



ACQUISITION
AND SUSTAINMENT

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

In reply refer to
DARS Tracking Number: 2021-O0003

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: Class Deviation—Prohibition Against Using Fiscal Year 2021 Funds to Maintain or Establish a Computer Network Unless Designed to Block Access to Certain Websites

Effective immediately, none of the funds appropriated or otherwise made available by the Consolidated Appropriations Act, 2021 (Pub. L. 116-260), or any other Act that extends to fiscal year 2021 funds the same prohibitions as contained in section 8116, division C, title VIII, of Public Law 116-260, may be used to enter into a contract to maintain or establish a computer network unless such network is designed to block access to pornography websites. These prohibitions apply to all fiscal year 2021 DoD funds appropriated by Public Law 116-260, excluding those funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities, or for any activity necessary for the national defense, including intelligence activities.

This class deviation partially implements section 8116, division C, title VIII, of Public Law 116-260, by requiring offerors to represent, by submission of their offer, that they are not providing as part of their offer a proposal to maintain or establish a computer network unless such network is designed to block access to pornography websites.

When using funds made available by Public Law 116-260, or any other Act that extends to fiscal year 2021 funds the same prohibitions as contained in section 8116, division C, title VIII, of Public Law 116-260, contracting officers shall include the attached provision at 252.239-7098, Prohibition on Contracting to Maintain or Establish a Computer Network Unless Such Network is Designed to Block Access to Certain Websites—Representation (DEVIATION 2021-O0003) (APRIL 2021), in all solicitations, including solicitations for the acquisition of commercial items under FAR part 12.

Class Deviation 2021-O0003
Prohibition Against Using Fiscal Year 2021 Funds to Maintain or Establish a
Computer Network Unless Designed to Block Access to Certain Websites

This class deviation remains in effect until incorporated in the DFARS or otherwise rescinded. My point of contact is Lt Col Bryan Lamb, who may be reached at 703-693-0497, or bryan.d.lamb.mil@mail.mil.

for John M. Tenaglia
Principal Director,
Defense Pricing and Contracting

Attachments:
As stated

Prohibition Against Using Fiscal Year 2021 Funds to Maintain or Establish a
Computer Network Unless Designed to Block Access to Certain Websites

**252.239-7098 Prohibition on Contracting to Maintain or Establish a Computer
Network Unless Such Network is Designed to Block Access to Certain
Websites—Representation.**

Include the following provision in all solicitations, including solicitations for the acquisition of commercial items under FAR part 12, that will use funds made available by the Consolidated Appropriations Act, 2021 (Pub. L. 116-260), or any other Act that extends to fiscal year 2021 funds the same prohibitions as contained in section 8116, division C, title VIII, of the Consolidated Appropriations Act, 2021 (Pub. L. 116-260).

**PROHIBITION ON CONTRACTING TO MAINTAIN OR ESTABLISH A COMPUTER
NETWORK UNLESS SUCH NETWORK IS DESIGNED TO BLOCK ACCESS TO
CERTAIN WEBSITES—REPRESENTATION (DEVIATION 2021-O0003)
(APRIL 2021)**

(a) In accordance with section 8116 of Division C of the Consolidated Appropriations Act, 2021 (Pub. L. 116-260), or any other Act that extends to fiscal year 2021 funds the same prohibitions, none of the funds appropriated (or otherwise made available) by this or any other Act for DoD may be used to enter into a contract to maintain or establish a computer network unless such network is designed to block access to pornography websites. This prohibition does not limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities, or for any activity necessary for the national defense, including intelligence activities.

(b) *Representation.* By submission of its offer, the Offeror represents that it is not providing as part of its offer a proposal to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(End of provision)