AMENDMENT TO COMMITTEE PRINT 117–13
OFFERED BY MR. KELLY OF MISSISSIPPI

At the end of subtitle C of title VIII, add the following new section:

SEC. 8. STATEMENT OF POLICY AND DETERMINATION RELATED TO COVERED OPTICAL TRANSMISSION EQUIPMENT OR SERVICES.

(a) Statement of Policy.—It is the policy of the United States that covered optical transmission equipment or services is a critical component of the United States information and communications technology supply chain, and the Department of Defense should procure covered optical transmission equipment or services from trusted manufacturers and suppliers for use in communications networks.

(b) Determination Related to Covered Optical Transmission Equipment or Services.—

(1) Proceeding.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall commence a process to make a determination whether a proposed procurement of covered optical transmission equipment or services that is manufactured, produced, or distributed by an
entity owned, controlled, or supported by the People’s Republic of China poses an unacceptable risk to the national security of the United States.

(2) COMMUNICATION OF DETERMINATION.—If the Secretary determines pursuant to paragraph (1) that a proposed procurement of covered optical transmission equipment or services poses an unacceptable risk, the Secretary shall immediately publish that determination in the Federal Register and submit that determination to the relevant Federal agencies, including the Department of Commerce and the Federal Communications Commission.

(c) COMMERCIAL NETWORKS.—

(1) STUDY REQUIRED.—If the Secretary of Defense makes a determination under subsection (b) that a proposed procurement of covered optical transmission equipment or services poses an unacceptable risk to the national security of the United States, the Federal Communications Commission shall—

(A) within 90 days after receipt of such determination, complete a study to determine the extent to which such covered optical transmission equipment or services is present in
commercial communications networks in the United States; and

(B) submit to Congress a report on the study conducted under subparagraph (A).

(2) COVERED COMMUNICATIONS EQUIPMENT OR SERVICES LIST.—If the requirements for placement on the covered communications equipment or services list under section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601) are met, the Federal Communications Commission shall place such covered optical transmission equipment or services on such list, but the prohibition in section 3(a)(1)(B) of such Act (47 U.S.C. 1602(a)(1)(B)) shall not take effect until the date that is 1 year after the Commission places such covered optical transmission equipment or services on such list.

(3) REIMBURSEMENT.—Any covered optical transmission equipment or services placed on the covered communications equipment or services list described in paragraph (2) shall not be eligible for reimbursement under the Secure and Trusted Communications Networks Reimbursement Program established under section 4 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C.
4

1603) until the date that is 1 year after the Commission places such covered optical transmission equipment or services on such list.

(d) COVERED OPTICAL TRANSMISSION EQUIPMENT OR SERVICES DEFINED.—In this section, the term “covered optical transmission equipment or services” means—

(1) optical transmission equipment, including optical fiber and cable, that is capable of routing or redirecting user data traffic or permitting visibility into any user data or packets that such equipment transmits or handles; or

(2) services that use such equipment.