room 4037, GS Building,
Washington, DC 20405, (202) 501-4755.
Please cite FAC 90-30 and FAR case
number(s).**SUPPLEMENTARY INFORMATION:** Federal
Acquisition Circular 90-30 amends the
Federal Acquisition Regulation (FAR) as
specified below:**Case Summaries**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.**Item I—Officials Not to Benefit (Ethics)**
(FAR Case 94-802)Section 6004 of the Federal
Acquisition Streamlining Act of 1994
(Pub. L. 103-355) amended 41 U.S.C. 22
by repealing the requirement for every
Government contract or agreement to
express the condition that certain
officials shall not benefit from the award
of that contract or agreement. This final
rule deletes the clause at FAR 52.203-
1, since there is no longer a statutory
requirement to include such a clause in
Government contracts. The statements
of policy at FAR 3.102 are also deleted.
The criminal provisions found at 18
U.S.C. 431 and 432 remain in effect.**Item II—Procurement Integrity (Ethics)**
(FAR Case 94-804)Section 8301(e) of Public Law 103-
355 excludes procurements of
commercial items from the statutory
requirement for contractor employees to
certify that they are familiar with the
Procurement Integrity Act and that they
will report violations of the Act. This
final rule amends FAR 3.104-9, 52.203-
8, and 52.203-9 to implement Section
8301(e).**Item III—Whistleblower Protections for
Contractor Employees (Ethics)**
(FAR Case 94-803)Sections 6005 and 6006 of Public Law
103-355 provide whistleblower
protections for contractor employees.
This final rule adds a new subpart at
FAR 3.9 to implement Sections 6005
and 6006.**Item IV—Repeal of Requirements for
Secretarial/Agency Head
Determinations Regarding Use of Cost
Type or Incentive Contractors**
(FAR Case 94-700)This rule finalizes the interim rule
published as Item I of FAC 90-24. The
rule implements Sections 1021, 1071,
and 1501 of Public Law 103-355.
Sections 1021 and 1071 repealed the
statutory requirement for an agency
head determination before using a cost
type or incentive contract. Section 1501
repealed Section 2301 of Title 10,
United States Code. Therefore, theinterim rule revised the FAR to delete
the determination requirements which
are no longer necessary and to delete
references to 10 U.S.C. 2301. The final
rule also amends FAR 16.306(c)(2) to
permit contracting officers to sign
determinations and findings that are
still required to establish the basis for
application of the statutory price or fee
limitation in cost-plus-fixed-fee
contracts.**Item V—Service Contract Funding**
(FAR Case 94-766)Section 1073 of Public Law 103-355
provides authority for executive branch
agencies other than the Department of
Defense, United States Coast Guard, and
the National Aeronautics and Space
Administration to write service
contracts that cross fiscal years, and to
fund those contracts with one fiscal
year's funds. This final rule amends
FAR 32.703-3 and 37.106 to implement
Section 1073.

Dated: July 17, 1995.

Capt. Barry L. Cohen, SC, USN,
*Project Manager for the Implementation of
the Federal Acquisition Streamline Act of
1994.***Federal Acquisition Circular**

Number 90-30

Federal Acquisition Circular (FAC)
90-30 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.