

### § 1513. No additional funds authorized

No additional funds are authorized to be appropriated to carry out this chapter, or the amendments made by this title.<sup>1</sup> This chapter, and the amendments made by this title,<sup>1</sup> 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.

This title, referred to in text, means title VI of div. P of Pub. L. 115–141. See note above.

### 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 communications 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.)

<sup>1</sup> See References in Text note below.

**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 to in subsec. (c)(3), is section 889(f)(3) of Pub. L. 115-232, which is set out in a note preceding section 3901 of Title 41, Public Contracts.

**Statutory Notes and Related Subsidiaries**

## SHORT TITLE

Pub. L. 116-124, §1, Mar. 12, 2020, 134 Stat. 158, provided that: “This Act [enacting this chapter] may be cited as the ‘Secure and Trusted Communications Networks Act of 2019.’”

## SECURE EQUIPMENT

Pub. L. 117-55, Nov. 11, 2021, 135 Stat. 423, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Secure Equipment Act of 2021’.

“SEC. 2. UPDATES TO EQUIPMENT AUTHORIZATION PROCESS OF FEDERAL COMMUNICATIONS COMMISSION.

“(a) RULEMAKING.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Nov. 11, 2021], the Commission shall adopt rules in the proceeding initiated in the Notice of Proposed Rulemaking in the matter of Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program (ET Docket No. 21-232; FCC 21-73; adopted June 17, 2021), in accordance with paragraph (2), to update the equipment authorization procedures of the Commission.

“(2) UPDATES REQUIRED.—In the rules adopted under paragraph (1), the Commission shall clarify that the Commission will no longer review or approve any application for equipment authorization for equipment that is on the list of covered communications equipment or services published by the Commission under section 2(a) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601(a)).

“(3) APPLICABILITY.—

“(A) IN GENERAL.—In the rules adopted under paragraph (1), the Commission may not provide for review or revocation of any equipment authorization granted before the date on which such rules are adopted on the basis of the equipment being on the list described in paragraph (2).

“(B) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit the Commission, other than in the rules adopted under paragraph (1), from—

“(i) examining the necessity of review or revocation of any equipment authorization on the basis of the equipment being on the list described in paragraph (2); or

“(ii) adopting rules providing for any such review or revocation.

“(b) DEFINITION.—In this section, the term ‘Commission’ means the Federal Communications Commission.”

**§ 1602. Prohibition on use of certain Federal subsidies****(a) In general****(1) Prohibition**

A Federal subsidy that is made available through a program administered by the Com-

mission and that provides funds to be used for the capital expenditures necessary for the provision of advanced communications service may not be used to—

(A) purchase, rent, lease, or otherwise obtain any covered communications equipment or service; or

(B) maintain any covered communications equipment or service previously purchased, rented, leased, or otherwise obtained.

**(2) Timing**

Paragraph (1) shall apply with respect to any covered communications equipment or service beginning on the date that is 60 days after the date on which the Commission places such equipment or service on the list required by section 1601(a) of this title. In the case of any covered communications equipment or service that is on the initial list published under such section, such equipment or service shall be treated as being placed on the list on the date on which such list is published.

**(b) Completion of proceeding**

Not later than 180 days after March 12, 2020, the Commission shall adopt a Report and Order to implement subsection (a). If the Commission has, before March 12, 2020, taken action that in whole or in part implements subsection (a), the Commission is not required to revisit such action, but only to the extent such action is consistent with this section.

(Pub. L. 116-124, §3, Mar. 12, 2020, 134 Stat. 159.)

**§ 1603. Secure and Trusted Communications Networks Reimbursement Program****(a) In general**

The Commission shall establish a reimbursement program, to be known as the “Secure and Trusted Communications Networks Reimbursement Program”, to make reimbursements to providers of advanced communications service to replace covered communications equipment or services.

**(b) Eligibility**

The Commission may not make a reimbursement under the Program to a provider of advanced communications service unless the provider—

(1) has 10,000,000 or fewer customers; and

(2) makes all of the certifications required by subsection (d)(4).

**(c) Use of funds****(1) In general**

A recipient of a reimbursement under the Program shall use reimbursement funds solely for the purposes of—

(A) permanently removing covered communications equipment or services purchased, rented, leased, or otherwise obtained—

(i) as defined in the Report and Order of the Commission in the matter of Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs (FCC 19-121; WC Docket No. 18-89; adopted November 22, 2019) (in this section referred to as the “Report and Order”); or