

AMENDMENT TO
RULES COMMITTEE PRINT 119–8
OFFERED BY MR. MOOLENAAR OF MICHIGAN

At the end of subtitle B of title XVII, insert the following new section:

1 **SEC. 17__ . EVALUATION OF COMMUNICATIONS EQUIPMENT**
2 **AND SERVICES PRODUCED OR PROVIDED BY**
3 **CERTAIN FOREIGN ADVERSARY ENTITIES.**

4 (a) **EVALUATION REQUIRED.**—Not later than one
5 year after the date of the enactment of this Act, an appropriate national security agency shall determine if any of
6 the following communications equipment or services pose
7 an unacceptable risk to the national security of the United
8 States or the security and safety of United States persons:

10 (1) Communications equipment, including routers,
11 switches, and networking devices, produced by
12 TP–Link Technologies Co., Ltd. (commonly known
13 as “TP–Link”).

14 (2) Communications equipment, including routers,
15 switches, and networking devices, produced by
16 Mercury Communication Technologies Co., Ltd.

17 (3) With respect to an entity described in paragraph
18 (1) or (2) (in this subsection referred to as a

1 “named entity”), communications equipment, includ-
2 ing routers, switches, and networking devices, pro-
3 duced by—

4 (A) any subsidiary, affiliate, or partner of
5 the named entity;

6 (B) any entity in a joint venture with the
7 named entity; or

8 (C) any entity with which the named entity
9 has a technology sharing agreement.

10 (4) Communications services, including
11 firmware, software, and cloud-based management
12 services, provided by an entity described in para-
13 graph (1), (2), or (3) or using equipment described
14 in any such paragraph.

15 (b) ADDITION TO COVERED LIST.—If the appro-
16 priate national security agency does not make a deter-
17 mination as required by subsection (a) within one year
18 after the date of the enactment of this Act, the Commis-
19 sion shall add all communications equipment and services
20 listed in subsection (a) to the covered list.

21 (c) INCLUSION ON COVERED LIST.—

22 (1) RISK DETERMINATION.—Not later than 60
23 days after an appropriate national security agency
24 determines that any communications equipment or
25 services specified in subsection (a) present an unac-

1 ceptable risk to the national security of the United
2 States or the security and safety of United States
3 persons—

4 (A) the Commission shall place such com-
5 munications equipment or services on the cov-
6 ered list; and

7 (B) the appropriate national security agen-
8 cy shall submit to the appropriate congressional
9 committees a report on the determination,
10 which shall be in unclassified form but may in-
11 clude a classified annex.

12 (2) OTHER DETERMINATIONS.—Not later than
13 60 days after an appropriate national security agen-
14 cy determines that any communications equipment
15 or services specified in subsection (a) do not present
16 an unacceptable risk to the national security of the
17 United States or the security and safety of United
18 States persons—

19 (A) such agency shall submit to the appro-
20 priate congressional committees a report on the
21 determination, which shall be in unclassified
22 form but may include a classified annex; and

23 (B) within 180 days following such deter-
24 mination, all other appropriate national security
25 agencies shall review the determination and

1 submit to the appropriate congressional com-
2 mittees a report on the respective determina-
3 tions of such agencies, which shall be in unclas-
4 sified form but may include a classified annex.

5 (d) DEFINITIONS.—In this section:

6 (1) The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Armed Services, the
9 Committee on Homeland Security and Govern-
10 mental Affairs, the Committee on Commerce,
11 Science, and Transportation, and the Select
12 Committee on Intelligence of the Senate; and

13 (B) the Committee on Armed Services, the
14 Committee on Homeland Security, the Com-
15 mittee on Energy and Commerce, and the Per-
16 manent Select Committee on Intelligence of the
17 House of Representatives.

18 (2) The term “appropriate national security
19 agency” has the meaning given such term in section
20 9 of the Secure and Trusted Communications Net-
21 works Act of 2019 (47 U.S.C. 1608).

22 (3) The term “Commission” means the Federal
23 Communications Commission.

24 (4) The term “covered list” means the list of
25 covered communications equipment or services pub-

1 lished by the Commission under section 2(a) of the
2 Secure and Trusted Communications Networks Act
3 of 2019 (47 U.S.C. 1601(a)).

4 (5) The term “technology sharing agreement”
5 means an agreement in which a named entity li-
6 censes technology of such entity to a company di-
7 rectly or through an intermediary manufacturer.

