



# Additional Requirement – 37: Prohibition on certain telecommunications and video surveillance services or equipment for all awards issued on or after August 13, 2020

As described in [2 CFR 200.216](#), recipients and subrecipients are prohibited from obligating or expending grant<sup>1</sup> funds (to include direct and indirect expenditures as well as cost share and program 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.

President's Emergency Plan for AIDS Relief (PEPFAR) funding is exempt from the prohibition under [2 CFR 200.216](#) until September 30, 2022. During the exemption period, PEPFAR recipients are expected to work toward implementation of [2 CFR 200.216](#).

CDC recommends that when implementing [2 CFR 200.216](#), recipients consider the following actions:

- Determine through reasonable inquiry whether your organization currently uses "covered telecommunication" equipment, services, or systems and take necessary actions to comply with the regulation as quickly as is feasibly possible.
- Develop a compliance plan to implement the [2 CFR 200.216](#)
- Develop and maintain internal controls to ensure that your organization does not expend federal funds (in whole or in part) on covered equipment, services or systems.
- If your organization is impacted by this prohibition, awarded funds may be used to procure replacement equipment and services, in accordance with [2 CFR 200.471](#). Contact your CDC Program Official to determine if funding is available for eligible equipment or service replacement costs.

<sup>1</sup>For purposes of this Additional Requirement, the term "grant" refers to both grants and cooperative agreements.