

■ 6. Amend section 25.1102 by revising the second sentence of paragraph (c)(3) to read as follows:

**25.1102 Acquisition of construction.**

(c) \* \* \*  
 (3) \* \* \* List in paragraph (b)(3) of the clause all foreign construction material excepted from the requirements of the Buy American Act, unless the excepted foreign construction material is from a designated country other than Mexico.

**PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

**52.212–5 [Amended]**

■ 7. Amend section 52.212–5 by revising the date of the clause to read “(APR 2006)”; and by removing from paragraphs (b)(24)(i) and (b)(25) “(JAN 2006)” and adding “(APR 2006)” in its place.

**52.225–3 [Amended]**

■ 8. Amend section 52.225–3 by revising the date of the clause to read “(APR 2006)”; and in paragraph (c) by adding to the first sentence “(except the Morocco FTA)” after “FTAs”.

**52.225–5 [Amended]**

■ 9. Amend section 52.225–5 by revising the date of the clause to read “(APR 2006)”; and in paragraph (a), in the definition “Designated country” by adding to paragraph (2) “Morocco,” after “Mexico,”.

**52.225–11 [Amended]**

- 10. Amend section 52.225–11 by—
- a. Revising the date of the clause;
  - b. Adding to paragraph (a), in the definition “Designated country” in paragraph (2) “Morocco,” after “Mexico,”;
  - c. Removing from paragraph (b)(2) “domestic,” and adding “domestic or” in its place.
  - d. Amending Alternate I by—
- 1. Revising the date of Alternate I;
  - 2. Removing from the introductory paragraph “Australian or Chilean” and adding “Australian, Chilean, or Moroccan” in its place;
  - 3. Revising the definition “Australian or Chilean construction material”; and
  - 4. Removing from paragraphs (b)(1) and (b)(2) “Australian or Chilean” and adding “Australian, Chilean, or Moroccan” in its place.
- The revised text reads as follows:

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

\* \* \* \* \*

**BUY AMERICAN ACT—CONSTRUCTION MATERIALS UNDER TRADE AGREEMENTS “(APR 2006)”**

\* \* \* \* \*

*Alternate I “(APR 2006)”. \* \* \*  
 Australian, Chilean, or Moroccan construction material means a construction material that—*

- (1) Is wholly the growth, product, or manufacture of Australia, Chile, or Morocco; or
- (2) In the case of a construction material that consists in whole or in part of materials from another country, has been substantially transformed in Australia, Chile, or Morocco into a new and different construction material distinct from the materials from which it was transformed.

\* \* \* \* \*

**52.225–12 [Amended]**

■ 11. Amend section 52.225–12 by revising the date of Alternate II to read “(APR 2006)”; and by removing from paragraphs (a), (d)(1) twice, and (d)(3) twice “Australian or Chilean” and adding “Australian, Chilean, or Moroccan” in its place.

[FR Doc. 06–3685 Filed 4–18–06; 8:45 am]

**BILLING CODE 6820–EP–S**

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Part 52**

**[FAC 2005–09; FAR Case 2004–031; Item IX; Docket FAR–2006–0020]**

**RIN 9000–AK24**

**Federal Acquisition Regulation; FAR Case 2004–031, Fast Payment Procedures**

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

**ACTION:** Final rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) by revising fast payment procedures. The revision permits, but does not require, fast payment when invoices and/or outer shipping containers are not marked “Fast Pay” provided the contract includes the “Fast Payment Procedure” clause. As highlighted in the clause, if the clause is in the contract, the invoices will no longer be rejected, as is

the current practice. Instead, they will be paid using either fast payment or normal payment procedures. In addition, the revision deletes the requirement for marking invoices “No Receiving Report Prepared.”

**DATES:** Effective Date: May 19, 2006.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Mr. Jeremy Olson, Procurement Analyst, at (202) 501–3221. Please cite FAC 2005–09, FAR case 2004–031. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

DoD, GSA, and NASA published a proposed rule, FAR case 2004–031, at 70 FR 40279 on July 13, 2005, to obtain comments on a proposal to amend the policies and contract clause regarding Fast Pay procedures. No comments were submitted and the rule was converted to a final rule without change from the proposed rule. FAR 52.213–1, Fast Payment Procedure, is revised to permit acceptance and payment under invoices that are not prominently marked “FAST PAY.”

This change provides the payment office flexibility to make fast payments when invoices and/or outer shipping containers are not marked “FAST PAY.” The change permits, but does not require, fast payment when invoices and/or outer shipping containers are not marked “FAST PAY” provided the contract includes the “Fast Payment Procedure” clause. However, if the payment office decides to not process invoices as “FAST PAY” because the proper markings are not present, the payment date will be the payment date that would have applied had the “Fast Payment Procedure” clause not been in the contract. In this manner, an unmarked invoice will not be rejected. This change does not eliminate the requirement for the contractor to annotate an invoice “FAST PAY;” the contractor remains at risk that fast payment procedures will not be applied unless the invoice is annotated accordingly.

If a receiving report is not prepared, it is imperative that the invoice includes sufficient information to facilitate follow-up verification that the item was received. The FAR revision does not eliminate that requirement for such information on the invoice. However, the revision does not require the statement “No Receiving Report Prepared” on the invoice.

This is not a significant regulatory action and, therefore, was not subject to

review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

## B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because it will have a beneficial, but small, impact. Under the prior policy and clause, small businesses which failed to follow the fast payment clause instructions to mark the invoice "FAST PAY" had their invoices rejected, which means they would not be paid until they sent a corrected invoice. The clause revisions mean the invoices would not have to be automatically rejected. No comments were received from small entities or other members of the public.

## C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

## List of Subjects in 48 CFR Parts 52

Government procurement.

Dated: April 12, 2006.

Gerald Zaffos,

Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR part 52 as set forth below:

## PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 52 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

■ 2. Amend section 52.213-1 by revising the date of the clause and paragraphs (c)(1)(ii), (c)(3), and (e) to read as follows:

### 52.213-1 Fast Payment Procedure.

\* \* \* \* \*

### FAST PAYMENT PROCEDURE (APR 2006)

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(ii) Display prominently on the invoice "FAST PAY." Invoices not prominently marked "FAST PAY" via manual or electronic means may be accepted by the

payment office for fast payment. If the payment office declines to make fast payment, the Contractor shall be paid in accordance with procedures applicable to invoices to which the Fast Payment clause does not apply.

\* \* \* \* \*

(3) If this contract, order, or blanket purchase agreement requires the preparation of a receiving report, the Contractor shall either—

(i) Submit the receiving report on the prescribed form with the invoice; or

(ii) Include the following information on the invoice:

(A) Shipment number.

(B) Mode of shipment.

(C) At line item level—

(1) National stock number and/or manufacturer's part number;

(2) Unit of measure;

(3) Ship-To Point;

(4) Mark-For Point, if in the contract; and

(5) FEDSTRIP/MILSTRIP document number, if in the contract.

\* \* \* \* \*

(e) *Fast pay container identification.* The Contractor shall mark all outer shipping containers "FAST PAY." When outer shipping containers are not marked "FAST PAY," the payment office may make fast payment. If the payment office declines to make fast payment, the Contractor shall be paid in accordance with procedures applicable to invoices to which the Fast Payment clause does not apply.

(End of clause)

[FR Doc. 06-3686 Filed 4-18-06; 8:45 am]

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Part 19

[FAC 2005-09; Item X; Docket FAR-2006-0021]

### Federal Acquisition Regulation; Technical Amendment

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

**ACTION:** Final rule.

**SUMMARY:** This document amends the Federal Acquisition Regulation (FAR) to make an editorial correction.

**DATES:** *Effective Date:* April 19, 2006.

**FOR FURTHER INFORMATION CONTACT:** The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501-4755, for information pertaining to status or publication schedules. Please

cite FAC 2005-09, Technical Amendment.

## List of Subjects in 48 CFR Part 19

Government procurement.

Dated: April 12, 2006.

Gerald Zaffos,

Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR part 19 as set forth below:

## PART 19—SMALL BUSINESS PROGRAMS

■ 1. The authority citation for 48 CFR part 19 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

### 19.1005 [Amended]

■ 2. Amend section 19.1005 in paragraph (a) in Item 3 of the NAICS Description by removing from the end of NAICS code entry "541310" the word "or".

[FR Doc. 06-3687 Filed 4-18-06; 8:45 am]

BILLING CODE 6820-EP-S

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Chapter 1

[Docket FAR-2006-0023]

### Federal Acquisition Regulation; Federal Acquisition Circular 2005-09; Small Entity Compliance Guide

**AGENCIES:** 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 the Secretary of Defense, the Administrator of General Services and the Administrator for the National Aeronautics and Space Administration. 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 rules appearing in Federal Acquisition Circular (FAC) 2005-09 which amend the 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