

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Chapter 1****[Docket FAR 2011–0077, Sequence 4]****Federal Acquisition Regulation;
Federal Acquisition Circular 2005–52;
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 rules appearing in Federal
Acquisition Circular (FAC) 2005–52,
which amend the Federal Acquisition
Regulation (FAR). Interested parties may
obtain further information regarding
these rules by referring to FAC 2005–52,which precedes this document. These
documents are also available via the
Internet at <http://www.regulations.gov>.**DATES:** For effective dates see separate
documents, which follow.**FOR FURTHER INFORMATION CONTACT:** The
analyst whose name appears in the table
below. Please cite FAC 2005–52 and the
specific FAR case number. For
information pertaining to status or
publication schedules, contact the
Regulatory Secretariat at (202) 501–
4755.**LIST OF RULES IN FAC 2005–52**

Item	Subject	FAR Case	Analyst
I	Sustainable Acquisition	2010–001	Clark.
II	Contract Closeout	2008–020	McFadden.
III	Prohibition on Contracting with Inverted Domestic Corporations	2008–009	Davis.
IV	Buy American Exemption for Commercial Information Technology—Construction Material	2009–039	Davis.
V	Oversight of Contractor Ethics Programs	2010–017	Robinson.
VI	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
subject set forth in the documents
following these item summaries. FAC
2005–52 amends the FAR as specified
below:

**Item I—Sustainable Acquisition (FAR
Case 2010–001) (Interim)**

This interim rule amends the FAR to
implement Executive Order 13514,
Federal Leadership in Environmental,
Energy, and Economic Performance, and
Executive Order 13423, Strengthening
Federal Environmental, Energy, and
Transportation Management. It requires
Federal agencies to leverage agency
acquisitions to foster markets for
sustainable technologies, materials,
products, and services. Federal agencies
are additionally required to implement
high-performance sustainable building
design, construction, renovation, repair,
commissioning, operation and
maintenance, management, and
deconstruction practices in applicable
acquisitions. Contractors will be
required to support the goals of an
agency's environmental management
system.

**Item II—Contract Closeout (FAR Case
2008–020)**

This final rule amends the FAR
procedures for closing out contracts. A
proposed rule was published August 20,

2009. This rule revises procedures and
sets forth a timeframe for clearing final
patent reports; updates quick-closeout
procedures, including applicable
thresholds; sets forth a description of an
adequate final indirect cost rate
proposal and supporting data; and adds
language for withholding fees to protect
the Government's interest and
encourage timely submissions of an
adequate final indirect cost rate
proposal. The rule does not impose any
additional requirements on small
businesses.

**Item III—Prohibition on Contracting
With Inverted Domestic Corporations
(FAR Case 2008–009)**

This final rule implements section
740 of Division C of the Consolidated
Appropriations Act, 2010 (Pub. L. 111–
117) and similar restrictions in 2008 and
2009 appropriations acts, which
prohibit the award of contracts using
appropriated funds to any foreign
incorporated entity that is treated as an
inverted domestic corporation or to any
subsidiary of one, except as permitted in
specific exceptions as set forth in the
rule. The rule does not impose any
requirements on small businesses.

**Item IV—Buy American Exemption for
Commercial Information Technology—
Construction Material (FAR Case 2009–
039)**

This rule adopts as final, without
change, an interim rule. The interim
rule amended the FAR to implement

section 615 of Division C, Title VI, of
the Consolidated Appropriations Act,
2010 (Pub. L. 111–117). Section 615
authorizes exemption from the Buy
American Act for acquisition of
information technology that is a
commercial item.

**Item V—Oversight of Contractor Ethics
Programs (FAR Case 2010–017)**

This final rule modifies FAR 42.302,
Contract Administration Functions, to
add to the list of contract administration
functions, the function of ensuring that
contractors have implemented FAR
52.203–13, Contractor Code of Business
Ethics and Conduct.

Contracting officers may ask to see a
contractor's code of ethics or a
contractor's ethics program, but the
contracting officer is not required to ask
for a copy of any documents.

Item VI—Technical Amendments

Editorial changes are made at FAR
52.212–3, 53.301–1447, 53.301–1449,
and 52.302–347.

Dated: May 18, 2011.

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Acquisition Policy.*

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