

1064, which is classified principally to chapter 5 (§151 et seq.) of this title. For complete classification of this Act to the Code, see section 609 of this title and Tables.

§ 1607. NTIA program for preventing future vulnerabilities

(a) Future vulnerability program

(1) Establishment

Not later than 120 days after March 12, 2020, including an opportunity for notice and comment, the Assistant Secretary, in cooperation with the Director of National Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of Homeland Security, and the Commission, shall establish a program to share information regarding supply chain security risks with trusted providers of advanced communications service and trusted suppliers of communications equipment or services.

(2) Activities

In carrying out the program established under paragraph (1), the Assistant Secretary shall—

(A) conduct regular briefings and other events to share information with trusted providers of advanced communications service and trusted suppliers of communications equipment or services;

(B) engage with trusted providers of advanced communications service and trusted suppliers of communications equipment or services, in particular such providers and suppliers that—

- (i) are small businesses; or
- (ii) primarily serve rural areas;

(C) not later than 180 days after March 12, 2020, submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for—

(i) declassifying material, when feasible, to help share information regarding supply chain security risks with trusted providers of advanced communications service and trusted suppliers of communications equipment or services; and

(ii) expediting and expanding the provision of security clearances to facilitate information sharing regarding supply chain security risks with trusted providers of advanced communications service and trusted suppliers of communications equipment or services; and

(D) ensure that the activities carried out through the program are consistent with and, to the extent practicable, integrated with, ongoing activities of the Department of Homeland Security and the Department of Commerce.

(3) Scope of program

The program established under paragraph (1) shall involve only the sharing of information regarding supply chain security risks by the Federal Government to trusted providers of advanced communications service and trusted suppliers of communications equipment or

services, and not the sharing of such information by such providers and suppliers to the Federal Government.

(b) Representation on CSRIC of interests of public and consumers

(1) In general

The Commission shall appoint to the Communications Security, Reliability, and Interoperability Council (or any successor thereof), and to each subcommittee, workgroup, or other subdivision of the Council (or any such successor), at least one member to represent the interests of the public and consumers.

(2) Initial appointments

The Commission shall make the initial appointments required by paragraph (1) not later than 180 days after March 12, 2020. Any member so appointed shall be in addition to the members of the Council, or the members of the subdivision of the Council to which the appointment is being made, as the case may be, as of March 12, 2020.

(c) Definitions

In this section:

(1) Assistant Secretary

The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(2) Foreign adversary

The term “foreign adversary” means any foreign government or foreign nongovernment person engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons.

(3) Supply chain security risk

The term “supply chain security risk” includes specific risk and vulnerability information related to equipment and software.

(4) Trusted

The term “trusted” means, with respect to a provider of advanced communications service or a supplier of communications equipment or service, that the Assistant Secretary has determined that such provider or supplier is not owned by, controlled by, or subject to the influence of a foreign adversary.

(Pub. L. 116-124, §8, Mar. 12, 2020, 134 Stat. 168.)

§ 1608. Definitions

In this chapter:

(1) Advanced communications service

The term “advanced communications service” has the meaning given the term “advanced telecommunications capability” in section 1302 of this title.

(2) Appropriate national security agency

The term “appropriate national security agency” means—

- (A) the Department of Homeland Security;
- (B) the Department of Defense;
- (C) the Office of the Director of National Intelligence;

- (D) the National Security Agency; and
- (E) the Federal Bureau of Investigation.

(3) Commission

The term “Commission” means the Federal Communications Commission.

(4) Communications equipment or service

The term “communications equipment or service” means any equipment or service that is essential to the provision of advanced communications service.

(5) Covered communications equipment or service

The term “covered communications equipment or service” means any communications equipment or service that is on the list published by the Commission under section 1601(a) of this title.

(6) Customers

The term “customers” means, with respect to a provider of advanced communications service—

- (A) the customers of such provider; and
- (B) the customers of any affiliate (as defined in section 153 of this title) of such provider.

(7) Executive branch interagency body

The term “executive branch interagency body” means an interagency body established in the executive branch.

(8) Person

The term “person” means an individual or entity.

(9) Program

The term “Program” means the Secure and Trusted Communications Networks Reimbursement Program established under section 1603(a) of this title.

(10) Provider of advanced communications service

The term “provider of advanced communications service”—

- (A) means a person who provides advanced communications service to United States customers; and
- (B) includes—

- (i) accredited public or private non-commercial educational institutions, providing their own facilities-based educational broadband service, as defined in section 27.4 of title 47, Code of Federal Regulations, or any successor regulation; and

- (ii) health care providers and libraries providing advanced communications service.

(11) Recipient

The term “recipient” means any provider of advanced communications service the application of which for a reimbursement under the Program has been approved by the Commission, regardless of whether the provider has received reimbursement funds.

(12) Reimbursement funds

The term “reimbursement funds” means any reimbursement received under the Program.

(Pub. L. 116-124, §9, Mar. 12, 2020, 134 Stat. 169; Pub. L. 116-260, div. N, title IX, §901(2), Dec. 27, 2020, 134 Stat. 2121.)

Editorial Notes

AMENDMENTS

2020—Par. (10). Pub. L. 116-260 amended par. (10) generally. Prior to amendment, text read as follows: “The term ‘provider of advanced communications service’ means a person who provides advanced communications service to United States customers.”

§ 1609. Severability

If any provision of this chapter, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remaining provisions of this chapter, and the application of such provisions to any person or circumstance, shall not be affected thereby.

(Pub. L. 116-124, §10, Mar. 12, 2020, 134 Stat. 170.)

CHAPTER 16—BROADBAND ACCESS

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SUBCHAPTER I—BROADBAND GRANTS FOR STATES, DISTRICT OF COLUMBIA, PUERTO RICO, AND TERRITORIES

§ 1701. Findings

Congress finds the following:

(1) Access to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States.

(2) The persistent “digital divide” in the United States is a barrier to the economic competitiveness of the United States and equitable distribution of essential public services, including health care and education.

(3) The digital divide disproportionately affects communities of color, lower-income areas, and rural areas, and the benefits of broadband should be broadly enjoyed by all.

(4) In many communities across the country, increased competition among broadband pro-