

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Chapter 1

[Docket No. FAR-2020-0051, Sequence No. 8]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2021-03;
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) 2021-03. A
companion document, the *Small Entity
Compliance Guide* (SECG), follows this
FAC.

DATES: For effective dates see the
separate documents, which follow.

FOR FURTHER INFORMATION CONTACT: The
analyst whose name appears in the table
below in relation to the FAR case. For
information pertaining to status or
publication schedules, contact the
Regulatory Secretariat Division at 202-
501-4755 or GSARegSec@gsa.gov.

RULES LISTED IN FAC 2021-03

Item	Subject	FAR case	Analyst
I	Violations of Arms Control Treaties or Agreements with the United States	2017-018	Jackson.
II	Lowest Price Technically Acceptable Source Selection Process	2018-016	Jackson.
III	Individual Sureties	2017-003	Delgado.
IV	Technical Amendments.		

ADDRESSES: The FAC, including the
SECG, is available via the internet at
<https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:
Summaries for each FAR rule follow.
For the actual revisions and/or
amendments made by these FAR rules,
refer to the specific item numbers and
subjects set forth in the documents
following these item summaries. FAC
2021-03 amends the FAR as follows:

**Item I—Violations of Arms Control
Treaties or Agreements With the United
States (FAR Case 2017-018)**

This final rule adopts as final with
changes, an interim rule published on
June 15, 2018. The interim rule
amended the FAR to implement 22
U.S.C. 2593e, as added by section 1290
of the National Defense Authorization
Act for Fiscal Year 2017 (Pub. L. 114-
328). The final rule makes technical
edits clarifying the suspension and
debarment remedies for determination
of a false certification pursuant to 22
U.S.C. 2593e, and other minor edits.

**Item II—Lowest Price Technically
Acceptable Source Selection Process
(FAR Case 2018-016)**

This final rule amends the FAR to
implement section 880 of the John S.
McCain National Defense Authorization

Act for Fiscal Year 2019. Specifically,
this rule amends: (1) FAR part 15 to
specify the criteria that must be met in
order to include lowest price technically
acceptable (LPTA) source selection
criteria in a solicitation, and require
solicitations predominantly for the
acquisition of certain services and
supplies to avoid the use of LPTA
source selection criteria, to the
maximum extent practicable; and (2)
FAR parts 12, 13, 16, and 37 to point to
the text in FAR part 15, as applicable.

**Item III—Individual Sureties (FAR
Case 2017-003)**

This final rule changes the kind of
assets that an individual surety must
pledge as security for an individual
surety bond. A pledge of assets must
consist only of eligible obligations, *i.e.*,
public debt obligations of the United
States Government. The rule
implements section 874 of the National
Defense Authorization Act for Fiscal
Year 2016 (Pub. L. 114-92), codified at
31 U.S.C. 9310, Individual Sureties.

This final rule will not have a
significant economic impact on a
substantial number of small entities.

Item IV—Technical Amendments

Editorial changes are made at FAR
2.101, 15.209, 17.502-1, 37.103, 52.212-

3, 52.212-5, 52.213-4, 52.222-18,
52.223-3, 52.225-2, 52.225-4, 52.225-6,
52.225-9, 52.225-13, and 52.229-12.

William F. Clark,
*Director, Office of Government-wide
Acquisition Policy, Office of Acquisition
Policy, Office of Government-wide Policy.*

Federal Acquisition Circular (FAC) 2021-
03 is issued under the authority of the
Secretary of Defense, the Administrator of
General Services, and the Administrator of
National Aeronautics and Space
Administration.

Unless otherwise specified, all Federal
Acquisition Regulation (FAR) and other
directive material contained in FAC 2021-03
is effective January 14, 2021 except for Items
I through IV, which are effective February 16,
2021.

Linda W. Neilson,
*Director, Defense Acquisition Regulations
System, Department of Defense.*

William F. Clark,
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Acquisition Policy, Office of Acquisition
Policy, Office of Government-wide Policy.*

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