

SCRM Criteria for Section 889 Part B

8/13/2020

Developed by: SCRM Review Board

Criteria for Evaluating Exceptions and Applicability for Section 889 Part B

In general, the following decision tree can be used to determine whether a prohibition or exception applies per Section 889 Part B. The decision tree expands on FAQ #4 (regarding the scope of the FAR prohibition) on the [Acquisition Portal](#).

1. START
2. Does Prohibition under Part B Apply? - Is the equipment or service identified by the offeror/contractor as covered telecommunications equipment or service being **used** by the prime offeror/contractor?
 - a. If **No, STOP -- Prohibition under Part B does not apply.**
 - b. If Yes, continue through the rubric to determine if Prohibition under Part B applies.
3. Is the **equipment** identified by the offeror/contractor covered? - *If you are only reviewing a telecommunications service, skip section 3 and go to section 4 of the rubric.*
 - a. Is the answer to any of the following "Yes"?
 - i. Per (f)(3)(A) of Section 889 - Is the equipment telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation or a subsidiary or affiliate of either?
 - ii. Per (f)(3)(B) of Section 889 - Is the equipment video surveillance and telecommunication equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company or a subsidiary or affiliate **AND** do any of the following purposes of the use of technology apply?
 1. Public Safety?
 2. Security of Government facilities?
 3. Physical security surveillance of critical infrastructure?
 4. Other National Security Purposes?
 - iii. Is the equipment covered?
 1. If the answer to both 3(a)(i) and 3(a)(ii) of the rubric is **No, STOP -- Prohibition under Part B does not apply.**
 2. If the answer to either 3(a)(i) or 3(a)(ii) of the rubric is Yes, continue through the rubric to determine if Prohibition under Part B applies.
 - b. Exception - Can the equipment route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles? (Assess whether the equipment has the ability to do so, not how the offeror/contractor chooses to use it; this

2. If the answer to either 5(b)(i) or 5(b)(ii) of the rubric is Yes, **Prohibition under Part B applies.**

If there is doubt about how to evaluate a specific component after using this decision tree and reviewing the examples, contact the SCRM Review Board at SCRM-Review-Board@gsa.gov.