

Federal Acquisition Regulation
Federal Acquisition Circular 2023-01 Summary of Rules
FAC 2023-01

<u>Item</u>	<u>Subject</u>	<u>FAR Case</u>
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II	Effective Communication Between Government and Industry	2016-005
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Item I — Update to Title 10 Citations (FAR Case 2022-005)

This final rule amends the Federal Acquisition Regulation to update statutory references to Title 10 of the United States Code, which were revised by Title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2021 (Pub. L. 116-283), Transfer and Reorganization of Defense Acquisition Statutes, and Title XVII of the NDAA for FY 2022 (Pub. L. 117-81), Technical Amendments Related to the Transfer and Reorganization of Defense Acquisition Statutes.

Item II — Effective Communication Between Government and Industry (FAR Case 2016-005)

This final rule amends the FAR to implement section 887 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016 (Pub. L. 114-92). This rule clarifies that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry, so long as those exchanges are consistent with existing laws and regulations, and do not promote an unfair competitive advantage to particular firms.

Item III — United States-Mexico-Canada Agreement (FAR Case 2020-014)

This final rule implements the United States-Mexico-Canada Agreement Implementation Act (Pub. L. 116-113). The rule makes changes in the FAR to conform to Chapter 13 of the United States-Mexico-Canada Agreement (USMCA), which sets forth certain obligations between the United States and Mexico with respect to Government procurement of goods and services, as specified in Annex 13-A of the USMCA. Chapter 13 of the USMCA applies only between Mexico and the United States and does not cover Canada. Although Canada is still a designated country under the World Trade Organization Government Procurement Agreement, Canada is no longer a Free Trade Agreement country. Therefore, references to Canada as a Free Trade Agreement country in the FAR are deleted, including the \$25,000 threshold. Mexico thresholds remain unchanged.

Item IV — Technical Amendments

Administrative changes are made at FAR 17.701, and 53.300.