



National Aeronautics and
Space Administration
Washington, DC 20546

Grant Information Circular

GIC 20-05

Revised: 08/13/2020

PURPOSE: To Inform Grant and Technical Officers of a new term and condition that implements section 889 (b) (1) of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232) and OMB Uniform Guidance; 2 CFR 200.216.

BACKGROUND: On August 13, 2018, President Trump signed into law the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year 2019. The statute included a provision that prohibits the head of an executive agency from obligating or expending loan or grant funds to procure or obtain, or enter into a contract (or extend or renew contracts) to procure or obtain, the equipment, services, or systems that use covered telecommunications equipment or services. Furthermore, the statute requires agencies to prioritize available funding and technical support to assist affected businesses, institutions, and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

To implement this requirement, OMB revised 2 CFR 200 by adding a new section 200.216: ***Prohibition on certain telecommunication and video surveillance services or equipment.*** The revised 2 CFR 200 was published in the federal register as a final rule on August 13, 2020. To ensure compliance with section 889 (b) (1) of the 2019 NDAA and 2 CFR 200.216, NASA revised its general terms and conditions to include this new requirement.

GUIDANCE: Grant Officers must ensure all new grant awards, cooperative agreements, and amendments to existing awards include the following Term and Condition:

Prohibition on certain telecommunications and video surveillance services or equipment.

- (a) Grant and cooperative agreement recipients and subrecipients are prohibited from obligating or expending grant funds to:
- (1) Procure or obtain,
 - (2) Extend or renew a contract to procure or obtain; or
 - (3) Enter into contract (or extend or renew contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Pub. L. 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
 - i. 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).

- ii. Telecommunications or video surveillance services provided by such entities or using such equipment.
- iii. 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.

EFFECTIVE DATE: August 13, 2020.

REGULATION OR TERM AND CONDITION CHANGES: New term and condition will be incorporated in the revised Grants and Cooperative Agreement Manual and all financial assistance instruments awarded on or after August 13, 2020.

HEADQUARTERS CONTACTS: Christiane Diallo, Office of the Chief Financial Officer, Policy Division, Grants Policy & Compliance, 202.358.5179, e-mail: Christiane.Diallo@nasa.gov