



UNITED STATES DEPARTMENT OF STATE
BUREAU OF ADMINISTRATION
OFFICE OF THE PROCUREMENT EXECUTIVE

**FEDERAL ASSISTANCE MANAGEMENT ADVISORY
NUMBER 2020-02, as amended**

SUBJECT: Prohibition on Certain Telecommunications and
Video Surveillance Services or Equipment (**non-PD and
foreign assistance-funded awards**)

1. Scope:

This policy does **not** apply to **public diplomacy** or **foreign assistance-funded awards** or to Foreign Public Entities (which includes Public International Organizations). This policy applies only to Department of State federal assistance awards funded by other (non-PD/foreign assistance) sources.

2. Authority:

1 FAM 212.2 assigns authority to the Office of the Procurement Executive to prescribe policies, regulations, and procedures for the award and administration of Federal financial assistance agreements.

3. Background and Purpose:

In 2018, Public Law 232, Section 889 placed a prohibition on federal funds paying for certain covered telecommunications equipment and video surveillance services. The purpose of this management alert is to introduce a new mandatory award provision for all Department awards to address this prohibition.

4. Policy:

Department of State implementing partners are prohibited from obligating or expending federal assistance funds for covered telecommunications equipment and video surveillance services as described in the provision below.

A/OPE/AP/FA is requiring the following provision be included in all award agreements, NOFOs and solicitations as of August 13, 2020. This provision should not be included in awards that were executed prior to August 13, 2020, unless they are amended after this date for the purpose of adding additional funding to the award.

The policy does not prohibit the execution of federal awards to recipients that use covered telecommunication equipment or video surveillance services, so long as the federal funds do not cover the prohibited expenses.

The provision is as follows:

Prohibition on certain telecommunications and video surveillance services or equipment.

Non-Federal entities are prohibited from obligating or expending grant funds for covered telecommunications equipment or services to:

- (1) procure or obtain, extend or renew a contract to procure or obtain;
- (2) enter into a contract (or extend or renew a contract) to procure; or
- (3) obtain the equipment, services, or systems.

Covered telecommunications equipment and services mean any of the following:

- (i) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
- (ii) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment

produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

- (iii) Telecommunications or video surveillance services provided by such entities or using such equipment.
- (iv) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

End provision.

5. Questions:

Please refer to the frequently asked questions (FAQ) document available on the A/OPE/AP/FA webpage at: <https://usdos.sharepoint.com/sites/A-OPE/FA/SitePages/FAMA.aspx> for additional implementation guidance regarding the scope of this policy.

Please send questions regarding this policy via e-mail to Steven Mackey in the Office of the Procurement Executive, Acquisition Policy, Federal Assistance Division at: MackeySP@state.gov.

6. Effective Date:

This Federal Assistance Management Advisory is effective as of September 29, 2020.

Vince Chaverini

Acting Procurement Executive,
U.S. Department of State

Issuance Date: September 29, 2020