

“\$204,000” and “subpart” in its place, respectively; and

■ g. Removing from paragraph (d) “\$202,000” and adding “\$204,000” in its place.

25.1102 [Amended]

- 9. Amend section 25.1102 by—
- a. Removing from the introductory text of paragraph (a) “\$7,777,000” and adding “\$7,864,000” in its place;
- b. Removing from the introductory text of paragraph (c) “\$7,777,000” and adding “\$7,864,000” in its place;
- c. Removing from paragraph (c)(3) “\$7,777,000” and “\$10,074,262”, and adding “\$7,864,000” and “\$10,335,931” in its place, respectively; and
- d. Removing from paragraph (d)(3) “\$7,777,000” and “\$10,074,262”, and adding “\$7,864,000” and “\$10,335,931” in its place, respectively.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

- 10. Amend section 52.204–8 by—
- a. Revising the date of the clause;
- b. Removing from paragraph (c)(1)(xvii)(C) “\$77,494” and adding “\$79,507 in its place; and
- c. Removing from (c)(1)(xvii)(D) “\$77,494” and adding “\$79,507” in its place.

The revised text reads as follows:

52.204–8 Annual Representations and Certifications.

* * * * *

Annual Representations and Certifications (DEC 2013)

* * * * *

- 11. Amend section 52.212–5 by revising the date of the clause and paragraph (b)(27) to read as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (DEC 2013)

* * * * *

(b) * * *
 (27) 52.222–19, Child Labor—Cooperation with Authorities and Remedies (DEC 2013) ERT Abbreviated Month and Year of Publication in the **Federal Register**) (E.O. 13126).

* * * * *

- 12. Amend section 52.213–4 by revising the date of the clause and paragraph (b)(1)(ii) to read as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).

* * * * *

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) (DEC 2013)

* * * * *

(b) * * *
 (1) * * *
 (ii) 52.222–19, Child Labor—Cooperation with Authorities and Remedies (DEC 2013) (E.O. 13126). (Applies to contracts for supplies exceeding the micro-purchase threshold.)

* * * * *

- 13. Amend section 52.222–19 by—
- a. Revising the date of the clause;
- b. Removing from paragraph (a)(3) “\$77,494” and adding “\$79,507” in its place; and
- c. Removing from paragraph (a)(4) “\$202,000” and adding “\$204,000” in its place.

The revised text reads as follows:

52.222–19 Child Labor—Cooperation With Authorities and Remedies.

* * * * *

Child Labor—Cooperation With Authorities and Remedies (DEC 2013)

* * * * *

[FR Doc. 2013–31151 Filed 12–30–13; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2013–0078, Sequence No. 8]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–72; 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 the rules appearing in Federal Acquisition Circular (FAC) 2005–72, which amends the Federal Acquisition Regulation (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 2005–72, which precedes this document. These documents are also available via the Internet at <http://www.regulations.gov>.

DATES: December 31, 2013.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2005–72 and the FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

RULES LISTED IN FAC 2005–72

Item	Subject	FAR Case	Analyst
*I	Service Contracts Reporting Requirements	2010–010	Loeb.
*II	Prioritizing Sources of Supplies and Services for Use by Government	2009–024	Morgan.
*III	Terms of Service and Open-Ended Indemnification, and Unenforceability of Unauthorized Obligations.	2013–005	Petrusek.
IV	Trade Agreements Thresholds	2013–021	Davis.

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 2005–72 amends the FAR as specified below:

Item I—Service Contracts Reporting Requirements (FAR Case 2010–010)

This final rule amends the FAR to implement section 743 of Division C of the Consolidated Appropriations Act,

2010. Section 743 calls for certain agencies, not including the Department of Defense, to submit annual inventories of service contracts. FAR subpart 4.17, Service Contracts Inventory, provides annual reporting requirements for agencies and contractors. Guidance for agencies is available at: <http://www.whitehouse.gov/omb/procurement-service-contract-inventories>. FAR clauses 52.204–14 and 52.204–15 provide contractors' annual reporting requirements. Prime and first-tier contractors will submit the information by October 31 at www.sam.gov, including total dollar amount invoiced for services performed in the prior Government fiscal year and total amount of labor hours for the previous Government fiscal year.

To lessen the burden on small and large business prime contractors, information is reported annually, reporting is phased in over three fiscal years, and only first-tier subcontracts are covered, not all tiers.

Contracting officers will verify that the clause is included in the contract or order. Agencies are responsible for reviewing contractor reported information to ensure it appears reasonable and consistent with available contract information. The agency is not required to address data for which the agency would not normally have supporting information. In the event the agency believes that revisions to the contractor reported information are warranted, the contractor is to be notified no later than November 15. By November 30, the contractor shall revise the report, or document its rationale for the agency for maintaining the information without change.

Item II—Prioritizing Sources of Supplies and Services for Use by Government (FAR Case 2009–024)

This final rule amends the FAR to update and clarify the priority of sources of supplies and services for use by the Government at FAR subpart 8.0. The final rule also includes a list of other existing Federal contract vehicles to consider for agency use, such as Governmentwide Acquisition Contracts (GWACs), Multi-Agency Contracts (MACs), and other procurement instruments intended for use by multiple agencies, including blanket purchase agreements under Federal Supply Service contracts. The policy at FAR 7.102(a) is also revised to conform with the amendments to FAR subpart 8.0.

Item III—Terms of Service and Open-Ended Indemnification, and Unenforceability of Unauthorized Obligations (FAR Case 2013–005)

This final rule adopts, without change, an interim rule which was published in the **Federal Register** at 78 FR 37686 on June 21, 2013. The interim rule amended the FAR to address concerns raised in an opinion from the U.S. Department of Justice Office of Legal Counsel that determined the Anti-Deficiency Act is violated when a Government contracting officer or other employee with the authority to bind the Government agrees, without statutory authorization or other exception, to an open-ended, unrestricted indemnification clause. This rule clarified for the public that an End User License Agreement, Term of Service, or similar agreement containing an indemnification provision, is unenforceable and nonbinding against the Government and Government-authorized end-users. The rule contained a new clause that applies to all solicitations and contracts and automatically applies to micro-purchases, including those made with the Governmentwide commercial purchase card.

Item IV—Trade Agreements Thresholds (FAR Case 2013–021)

This final rule amends the FAR to adjust the thresholds for application of the World Trade Organization Government Procurement Agreement and the Free Trade Agreements as determined by the United States Trade Representative, according to a pre-determined formula under the agreements.

Dated: December 19, 2013.

William Clark,

Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2013–31152 Filed 12–30–13; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 12, 13, 32, 43, and 52

[FAC 2005–72; FAR Case 2013–005; Item III; Docket 2013–0005, Sequence 1]

RIN 9000–AM45

Federal Acquisition Regulation; Terms of Service and Open-Ended Indemnification and Unenforceability of Unauthorized Obligations

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

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA have adopted as final, without change, an interim rule amending the Federal Acquisition Regulation (FAR) to address concerns raised in an opinion from the U.S. Department of Justice (DOJ) Office of Legal Counsel (OLC) involving the use of unrestricted, open-ended indemnification clauses in acquisitions for social media applications.

DATES: *Effective:* December 31, 2013.

FOR FURTHER INFORMATION CONTACT: Ms. Marissa Petrussek, Procurement Analyst, at 202–501–0136, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–72, FAR Case 2013–005.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 78 FR 37686 on June 21, 2013, to implement a recent DOJ OLC opinion, entitled “Memorandum for Barbara S. Fredericks, Assistant General Counsel for Administration, United States Department of Commerce,” which noted that the Anti-Deficiency Act (ADA) (31 U.S.C. 1341) is violated when a Government contracting officer or other employee with authority to bind the Government agrees, without statutory authorization or other exception, to an open-ended, unrestricted indemnification clause. On April 4, 2013, the Office of Management and Budget (OMB) issued guidance outlining a series of management actions to ensure agencies act in compliance with the ADA and in accordance with OLC’s opinion. See