

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.
II	New Designated Country—Croatia	2013–019	Davis.
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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