

**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](mailto: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,

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

William G. Roets, II,

*Acting Assistant Administrator, Office of  
Procurement, National Aeronautics and  
Space Administration.*

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