

cern 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 (a)(2)(A), (3) and (c)(3), was repealed by Pub.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 (a)(2)(B), was repealed by Pub.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 Intelligence, 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, tele-