

**Calendar No. 640**116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 4472**

To amend the Secure and Trusted Communications Network Reimbursement Program to include eligible telecommunications carriers and providers of educational broadband service, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

AUGUST 6, 2020

Mr. PETERS (for himself, Mr. JOHNSON, and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 15, 2020

Reported by Mr. WICKER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To amend the Secure and Trusted Communications Network Reimbursement Program to include eligible telecommunications carriers and providers of educational broadband service, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ensuring Network Se-  
3 curity Act”.

4 **SEC. 2. AMENDMENTS TO THE SECURE AND TRUSTED COM-  
5 MUNICATIONS NETWORKS REIMBURSEMENT  
6 PROGRAM.**

7 Section 4 of the Secure and Trusted Communications  
8 Networks Act of 2019 (47 U.S.C. 1603) is amended—

9 (1) in subsection (b)(1), by striking  
10 “2,000,000” and inserting “10,000,000”;

11 (2) in subsection (c)—

12 (A) in paragraph (1)(A)—

13 (i) in the matter preceding clause (i),  
14 by inserting “, as defined in section 9 or  
15 as defined in the Report and Order of the  
16 Commission in the matter of Protecting  
17 Against National Security Threats to the  
18 Communications Supply Chain Through  
19 FCC Programs (FCC 19–121; WC Docket  
20 No. 18–89; adopted November 22, 2019)  
21 (in this section referred to as the ‘Report  
22 and Order’) and subsequently reported to  
23 the Commission in response to its Feb-  
24 ruary 26, 2020, Supply Chain Data Collec-  
25 tion, and” after “services”;

1 (ii) in clause (i), by inserting “were  
2 reported to the Commission in response to  
3 its February 26, 2020, Supply Chain Data  
4 Collection or” after “services that”; and

5 (iii) in clause (ii), by inserting “were  
6 not reported to the Commission in re-  
7 sponse to its February 26, 2020, Supply  
8 Chain Data Collection or” after “services  
9 that”; and

10 (B) in paragraph (2)(A)—

11 (i) in clause (i), by inserting “was re-  
12 ported to the Commission in response to  
13 its February 26, 2020, Supply Chain Data  
14 Collection or” after “service that”; and

15 (ii) in clause (ii), by inserting “was  
16 not reported to the Commission in re-  
17 sponse to its February 26, 2020, Supply  
18 Chain Data Collection or” after “service  
19 that”; and

20 (3) in subsection (d)(5)—

21 (A) in subparagraph (A), by striking “The  
22 Commission” and inserting “Subject to sub-  
23 paragraph (C), the Commission”; and

24 (B) by adding at the end the following:

1           “(C) PRIORITY FOR ALLOCATION.—On and  
2 after the date of enactment of this subpara-  
3 graph, the Commission shall allocate sufficient  
4 reimbursement funds—

5           “(i) first, to approved applicants that  
6 have 2,000,000 or fewer customers, for re-  
7 moval and replacement of covered commu-  
8 nications equipment, as defined in section  
9 9;

10          “(ii) after funds have been allocated  
11 to all applicants described in clause (i), to  
12 approved applicants that are accredited  
13 public or private non-commercial edu-  
14 cational institutions providing their own  
15 facilities-based education broadband serv-  
16 ice, as defined in section 27.4 of title 47,  
17 Code of Federal Regulations, or any suc-  
18 cessor regulation, for removal and replace-  
19 ment of covered communications equip-  
20 ment, as defined in the Report and Order;  
21 and

22          “(iii) after funds have been allocated  
23 to all applicants described in clause (ii), to  
24 approved applicants that are designated as  
25 eligible telecommunications carriers under

1 section 214(e) of the Communications Act  
 2 of 1934 (47 U.S.C. 214(e)) or affiliates of  
 3 such a carrier, for removal and replace-  
 4 ment of covered communications equip-  
 5 ment, as defined in the Report and Order  
 6 and subsequently reported to the Commis-  
 7 sion in response to its February 26, 2020,  
 8 Supply Chain Data Collection.”.

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Ensuring Network Secu-*  
 11 *rity Act”.*

12 **SEC. 2. AMENDMENTS TO THE SECURE AND TRUSTED COM-**  
 13 **MUNICATIONS NETWORK REIMBURSEMENT**  
 14 **PROGRAM.**

15 *The Secure and Trusted Communications Networks*  
 16 *Act of 2019 (47 U.S.C. 1601 et seq.) is amended—*

17 *(1) in section 4 (47 U.S.C. 1603)—*

18 *(A) in subsection (b)(1), by striking*  
 19 *“2,000,000” and inserting “10,000,000”;*

20 *(B) in subsection (c)—*

21 *(i) in paragraph (1)(A)—*

22 *(I) in the matter preceding clause*  
 23 *(i), by striking “before”;*

24 *(II) by amending clause (i) to*  
 25 *read as follows:*

1           “(i) as defined in the Report and  
2           Order of the Commission in the matter of  
3           Protecting Against National Security  
4           Threats to the Communications Supply  
5           Chain Through FCC Programs (FCC 19–  
6           121; WC Docket No. 18–89; adopted Novem-  
7           ber 22, 2019) (in this section referred to as  
8           the ‘Report and Order’); or”;

9                               (III) by amending clause (ii) to  
10                              read as follows:

11           “(ii) as determined to be covered by  
12           both the process of the Report and Order  
13           and the Designation Orders of the Commis-  
14           sion on June 30, 2020 (DA 20–690; PS  
15           Docket No. 19–351; adopted June 30, 2020)  
16           (DA 20–691; PS Docket No. 19–352; adopt-  
17           ed June 30, 2020) (in this section collec-  
18           tively referred to as the ‘Designation Or-  
19           ders’);”;

20                              (ii) in paragraph (2)(A)—

21                              (I) by amending clauses (i) and  
22                              (ii) to read as follows:

23           “(i) publication of the Report and  
24           Order; or

1           “(ii) in the case of covered communica-  
2           tions equipment that only became covered  
3           pursuant to the Designation Orders, June  
4           30, 2020; or”;

5           (C) in subsection (d)(5)—

6           (i) in subparagraph (A), by striking  
7           “The Commission” and inserting “Subject  
8           to subparagraph (C), the Commission”; and

9           (ii) by adding at the end the following:

10           “(C) PRIORITY FOR ALLOCATION.—On and  
11           after the date of enactment of this subparagraph,  
12           the Commission shall allocate sufficient reim-  
13           bursement funds—

14           “(i) first, to approved applicants that  
15           have 2,000,000 or fewer customers, for re-  
16           moval and replacement of covered commu-  
17           nications equipment, as defined in section 9  
18           or as designated by the process set forth in  
19           the Report and Order;

20           “(ii) after funds have been allocated to  
21           all applicants described in clause (i), to ap-  
22           proved applicants that are accredited public  
23           or private non-commercial educational in-  
24           stitutions providing their own facilities-  
25           based educational broadband service, as de-

1           *defined in section 27.4 of title 47, Code of*  
 2           *Federal Regulations, or any successor regu-*  
 3           *lation, for removal and replacement of cov-*  
 4           *ered communications equipment, as defined*  
 5           *in section 9 or as designated by the process*  
 6           *set forth in the Report and Order; and*

7                   *“(iii) after funds have been allocated to*  
 8                   *all applicants described in clause (ii), to*  
 9                   *any remaining approved applicants deter-*  
 10                   *mined to be eligible for reimbursement*  
 11                   *under the Program.”; and*

12                   *(D) by adding at the end the following:*

13           *“(k) LIMITATION.—In carrying out this section, the*  
 14           *Commission may not expend more than \$1,900,000,000.”;*  
 15           *and*

16                   *(2) in section 9 (47 U.S.C. 1608), by amending*  
 17           *paragraph (10) to read as follows:*

18                   *“(10) PROVIDER OF ADVANCED COMMUNICATIONS*  
 19           *SERVICE.—The term ‘provider of advanced commu-*  
 20           *nications service’—*

21                   *“(A) means a person who provides ad-*  
 22           *vanced communications service to United States*  
 23           *customers; and*

24                   *“(B) includes—*



1           “(i) accredited public or private non-  
2           commercial educational institutions pro-  
3           viding their own facilities-based educational  
4           broadband service, as defined in section  
5           27.4 of title 47, Code of Federal Regula-  
6           tions, or any successor regulation; and

7           “(ii) health care providers and librar-  
8           ies providing advanced communications  
9           service.”.

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