

“ARAB LEAGUE BOYCOTT OF ISRAEL

“(a) DEFINITIONS.—As used in this clause—

“(1) the term ‘foreign person’ means any person other than a United States person as defined in paragraph (2); and

“(2) the term ‘United States person’ means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

“(b) CERTIFICATION.—By submitting this offer, the Offeror certifies that it is not—

“(1) taking or knowingly agreeing to take any action, with respect to the boycott of Israel by Arab League countries, which section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)) prohibits a United States person from taking; or

“(2) discriminating in the award of subcontracts on the basis of religion.”

(2) An Offeror would not be required to include the certification required by paragraph (1), if the Offeror is deemed not to comply with the Arab League boycott of Israel by the Secretary of State or a designee on the basis of available information. Certification by the Secretary of State or a designee may occur only 30 days after notice has been given to the Congress that this certification procedure will be utilized at a specific overseas mission.

(3) The Secretary of State shall ensure that all State Department contract solicitations include a detailed explanation of the requirements of section 4607(a)² of title 50.

(d) Review and termination

(1) The Department of State shall conduct reviews of the certifications submitted pursuant to this section for the purpose of assessing the accuracy of the certifications.

(2) Upon complaint of any foreign or United States person of a violation of the certification as required by this section, filed with the Secretary of State, the Department of State shall investigate such complaint, and if such complaint is found to be correct and a violation of the certification has been found, all contracts with such violator shall be terminated for default as soon as practicable, and, for a period of two years thereafter, the State Department shall not enter into any contracts with such a violator.

(Pub. L. 103–236, title V, §565, Apr. 30, 1994, 108 Stat. 484; Pub. L. 105–277, div. G, subdiv. A, title XIII, §1336(3), Oct. 21, 1998, 112 Stat. 2681–790.)

Editorial Notes

REFERENCES IN TEXT

Section 4607(a) of title 50, referred to in subsecs. (a)(2)(A), (3) and (c)(3), was repealed by Pub. L. 115–232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

Section 4618(2) of title 50, referred to in subsec. (a)(2)(B), was repealed by Pub. L. 115–232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

Section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)), referred to in subsec. (c)(1) in the quoted clause, is section 8(a) of Pub. L. 96–72, Sept. 29, 1979, 93 Stat. 521, which was editorially transferred to section 4607(a) of Title 50, War and National Defense, and was subsequently repealed by Pub. L. 115–232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

CODIFICATION

In subsec. (a)(1), “section 134 of title 41” substituted for “section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))” on authority of Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

1998—Subsec. (e). Pub. L. 105–277 struck out heading and text of subsec. (e). Text read as follows: “The provisions of this section shall apply to the United States Information Agency in the same manner and extent to which such provisions apply to the Department of State. In the application of this section to the United States Information Agency, the Director of the United States Information Agency or a designee shall have the authorities and responsibilities of the Secretary of State.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105–277, set out as an Effective Date note under section 6531 of this title.

SHORT TITLE

Pub. L. 103–236, title V, §561, Apr. 30, 1994, 108 Stat. 483, provided that: “This part [part C (§§561–565) of title V of Pub. L. 103–236, enacting this section and provisions set out as a note under section 2751 of this title] may be cited as the ‘Anti-Economic Discrimination Act of 1994.’”

§2679d. Exemption from certain procurement protest procedures for noncompetitive contracting in emergency circumstances

A determination by the Department to use procedures other than competitive procedures under section 3304 of title 41 in order to meet emergency security requirements, as determined by the Secretary or the Secretary’s designee, including physical security upgrades, protective equipment, and other immediate threat mitigation projects, shall not be subject to challenge by protest under either subchapter V of chapter 35 of title 31 or section 1491 of title 28.

(Pub. L. 114–323, title I, §115, Dec. 16, 2016, 130 Stat. 1911.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “Department” and “Secretary” as used in this section, see section 2 of Pub. L. 114–323, set out as a note under section 2651 of this title.

§2679e. List of certain telecommunications providers**(a) List of covered contractors**

Not later than 30 days after December 27, 2021, the Secretary, in consultation with the Director of National Intelligence and other appropriate Federal agencies as determined jointly by the Secretary and the Director of National Intel-

ligence, shall develop or maintain, as the case may be, and update as frequently as the Secretary determines appropriate, a list of covered contractors with respect to which the Department should seek to avoid entering into contracts. Not later than 30 days after the initial development of the list under this subsection, any update thereto, and annually thereafter for 5 years after such initial 30 day period, the Secretary shall submit to the appropriate congressional committees a copy of such list.

(b) Covered contractor defined

In this section, the term “covered contractor” means a provider of telecommunications, telecommunications equipment, or information technology equipment, including hardware, software, or services, that has knowingly assisted or facilitated a cyber attack or conducted surveillance, including passive or active monitoring, carried out against—

- (1) the United States by, or on behalf of, any government, or persons associated with such government, listed as a cyber threat actor in the intelligence community’s 2017 assessment of worldwide threats to United States national security or any subsequent worldwide threat assessment of the intelligence community; or
- (2) individuals, including activists, journalists, opposition politicians, or other individuals for the purposes of suppressing dissent or intimidating critics, on behalf of a country included in the annual country reports on human rights practices of the Department for systematic acts of political repression, including arbitrary arrest or detention, torture, extrajudicial or politically motivated killing, or other gross violations of human rights.

(Pub. L. 117–81, div. E, title LV, §5502, Dec. 27, 2021, 135 Stat. 2375.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “Secretary”, “Department”, and “appropriate congressional committees” as used in this section, see section 5002 of Pub. L. 117–81, set out as a note under section 263c of this title.

Pub. L. 117–81, div. E, title LV, §5501, Dec. 27, 2021, 135 Stat. 2375, provided that: “In this title [enacting this section and amending sections 4352 and 4354 of this title]:

- “(1) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).
- “(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term ‘relevant congressional committees’ means—
 - “(A) the appropriate congressional committees;
 - “(B) the Select Committee on Intelligence of the Senate; and
 - “(C) the Permanent Select Committee on Intelligence of the House of Representatives.”

§ 2680. Appropriations for State Department; information to congressional committees

(a)(1) Notwithstanding any provision of law enacted before October 26, 1974, no money appropriated to the Department of State under any law shall be available for obligation or expenditure with respect to any fiscal year commencing on or after July 1, 1972—

- (A) unless the appropriation thereof has been authorized by law enacted on or after February 7, 1972; or

(B) in excess of an amount prescribed by law enacted on or after such date.

(2) To the extent that legislation enacted after the making of an appropriation to the Department of State authorizes the obligation or expenditure thereof the limitation contained in paragraph (1) shall have no effect.

(3) The provisions of this section—

(A) shall not be superseded except by a provision of law enacted after February 7, 1972, which specifically repeals, modifies, or supersedes the provisions of this section; and

(B) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.

(b) The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility.

(Aug. 1, 1956, ch. 841, title I, §15, 70 Stat. 892; Pub. L. 92–226, pt. IV, §407(b), Feb. 7, 1972, 86 Stat. 35; Pub. L. 92–352, title I, §102, July 13, 1972, 86 Stat. 490; Pub. L. 93–475, §11, Oct. 26, 1974, 88 Stat. 1442; H. Res. 163, Mar. 19, 1975; renumbered title I, Pub. L. 97–241, title II, §202(a), Aug. 24, 1982, 96 Stat. 282.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 170t of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, §1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–475 incorporated existing provisions into par. (1) preceding subpar. (A), and par. 3(B), added pars. (1)(A), (B), (2), and (3)(A), and substituted “enacted before October 26, 1974, no money appropriated to the Department of State under any law shall be available for obligation or expenditure with respect to any fiscal year commencing on or after July 1, 1972” of “, no appropriation shall be made to the Department of State under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress.”, in par. (1) preceding subpar. (A), and “section” for “subsection” in par. (3).

1972—Subsec. (a). Pub. L. 92–352 inserted provisions that this subsection shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.

Pub. L. 92–226 substituted provisions constituting subssecs. (a) and (b) and prohibiting any State Department appropriation on and after July 1, 1972, without a prior congressional legislative authorization, and requiring the State Department and Federal agencies to furnish information to congressional committees for former provisions constituting the entire section and authorizing and making appropriations available for the State Department.