

Tracye Howard Discusses Interim Federal Agency Ban on Certain Electronics from China

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Tracye Winfrey Howard, partner in Wiley Rein's Government Contracts Practice and co-chair of the National Security Practice, was quoted by *Law360* in a November 1 article about an interim rule prohibiting federal agencies from acquiring products from certain Chinese companies.

The interim rule, issued and implemented in August by the Federal Acquisition Regulatory (FAR) Council, bars contractors from providing federal agencies with telecommunications systems or video surveillance equipment made by Huawei, ZTE, and several other Chinese manufacturers. Federal contractors have raised concerns about the scope of the interim rule and meeting its compliance requirements, according to the article.

Law360 noted that Section 889 of the 2019 National Defense Authorization Act – the statute mandating the rule – offers some flexibility for the FAR Council to make the requirements clearer and less burdensome when it finalizes the rule. But Ms. Howard said that flexibility may be fairly limited.

"I think there is some room for clarification and revision in a final rule, but not a lot," Ms. Howard said. "The statute is very specific, and it doesn't leave a lot of room for interpretation on the part of the FAR Council."

To read the article, click here (*subscription required*).

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