




Office of Sponsored Projects

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MEMORANDUM

TO: All Interested Parties

FROM: The University Export Control Officer 

DATE: 26 January 2021

RE: Section 889(a) (1)(B) of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232)

DoD, GSA, and NASA issued an interim rule amending the Federal Acquisition Regulation (FAR) to implement section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232). Section 889(a)(1)(B) 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.

Section 889 has been implemented in part by Federal Acquisition Regulation (FAR) 4.2102(a) on or after August 13, 2019, agencies are prohibited from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses products or services incorporating certain Chinese technology. The rule covers products and services that incorporate telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities) or, in the public safety context, telecommunications or surveillance equipment or services produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of those entities). But the rule is not limited to end products produced by those companies; it covers most any product that incorporates technology produced by those companies (hereinafter "Huawei, et al.").

This memorandum is to confirm and document that UT Austin has conducted a reasonable evaluation of its telecommunications systems, and continues to monitor acquisitions to ensure compliance with Section 889 of the 2019 National Defense Authorization Act (NDAA) and FAR 4.2102 et al. Consistent with the University of Texas System Policy 119, System wide Compliance Charter, UT HOP 7-1410, and the Vice President for Research's policy.