

DEPARTMENT OF DEFENSE

GENERAL SERVICES
ADMINISTRATION

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR-2020-0051, Sequence No. 4]

Federal Acquisition Regulation;
Federal Acquisition Circular 2020-08;
Introduction

AGENCY: Department of Defense (DoD),
General Services Administration (GSA),

and National Aeronautics and Space
Administration (NASA).

ACTION: Summary presentation of an
interim rule.

SUMMARY: This document summarizes
the Federal Acquisition Regulation
(FAR) rule agreed to by the Civilian
Agency Acquisition Council and the
Defense Acquisition Regulations
Council (Councils) in this Federal
Acquisition Circular (FAC) 2020-08. A
companion document, the *Small Entity
Compliance Guide* (SECG), follows this
FAC.

DATES: For effective date see the
separate document, which follows.

FOR FURTHER INFORMATION CONTACT:
Farpolicy@gsa.gov or call 202-969-
4075. Please cite FAC 2020-08, FAR
case 2019-009.

RULE LISTED IN FAC 2020-08

Subject	FAR Case
Prohibition on Contracting with Entities Using Certain Telecommunications and Video Surveillance Services or Equipment	2019-009

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

SUPPLEMENTARY INFORMATION: A
summary for each FAR rule follows. For
the actual revisions and/or amendments
made by this FAR case, refer to the
specific subject set forth in the
document following this summary. FAC
2020-08 amends the FAR as follows:

Prohibition on Contracting With
Entities Using Certain
Telecommunications and Video
Surveillance Services or Equipment
(FAR Case 2019-009)

This interim rule amends the Federal
Acquisition Regulation to implement
section 889(a)(1)(B) of Title VII of the
John S. McCain National Defense
Authorization Act (NDAA) for Fiscal
Year (FY) 2019 (Pub. L. 115-232).
Paragraph (a)(1)(B) of section 889
prohibits executive agencies from
entering into, or extending or renewing,
a contract with an entity that uses any
equipment, system, or service that uses
covered telecommunications equipment
or services as a substantial or essential
component of any system, or as critical
technology as part of any system, on or
after August 13, 2020 unless an
exception applies or a waiver is granted.

To implement paragraph (a)(1)(B) of
section 889, the provision at 52.204-24
requires all offerors to represent, after
conducting a reasonable inquiry,
whether covered telecommunications
equipment or services are used by the
offeror, and if so, to provide further
information. The clause at 52.204-25
prohibits the head of an executive
agency from entering into a contract, or
extending or renewing a contract, with
an entity that uses any equipment,
system or service that uses covered
telecommunications equipment or
services as a substantial or essential
component of any system, or as critical
technology as part of any system, unless
an exception applies or a waiver is
granted. The contractor must report use
of any such equipment, systems, or
services discovered during contract
performance.

This rule applies to all acquisitions,
including acquisitions at or below the
simplified acquisition threshold and to
acquisitions of commercial items,
including commercially available off-
the-shelf items. It may have a significant
economic impact on a substantial
number of small entities.

This interim rule is being
implemented as a national security
measure to protect Government

information and information and
communication technology systems.

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

Federal Acquisition Circular (FAC)
2020-08 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 2020-08 is effective July 14,
2020 except for FAR Case 2019-009,
which is effective [August 13, 2020].

Kim Herrington,
*Acting Principal Director, Defense Pricing and
Contracting, Department of Defense.*

Jeffrey A. Koses,
*Senior Procurement Executive/Deputy CAO,
Office of Acquisition Policy, U.S. General
Services Administration.*

William G. Roets, II,
*Acting Assistant Administrator, Office of
Procurement, National Aeronautics and
Space Administration.*

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