

Section 889, Paragraph (a)(1)(A) of the John S. McCain National Defense Authorization Act (NDAA)

On August 13, 2019, Section 889 became effective. This paragraph prohibits federal agencies from procuring or obtaining, or extending or renewing a contract to procure or obtain, 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.

Section A

Section 889(a)(1)(A) – or “Part A” – which took effect on August 13, 2019 – prohibits Executive Agencies from procuring or obtaining, or extending or renewing a contract to *procure or obtain*, “any equipment, system, or service that uses covered telecommunication equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.”

Section B

Section 889(a)(1)(B) – or “Part B” – which takes effect August 13, 2020 – prohibits Executive Agencies 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. “

The effect of paragraph (a)(1)(B) is the US State Department can no longer make any purchases or place any orders on existing contracts until it is determined your company is in compliance with the ACT. In order for the US Department of State to make that determination, please complete the declaration/certification and return the undersigned with your quote.

Please check by the appropriate answer and sign below your certification of compliance or non-compliance with 2019 NDAA Section 889. Alternatively, if you have already certified in SMA.gov to FAR 52.204-26 (October 2020 version or later) and checked “does not” in (c)(1) and “does not use” in (c)(2), you may provide a copy of your SAM.gov certification in lieu of the below. The 52.204-26 certification date must be less than one (1) year old. Section 889 of the NDAA began Fiscal Year 2019 includes two prohibitions in Section 889 (a)(1)(A) and Section 889 (a)(1)(B):

Covered Technologies and Subsidiaries:

1. HIKVISION
2. ZTE
3. HUAWEI
4. Ajhua
5. Hytera

52.204-26 Covered Telecommunications Equipment or Services – Representation (Oct 2020)

Section C

The Offeror represents that *it does, or does not* provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument.

- It Does
- It Does Not

The Offeror represents that after conduction a reasonable inquiry for purposes of this representation, the offeror represents that *it does, or does not* use covered telecommunications equipment or services, or any equipment, system, or any equipment, system, or services that uses covered telecommunications equipment or services.

- It Does
- It Does Not

52.204-24 Representation Regarding Certain Telecommunications and video Surveillance Service or Equipment (Oct 2020)

Section D

1)The Offeror represents that it will, or will not provide covered telecommunications equipment or services to the Government in the performance of any contact, subcontract or other contractual instrument resulting from this solicitation. The Offeror shall provide the additional disclosure information required at paragraph (e)(1) of this section if the Offeror responds “will” in paragraph (d)(1) of this section; and

- It Will
- It Will Not

2)After conduction a reasonable inquiry, for purposes of this representation, the Offeror represents that *it does, or does not use* covered telecommunication equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services. The Offeror shall provide the additional disclosure information required at paragraph (e)(2) of this section if the Offeror responds “does” in paragraph (d)(2) of this section.

- It Does
- It Does Not

December 2, 2022

Signature

Date