

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:

1 **SEC. 8 ____ . STATEMENT OF POLICY AND DETERMINATION**
2 **RELATED TO COVERED OPTICAL TRANS-**
3 **MISSION EQUIPMENT OR SERVICES.**

4 (a) STATEMENT OF POLICY.—It is the policy of the
5 United States that covered optical transmission equipment
6 or services is a critical component of the United States
7 information and communications technology supply chain,
8 and the Department of Defense should procure covered
9 optical transmission equipment or services from trusted
10 manufacturers and suppliers for use in communications
11 networks.

12 (b) DETERMINATION RELATED TO COVERED OPTI-
13 CAL TRANSMISSION EQUIPMENT OR SERVICES.—

14 (1) PROCEEDING.—Not later than 45 days
15 after the date of the enactment of this Act, the Sec-
16 retary of Defense shall commence a process to make
17 a determination whether a proposed procurement of
18 covered optical transmission equipment or services
19 that is manufactured, produced, or distributed by an

1 entity owned, controlled, or supported by the Peo-
2 ple's Republic of China poses an unacceptable risk
3 to the national security of the United States.

4 (2) COMMUNICATION OF DETERMINATION.—If
5 the Secretary determines pursuant to paragraph (1)
6 that a proposed procurement of covered optical
7 transmission equipment or services poses an unac-
8 ceptable risk, the Secretary shall immediately pub-
9 lish that determination in the Federal Register and
10 submit that determination to the relevant Federal
11 agencies, including the Department of Commerce
12 and the Federal Communications Commission.

13 (c) COMMERCIAL NETWORKS.—

14 (1) STUDY REQUIRED.—If the Secretary of De-
15 fense makes a determination under subsection (b)
16 that a proposed procurement of covered optical
17 transmission equipment or services poses an unac-
18 ceptable risk to the national security of the United
19 States, the Federal Communications Commission
20 shall—

21 (A) within 90 days after receipt of such
22 determination, complete a study to determine
23 the extent to which such covered optical trans-
24 mission equipment or services is present in

1 commercial communications networks in the
2 United States; and

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

5 (2) COVERED COMMUNICATIONS EQUIPMENT OR
6 SERVICES LIST.—If the requirements for placement
7 on the covered communications equipment or serv-
8 ices list under section 2 of the Secure and Trusted
9 Communications Networks Act of 2019 (47 U.S.C.
10 1601) are met, the Federal Communications Com-
11 mission shall place such covered optical transmission
12 equipment or services on such list, but the prohibi-
13 tion in section 3(a)(1)(B) of such Act (47 U.S.C.
14 1602(a)(1)(B)) shall not take effect until the date
15 that is 1 year after the Commission places such cov-
16 ered optical transmission equipment or services on
17 such list.

18 (3) REIMBURSEMENT.—Any covered optical
19 transmission equipment or services placed on the
20 covered communications equipment or services list
21 described in paragraph (2) shall not be eligible for
22 reimbursement under the Secure and Trusted Com-
23 munications Networks Reimbursement Program es-
24 tablished under section 4 of the Secure and Trusted
25 Communications Networks Act of 2019 (47 U.S.C.

1 1603) until the date that is 1 year after the Com-
2 mission places such covered optical transmission
3 equipment or services on such list.

4 (d) COVERED OPTICAL TRANSMISSION EQUIPMENT
5 OR SERVICES DEFINED.—In this section, the term “cov-
6 ered optical transmission equipment or services” means—

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

12 (2) services that use such equipment.

