Waiver Process

Each agency must designate a senior agency official for Supply Chain Risk Management and participate in the Federal Acquisition Security Council’s (FASC)

01. A compelling justification for additional time needed

02. A full and complete laydown of covered telecom

03. A phase-out plan to eliminate the covered telecom

Within NASA, the Office of the Chief Information Officer (OCIO), the Office of Procurement (OP) and the Office of the General Counsel (OGC) have jointly led this implementation effort, working closely with other agencies and consulting with OMB and the ODNI.

As part of their analysis, the NASA team conducted a deep-dive search to determine whether NASA currently uses any telecommunications equipment developed by / owned by the prohibited companies. The team also developed a process that the Administrator would use to consider any waivers to the Sect. 889 requirements and to the recently-published Federal Acquisition Regulation (FAR) 4.2104.

Section 889 Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

Understanding the Basics of Section 889 and How NASA is Responding.

For more details see the FAR representation (52.204-24, 52.204-26) and FAR reporting (52.204-25) requirements.

For details on the Recommended Compliance Steps: See the Federal Register

National Aeronautics Space Administration

www.nasa.gov
**How to Ensure COMPLIANCE**

**PLAN A:** The Government Cannot Obtain Prohibited Telecom

Effective: **August 13, 2019**

Part A prohibits the government from obtaining (through a contract or other instrument) certain telecommunications equipment (including video surveillance equipment) or services produced by the following covered entities and their subsidiaries and affiliates: Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital, Technology Company and Dahua Technology Company, listed (see Section 889(a)(1)(B) of FY 2019 NDAA).

The Department of Defense has the authority to add additional companies to this list.

Part A has been added to the Federal Acquisition Regulation (FAR) at FAR subpart 4.21. Note that the Part A ban also applies to commercial items (FAR 12.301(d)(6)) and micro-purchases (FAR 13.201(j)).

NASA Procurement Class Deviation [PCD 15-03D](https://www.asd.faa.gov/pcd/PCD15-03D.pdf) includes additional guidance on Section 889(a)Part A.

**PLAN B:** Government Contractors Cannot Use Prohibited Telecom

Effective: **August 13, 2020**

Part B prohibits the government from contracting with an entity that uses certain telecommunications equipment or services produced by the entities listed in the statute.

1. The Government cannot contract with an entity 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.
2. Prohibition applies regardless of whether or not that usage is in performance of work under a Federal contract.
3. After conducting a reasonable inquiry, entities will represent whether they do or do not use prohibited telecommunications equipment or services.

Part B has been added to the Federal Acquisition Regulation (FAR) at FAR subpart 4.21.