

**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.<br>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.*

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