



ACQUISITION  
AND SUSTAINMENT

## OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3000

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: Recording Implementation of Section 889(a)(1)(B), Prohibition on Contracting with Entities Using Certain Telecommunications and Video Surveillance Services or Equipment, when using the Governmentwide Commercial Purchase Card

Reference: (1) Defense Pricing and Contracting memorandum, "Governmentwide Commercial Purchase Card Guidance related to Implementation of the Section 889(a)(1)(B) Prohibition on Contracting with Entities Using Certain Telecommunications and Video Surveillance Services or Equipment," dated August 11, 2020  
(2) Director of National Intelligence memorandum, "Department of Defense Request for Waiver of Section 889 of Fiscal Year 2019 National Defense Authorization Act," dated August 12, 2020

The Department of Defense (DoD) supports the goals of section 889(a)(1)(B) of the National Defense Authorization Act for FY 2019 (Pub. L. 115-232). This memorandum provides guidance for recording implementation of these requirements for Governmentwide Commercial Purchase Card (GPC) purchases in accordance with Reference 1 guidance.

GPC Component Program Managers are directed to issue reporting guidance that:

- Directs Cardholders (CHs) how to properly document 889 determinations with their transaction supporting data (i.e., using Access Online Transaction Management – Attachments); and
- Requires CHs to enter appropriate information in their purchase log as follows:
  - (a) Components that create manual Access Online orders must use the new "889 Designation" field in Order Management.

- (b) Components that receive editable Access Online eOrders must use the new “889 Designation” field in Order Management.
- (c) Components that receive non-editable Access Online eOrders must use the “889 Designation” transaction comment field in Transaction Management.
- (d) In the event additional information is required after the Account Billing Statement has been approved/certified, cardholders or approving/billing officials may use the comments field at the bottom of the Access Online order form to manually enter one of the below allowable purchase log entries and provide any other necessary information.

Allowable Purchase Log Entries	Applicability
889 Merchant Rep	Merchant provided the required 889 representation at Federal Acquisition Regulation (FAR) 52.204-24(d)(2) with a “ <b>does not</b> ” response; the CH relied upon the representation to make the purchase.
889 ODNI	Merchant provided the required 889 representation at FAR 52.204-24(d)(2) with a “ <b>does</b> ” response, but it has been determined the required supplies/services are included in a Product Service Code (PSC) covered by Reference 2; the CH relied upon the waiver to make the purchase.*
889 Agency	Merchant has provided the required 889 representation at FAR 52.204-24(d)(2) with a “ <b>does</b> ” response, but it has been determined the required supplies/services are covered by an Executive Agency waiver that was approved in accordance with FAR 4.2104; the CH relied upon the Executive Agency waiver to make the purchase.
889 Exception	Merchant has provided the required 889 representation at FAR 52.204-24(d)(2) with a “ <b>does</b> ” response, but in conjunction with the supporting contracting office, a FAR 52.204-25 (c) exception applies; the CH relied upon the exception to make the purchase. Written approval from the supporting contracting office shall be included with the transaction supporting data.
889 Payment	CH <b>was not</b> required to obtain the required 889 representation at FAR 52.204-24(d)(2) because the GPC was used only as a method of payment. Examples include: <ul style="list-style-type: none"> <li>- payments against a contract</li> <li>- to fulfill intra/inter-governmental requirements</li> <li>- to make payment against SF-182 commercial training requests in accordance with GPC policy</li> </ul>
889 Non-Compliant	CH purchased supplies/services without obtaining the required 889 representation at FAR 52.204-24(d)(2), that were not covered by an ODNI waiver, an Executive Agency waiver, or a FAR authorized exception. <b><u>The purchase was NOT in compliance with GPC policy.</u></b>

\* CHs are encouraged to use the Product Service Code (PSC) Selection Tool (<https://psctool.us>) to identify the PSC that applies to what is being purchased. This tool was designed to help users navigate and select PSCs quickly and accurately by allowing them to search for the right PSC by keyword search, code search, or using the Federal Government's category management spend categories.

If a Component was granted a waiver from the requirement to use the Bank Electronic Access System to retain transaction supporting data and/or create their purchase log, the Component Program Manager must issue guidance to ensure monthly retention and facilitates reporting of the data required in the memo.

The guidance provided herein will apply to any extensions that may be granted to Reference 1. Necessary policy changes will be incorporated into the next issuance of the DoD Charge Card Guidebook, or its successor policy. My point of contact is Ms. Denise Reich at [denise.a.reich.civ@mail.mil](mailto:denise.a.reich.civ@mail.mil).

Kim Herrington,  
Acting Principal Director,  
Defense Pricing and Contracting