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National Aeronautics and Space Administration

48 CFR Chapter 1, et al.

Federal Acquisition Regulations; Final Rules

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Chapter 1

[Docket No. FAR 2013–0076, Sequence No. 7]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005–71;
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) 2005–71. 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 and comment
dates see 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 2005–71 and the
specific FAR case numbers. For
information pertaining to status or
publication schedules, contact the
Regulatory Secretariat at 202–501–4755.

RULES LISTED IN FAC 2005–71

| Item | Subject | FAR Case | Analyst |
|-----------|---|----------|---------------------|
| I | Accelerated Payments to Small Business Subcontractors | 2012–031 | Chambers. Davis. |
| II | New Designated Country—Croatia | 2013–019 | |
| III | Technical Amendments | | |

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow.
For the actual revisions and/or
amendments made by these FAR cases,
refer to the specific item numbers and
subjects set forth in the documents
following these item summaries. FAC
2005–71 amends the FAR as specified
below:

**Item I—Accelerated Payments to Small
Business Subcontractors (FAR Case
2012–031)**

This final rule amends the FAR to add
a new clause, Providing Accelerated
Payments to Small Business
Subcontractors, as part of the
implementation of OMB Memorandum
M–12–16, Providing Prompt Payment to
Small Business Subcontractors (as
extended by OMB Memorandum M–13–
15, Extension of Policy to Provide
Accelerated Payment to Small Business
Subcontractors). This new clause
requires the prime contractor, upon
receipt of accelerated payments from the
Government, to make accelerated
payments to small business
subcontractors, to the maximum extent
practicable, after receipt of a proper
invoice and all proper documentation
from small business subcontractors.
This clause will be inserted into all new
solicitations issued after the effective
date of this rule and resultant contracts,
including solicitations and contracts for
the acquisition of commercial items.
This rule does not provide any new
rights under the Prompt Payment Act
and does not affect the application of

the Prompt Payment Act late payment
interest provisions. Small businesses
benefit from this clause in that they
should be paid more expeditiously by
their prime contractor, which should
improve small businesses overall cash
flow.

**Item II—New Designated Country—
Croatia (FAR Case 2013–019)**

This final rule amends the FAR to add
Croatia as a new designated country
under the World Trade Organization
Government Procurement Agreement
(WTO GPA). Croatia joined the
European Union on July 1, 2013, which
is a party to the WTO GPA.

Therefore, this rule adds Croatia to
the list of WTO GPA countries wherever
it appears in the FAR, whether as a
separate definition, part of the
definition of “designated country,” the
definition of “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. As a
member of the European Union, Croatia
also is a party to the Agreement on
Trade in Civil Aircraft.

This final rule will not have a
significant economic impact on small
entities.

Item III—Technical Amendments

Editorial changes are made at FAR
31.205–6, 52.202–1, 52.212–3, 52.212–5,
and 52.213–4.

Dated: November 18, 2013.

William Clark,

*Acting Director, Office of Government-Wide
Acquisition Policy, Office of Acquisition
Policy, Office of Government-Wide Policy.*

Federal Acquisition Circular (FAC)
2005–71 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 2005–71 FAC 2005–71 is
effective November 25, 2013 except for
item I, which is effective December 26,
2013.

Dated: November 14, 2013.

Richard Ginman,

*Director, Defense Procurement and
Acquisition Policy.*

Dated: November 18, 2013.

Houston Taylor,

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

Dated: November 15, 2013.

William P. McNally,

*Assistant Administrator for Procurement,
National Aeronautics and Space
Administration.*

[FR Doc. 2013–28052 Filed 11–22–13; 8:45 am]

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