

**Federal Acquisition Regulation
Federal Acquisition Circular 2005-99 Summary of Rules**

FAC 2005-99

<u>Item</u>	<u>Subject</u>	<u>FAR Case</u>
I	Use of Products and Services of Kaspersky Lab	2018-010
II	Violation of Arms Control Treaties or Agreements with the United States	2017-018

Item I—Use of Products and Services of Kaspersky Lab (FAR Case 2018-010)

This proposed rule amends the Federal Acquisition Regulation (FAR) to implement section 1634 of Division A of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 (Pub.L. 115–91). Section 1634 of this law prohibits the Federal Government’s use on or after October 1, 2018, of hardware, software, and services developed or provided, in whole or in part, by Kaspersky Lab or related entities. To implement section 1634, the clause at 52.204–23 prohibits contractors from providing any hardware, software, or services developed or provided by Kaspersky Lab or its related entities, or using any such hardware, software, or services in the development of data or deliverables first produced in the performance of the contract. The contractor must also report any such hardware, software, or services discovered during contract performance. This requirement flows down to subcontractors.

Item II—Violation of Arms Control Treaties or Agreements with the United States (FAR Case 2017-018)

This interim rule amends the Federal Acquisition Regulation (FAR) to implement section 1290 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114–328, codified at 22 U.S.C. 2593e), which addresses measures against persons involved in activities that violate arms control treaties or agreements with the United States. The interim rule adds a certification provision in each solicitation for the acquisition of products or services (including construction) that exceeds the simplified acquisition threshold, except for solicitations for the acquisition of commercial items.