

§ 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

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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