

AHIDTA NDAA Pre-Purchase Checklist

Per Office of National Drug Control Policy

To ensure the exercise of due diligence when procuring items or services that may be covered by Section § 889(b)(2) of the NDAA, HIDTA management teams and initiative commanders should first determine whether the equipment or service meets one or both of the following criteria:

1. Does the equipment or service include the capture or storage of digital information or imagery (e.g. surveillance footage, or drones and drone images, etc.)? **Yes** **No**
2. Does the equipment or service transmit information or communications electronically (e.g. two-way radios, data sharing services, etc.)? **Yes** **No**

If the answer to one or both questions is “yes,” then the equipment or service is likely covered by the NDAA and subject to additional scrutiny. At a minimum, HIDTAs must ensure that the equipment or service is not manufactured, maintained, or otherwise associated with a covered foreign entity (reference the list of prohibited vendors in Appendix A). In addition, HIDTA management teams and initiative commanders should strive to answer the following questions prior to procuring any covered equipment or service with HIDTA funds:

1. Is the vendor based within the United States? **Yes** **No**
2. Does the vendor source components for the equipment or services from within the United States? **Yes** **No**
3. Is data stored and maintained within the United States? **Yes** **No**
4. Are warranty or service agreements honored or fulfilled within the United States? **Yes** **No**
5. Relying upon the best available information, is the vendor, including its affiliates or subsidiaries not listed as prohibited in HIDTA Program Policy and Budget Guidance (PPBG)? **Yes** **No**

An answer of “yes” to each of the above questions represents the lowest level of perceived risk to an individual HIDTA and the HIDTA Program. A “no” answer to any of the above questions may warrant additional review by the initiative commander and/or the HIDTA Director (or their designee) to determine the level of risk posed by procurement of the equipment or service.

Whenever procuring equipment or services from foreign vendors (e.g., the vendor website references China or Chinese entities, or any other foreign entities), included non-prohibited vendors, the HIDTA should determine the following before procuring the equipment or service:

- Is the equipment or service essential? **Yes** **No**
- Is a viable alternative manufactured or otherwise provided in the United States? **Yes** **No**
- Is any open source information readily available (e.g., internet search, news articles) that identifies potential risks posed by the equipment or service? **Yes** **No**

Although the only prohibited vendors are those outlined in the PPBG and this document, HIDTA management teams and initiative commanders should take every reasonable precaution to ensure that equipment and services purchased from foreign vendors do not unnecessarily increase vulnerability. By conducting due diligence HIDTAs are better positioned to identify potential threats and vulnerabilities, and manage risks.

NDA Section § 889(b)(2) Prohibited vendors:

Huawei Technologies Company; ZTE Corporation; Hytera Communications Corporation; Hangzhou Hikvision Digital Technology Company; Dahua Technology Company