

4.2102 Prohibition.

(a) *Prohibited equipment, systems, or services.*

(1) On or after August 13, 2019, agencies are prohibited from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses *covered telecommunications equipment or services* as a *substantial or essential component* of any system, or as *critical technology* as part of any system, unless an exception at paragraph (b) of this section applies or the *covered telecommunications equipment or services* are covered by a waiver described in [4.2104](#).

(2) On or after August 13, 2020, agencies are prohibited from entering into a contract, or extending or renewing a contract, with an entity that uses any equipment, system, or service that uses *covered telecommunications equipment or services* as a *substantial or essential component* of any system, or as *critical technology* as part of any system, unless an exception at paragraph (b) of this section applies or the *covered telecommunications equipment or services* are covered by a waiver described in [4.2104](#). This prohibition applies to the use of *covered telecommunications equipment or services*, regardless of whether that use is in performance of work under a Federal contract.

(b) *Exceptions.* This subpart does not prohibit agencies from procuring or contractors from providing-

(1) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(2) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(c) *Contracting Officers.* Unless an exception at paragraph (b) of this section applies or the covered telecommunications equipment or service is covered by a waiver described in [4.2104](#), *Contracting Officers shall not—*

(1) Procure or obtain, or extend or renew a contract (*e.g.*, exercise an *option*) to procure or obtain, any equipment, system, or service that uses *covered telecommunications equipment or services* as a *substantial or essential component* of any system, or as *critical technology* as part of any system; or

(2) Enter into a contract, or extend or renew a contract, with an entity that uses any equipment, system, or service that uses *covered telecommunications equipment or services* as a *substantial or essential component* of any system, or as *critical technology* as part of any system.

(d) *Recording prohibitions in the System for Award Management (SAM).*

(1) Prohibitions on purchases of *products* or services produced or provided by entities identified in paragraphs (1) and (2) of the definition of "*covered telecommunications equipment or services*" (including known subsidiaries or *affiliates*) at [4.2101](#) will be recorded in SAM (see [9.404](#)).

(2) Prohibitions on purchases of *products* or services produced or provided by entities identified pursuant to paragraph (4) of the definition of "*covered telecommunications equipment or services*" (including known subsidiaries or *affiliates*) at [4.2101](#) are recorded by the Department of Defense in SAM (see [9.404](#)).

Parent topic: Subpart 4.21 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment