



OFFICE OF THE UNDER SECRETARY OF DEFENSE
3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

ACQUISITION
AND SUSTAINMENT

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: File Documentation and Transmission of Waiver Information on Section 889(a)(1)(B)
Prohibition on Contracting with Entities Using Certain Telecommunications and Video
Surveillance Services or Equipment

This memorandum provides guidance to the Department of Defense (DoD) Senior Procurement Executives regarding file documentation and data transmission related to section 889(a)(1)(B) waivers. When relying upon the Director of National Intelligence (DNI) waiver that was signed on August 12, 2020, the Military Departments and the fourth estate:

- Shall require contracting officers to document the file that the contract, task order, or delivery order being awarded, or extended or renewed, is only for items that have been granted a Director of National Intelligence (DNI) waiver as identified by inclusion on the DoD List of Products and Services;
- Shall ensure appropriate DoD acquisition workforce employees, to exclude contractor support, have access to the DoD List of Products and Services for use in determining whether or not a waiver has been granted;
- Shall not post either the FOUO ODNI Strategic Supply Chain Security Guidance or the DoD List of Products and Services to a public-facing website or share with contractors; and
- After determining the DNI waiver applies, shall ensure confidentiality in the acquisition process when assessing and determining applicability of the DNI waiver.

Kim Herrington
Acting Principal Director,
Defense Pricing and Contracting