

(b) Definitions

In this section:

(1) Financial transaction

The term “financial transaction” means a transaction in which the purchaser or user of a wireless telecommunications service upon whom a tax, fee, or surcharge is imposed gives cash, credit, or any other exchange of monetary value or consideration to the person who is required to collect or remit the tax, fee, or surcharge.

(2) Local jurisdiction

The term “local jurisdiction” means a political subdivision of a State.

(3) State

The term “State” means any of the several States, the District of Columbia, and any territory or possession of the United States.

(4) State or local jurisdiction

The term “State or local jurisdiction” includes any governmental entity or person acting on behalf of a State or local jurisdiction that has the authority to assess, impose, levy, or collect taxes or fees.

(5) Wireless telecommunications service

The term “wireless telecommunications service” means a commercial mobile radio service, as defined in section 20.3 of title 47, Code of Federal Regulations, or any successor thereto.

(c) Financial transaction requirement**(1) In general**

A State, or a local jurisdiction of a State, may not require a person who is neither a resident of such State or local jurisdiction nor an entity having its principal place of business in such State or local jurisdiction to collect from, or remit on behalf of, any other person a State or local tax, fee, or surcharge imposed on a purchaser or user with respect to the purchase or use of any wireless telecommunications service within the State unless the collection or remittance is in connection with a financial transaction.

(2) Rule of construction

Nothing in this subsection shall be construed to affect the right of a State or local jurisdiction to require the collection of any tax, fee, or surcharge in connection with a financial transaction.

(d) Enforcement**(1) Private right of action**

Any person aggrieved by a violation of subsection (c) may bring a civil action in an appropriate district court of the United States for equitable relief in accordance with paragraph (2) of this subsection.

(2) Jurisdiction of district courts

Notwithstanding section 1341 of title 28, or the constitution or laws of any State, the district courts of the United States shall have jurisdiction, without regard to the amount in controversy or citizenship of the parties, to grant such mandatory or prohibitive injunc-

tive relief, interim equitable relief, and declaratory judgments as may be necessary to prevent, restrain, or terminate any acts in violation of subsection (c).

(Pub. L. 115-141, div. P, title VI, §620, Mar. 23, 2018, 132 Stat. 1114.)

§ 1511. Rules of construction**(a) Ranges of frequencies**

Each range of frequencies described in this chapter shall be construed to be inclusive of the upper and lower frequencies in the range.

(b) Assessment of electromagnetic spectrum re-allocation

Nothing in this chapter shall be construed to affect any requirement under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 note), as added by section 1062(a) of the National Defense Authorization Act for Fiscal Year 2000.

(Pub. L. 115-141, div. P, title VI, §621, Mar. 23, 2018, 132 Stat. 1115.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title VI of div. P of Pub. L. 115-141, Mar. 23, 2018, 132 Stat. 1097, which is classified principally to this chapter. For complete classification of title VI to the Code, see Short Title note set out under section 1501 of this title and Tables.

Section 156 of the National Telecommunications and Information Administration Organization Act, as added by section 1062(a) of the National Defense Authorization Act for Fiscal Year 2000, referred to in subsec. (b), is section 156 of title I of Pub. L. 102-538, as added by Pub. L. 106-65, div. A, title X, §1062(a), Oct. 5, 1999, 113 Stat. 767, formerly set out as a note under section 921 of this title.

§ 1512. Relationship to Middle Class Tax Relief and Job Creation Act of 2012

Nothing in this chapter shall be construed to limit, restrict, or circumvent in any way the implementation of the nationwide public safety broadband network defined in section 6001 of title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401) or any rules implementing that network under title VI of that Act (47 U.S.C. 1401 et seq.).

(Pub. L. 115-141, div. P, title VI, §622, Mar. 23, 2018, 132 Stat. 1115.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title VI of div. P of Pub. L. 115-141, Mar. 23, 2018, 132 Stat. 1097, which is classified principally to this chapter. For complete classification of title VI to the Code, see Short Title note set out under section 1501 of this title and Tables.

The Middle Class Tax Relief and Job Creation Act of 2012, referred to in text, is Pub. L. 112-96, Feb. 22, 2012, 126 Stat. 156. Title VI of the Act is classified principally to chapter 13 (§1401 et seq.) of this title. For complete classification of this Act to the Code, see section 1(a) of Pub. L. 112-96, set out as a Short Title of 2012 Amendment note under section 1 of Title 26, Internal Revenue Code, and Tables.

§ 1513. No additional funds authorized

No additional funds are authorized to be appropriated to carry out this chapter. This chapter shall be carried out using amounts otherwise authorized.

(Pub. L. 115–141, div. P, title VI, §623, Mar. 23, 2018, 132 Stat. 1115.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title VI of div. P of Pub. L. 115–141, Mar. 23, 2018, 132 Stat. 1097, which is classified principally to this chapter. For complete classification of title VI to the Code, see Short Title note set out under section 1501 of this title and Tables.

CHAPTER 15—SECURE AND TRUSTED COMMUNICATIONS NETWORKS

Sec.	
1601.	Determination of communications equipment or services posing national security risks.
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§ 1601. Determination of communications equipment or services posing national security risks**(a) Publication of covered communications equipment or services list**

Not later than 1 year after March 12, 2020, the Commission shall publish on its website a list of covered communications equipment or services.

(b) Publication by Commission

The Commission shall place on the list published under subsection (a) any communications equipment or service, if and only if such equipment or service—

(1) is produced or provided by any entity, if, based exclusively on the determinations described in paragraphs (1) through (4) of subsection (c), such equipment or service produced or provided by such entity poses an unacceptable risk to the national security of the United States or the security and safety of United States persons; and

(2) is capable of—

(A) routing or redirecting user data traffic or permitting visibility into any user data or packets that such equipment or service transmits or otherwise handles;

(B) causing the network of a provider of advanced communications service to be disrupted remotely; or

(C) otherwise posing an unacceptable risk to the national security of the United States or the security and safety of United States persons.

(c) Reliance on certain determinations

In taking action under subsection (b)(1), the Commission shall place on the list any commu-

nications equipment or service that poses an unacceptable risk to the national security of the United States or the security and safety of United States persons based solely on one or more of the following determinations:

(1) A specific determination made by any executive branch interagency body with appropriate national security expertise, including the Federal Acquisition Security Council established under section 1322(a) of title 41.

(2) A specific determination made by the Department of Commerce pursuant to Executive Order No. 13873 (84 Fed. Reg. 22689; relating to securing the information and communications technology and services supply chain).

(3) The communications equipment or service being covered telecommunications equipment or services, as defined in section 889(f)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1918).

(4) A specific determination made by an appropriate national security agency.

(d) Updating of list**(1) In general**

The Commission shall periodically update the list published under subsection (a) to address changes in the determinations described in paragraphs (1) through (4) of subsection (c).

(2) Monitoring of determinations

The Commission shall monitor the making or reversing of the determinations described in paragraphs (1) through (4) of subsection (c) in order to place additional communications equipment or services on the list published under subsection (a) or to remove communications equipment or services from such list. If a determination described in any such paragraph that provided the basis for a determination by the Commission under subsection (b)(1) with respect to any communications equipment or service is reversed, the Commission shall remove such equipment or service from such list, except that the Commission may not remove such equipment or service from such list if any other determination described in any such paragraph provides a basis for inclusion on such list by the Commission under subsection (b)(1) with respect to such equipment or service.

(3) Public notification

For each 12-month period during which the list published under subsection (a) is not updated, the Commission shall notify the public that no updates were necessary during such period to protect national security or to address changes in the determinations described in paragraphs (1) through (4) of subsection (c).

(Pub. L. 116–124, §2, Mar. 12, 2020, 134 Stat. 158.)

Editorial Notes

REFERENCES IN TEXT

Executive Order No. 13873, referred to in subsec. (c)(2), is Ex. Ord. No. 13873, May 15, 2019, 84 F.R. 22689, which is listed in a table under section 1701 of Title 50, War and National Defense.

Section 889(f)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, referred