



October 15, 2019

General Services Administration,  
Regulatory Secretariat Division (MVCB),  
1800 F Street NW,  
2nd Floor,  
Washington, DC 20405

Re: FAR Case 2018-017, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment

To Whom It May Concern:

As an association, NDIA represents more than 1,600 corporate and over 80,000 individual members from small, medium, and large contractors; our members and their employees feel the impact of any policy change made in how the United States equips and supports its warfighters. We are writing to express concerns and seek clarification in response to the interim rule prohibiting contracting with certain telecommunications and video surveillance services.

Language included in section 889 of the FY 2019 NDAA requires regulators to take serious action to confront the threat from specific foreign-supplied telecommunications equipment. We are sympathetic to the concerns Congress demonstrated by the statute but would encourage regulators to note the impact these restrictions have on the defense industrial base and to adjust the regulation where possible.

The use of an interim rule to implement this statute imposes unnecessary burdens on industry members. The immediacy of the restrictions requires abrupt supply chain reconfigurations that increase costs to the contractor. These reconfigurations also take time and result in contract performance delays. As frequently noted by the Department of Defense, defense supply chains are already in a delicate state and added complexity has the potential to drive suppliers out of the defense marketplace. While we recognize the real threat continued use of these products and suppliers pose, we encourage regulators to work with industry to achieve security goals while also minimizing the burden of this regulation.

More clarity is needed on a number of provisions within this regulation prior to full implementation.

Of particular concern, the statute provisions outlining the method for awarding waivers requires more explanation in the final regulation. The provision as written leaves questions about the full



range of qualifications required to obtain a waiver. Additionally, the regulation as drafted places a substantial burden on offerors to determine “to identify as part of their offer any covered telecommunications equipment or services that will be provided to the Government” but leaves ambiguous the criteria for determining when such equipment constitutes a “substantial or essential” component.

If you or your staff have any questions, please contact Corbin Evans, Director of Regulatory Policy, at [cevens@ndia.org](mailto:cevens@ndia.org) or (703) 247-2598.

Sincerely,

Corbin Evans  
Director of Regulatory Policy  
NDIA