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## Acquisition & Assistance Updates Newsletter

*A product of USAID's Industry Liaison*



@USAIDBizOpps

September 30, 2020

### **Information on USAID's Section 889 Telecommunications Waiver**

Dear Partners,

Section 889 of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 Section (a)(1)(B) and Section (b)(1) of the law, went into effect on August 13, 2020.

To support the Agency's work, USAID received a telecommunications waiver for internet and phone services, which was originally scheduled to expire on September 30, 2020. The Agency has received approval to extend this waiver through September 30, 2022.

As of September 30, 2022, the Agency statutory waiver authority ends and the Agency will not enter into any contracts with contractors using covered technology. For contractors that wish to continue to do business with USAID, it is important to phase out the use of covered technology. Recipients should ensure they have alternate funding because costs for covered technology will become unallowable.

In regard to assistance (grants/cooperative agreements), the Agency will be revising its policy to extend the period of the allowability of costs for internet and telephone services for new awards made during the duration of the waiver.

In regard to acquisition (contracts), the Agency waiver does not alter the FAR requirements for contractors to make a representation. Nor does it alter the requirement to request a waiver and provide a laydown plan for covered technology if an affirmative representation is made and no existing waiver applies. The Agency will review a contractor's waiver request and the required laydown plan to determine whether this waiver applies in whole or part and whether any further waiver is required.

USAID will continue to pursue appropriate waivers for the ease of operations overseas. A number of waivers are pending but are pre-decisional and may not be discussed in detail until they are approved.

The Agency encourages partners to review [ADS 302.mpb](#) and review the [Section 889 Partner Information page](#). Questions related to Section 889 can be submitted to [IndustryLiaison@usaid.gov](mailto:IndustryLiaison@usaid.gov).

Regardless of this waiver, supply chain risk is a cybersecurity threat that USAID and the USG expect implementing partners to mitigate. Therefore the Agency urges implementing partners to continue to mitigate supply chain risk.

Thanks,  
USAID's IndustryLiaison

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