

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;
Small Entity Compliance Guide**

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

and National Aeronautics and Space
Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued
under the joint authority of DOD, GSA,
and NASA. This *Small Entity
Compliance Guide* has been prepared in
accordance with section 212 of the
Small Business Regulatory Enforcement
Fairness Act of 1996. It consists of a
summary of the rule appearing in
Federal Acquisition Circular (FAC)
2020-08, which amends the Federal
Acquisition Regulation (FAR). An
asterisk (*) next to a rule indicates that
a regulatory flexibility analysis has been
prepared. Interested parties may obtain

further information regarding this rule
by referring to FAC 2020-08, which
precedes this document. These
documents are also available via the
internet at <https://www.regulations.gov>.

DATES: July 14, 2020.

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.*
[FR Doc. 2020-15294 Filed 7-13-20; 8:45 am]

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