

(f) Effect of removal of equipment or service from list**(1) In general**

If, after the date on which a recipient of a reimbursement under the Program submits the application for the reimbursement, any covered communications equipment or service that is in the network of the recipient as of such date is removed from the list published under section 1601(a) of this title, the recipient may—

(A) return to the Commission any reimbursement funds received for the removal, replacement, and disposal of such equipment or service and be released from any requirement under this section to remove, replace, or dispose of such equipment or service; or

(B) retain any reimbursement funds received for the removal, replacement, and disposal of such equipment or service and remain subject to the requirements of this section to remove, replace, and dispose of such equipment or service as if such equipment or service continued to be on the list published under section 1601(a) of this title.

(2) Assurances

In the case of an assurance relating to the removal, replacement, or disposal of any equipment or service with respect to which the recipient returns to the Commission reimbursement funds under paragraph (1)(A), such assurance may be satisfied by making an assurance that such funds have been returned.

(g) Rulemaking**(1) Commencement**

Not later than 90 days after March 12, 2020, the Commission shall commence a rulemaking to implement this section.

(2) Completion

The Commission shall complete the rulemaking under paragraph (1) not later than 1 year after March 12, 2020.

(h) Rule of construction regarding timing of reimbursement

Nothing in this section shall be construed to prohibit the Commission from making a reimbursement under the Program to a provider of advanced communications service before the provider incurs the cost of the permanent removal, replacement, and disposal of the covered communications equipment or service for which the application of the provider has been approved under this section.

(i) Education efforts

The Commission shall engage in education efforts with providers of advanced communications service to—

(1) encourage such providers to participate in the Program; and

(2) assist such providers in submitting applications for the Program.

(j) Separate from Federal universal service programs

The Program shall be separate from any Federal universal service program established under section 254 of this title.

(k) Limitation

In carrying out this section, the Commission may not expend more than \$1,900,000,000.

(Pub. L. 116-124, § 4, Mar. 12, 2020, 134 Stat. 160; Pub. L. 116-260, div. N, title IX, § 901(1), Dec. 27, 2020, 134 Stat. 2120.)

Editorial Notes

AMENDMENTS

2020—Subsec. (b)(1). Pub. L. 116-260, § 901(1)(A), substituted “10,000,000” for “2,000,000”.

Subsec. (c)(1)(A). Pub. L. 116-260, § 901(1)(B)(i)(I), struck out “before” after “otherwise obtained” in introductory provisions.

Subsec. (c)(1)(A)(i). Pub. L. 116-260, § 901(1)(B)(i)(II), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: “in the case of any covered communications equipment or services that are on the initial list published under section 1601(a) of this title, August 14, 2018; or”.

Subsec. (c)(1)(A)(ii). Pub. L. 116-260, § 901(1)(B)(i)(III), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: “in the case of any covered communications equipment or services that are not on the initial list published under section 1601(a) of this title, the date that is 60 days after the date on which the Commission places such equipment or services on the list required by such section;”.

Subsec. (c)(2)(A)(i), (ii). Pub. L. 116-260, § 901(1)(B)(ii), amended cls. (i) and (ii) generally. Prior to amendment, cls. (i) and (ii) read as follows:

“(i) in the case of any covered communications equipment or service that is on the initial list published under section 1601(a) of this title, August 14, 2018; or

“(ii) in the case of any covered communications equipment or service that is not on the initial list published under section 1601(a) of this title, the date that is 60 days after the date on which the Commission places such equipment or service on the list required by such section; or”.

Subsec. (d)(5)(A). Pub. L. 116-260, § 901(1)(C)(i), substituted “Subject to subparagraph (C), the Commission” for “The Commission”.

Subsec. (d)(5)(C). Pub. L. 116-260, § 901(1)(C)(ii), added subpar. (C).

Subsec. (k). Pub. L. 116-260, § 901(1)(D), added subsec. (k).

§ 1604. Reports on covered communications equipment or services**(a) In general**

Each provider of advanced communications service shall submit an annual report to the Commission, in a form to be determined by the Commission, regarding whether such provider has purchased, rented, leased, or otherwise obtained any covered communications equipment or service on or after—

(1) in the case of any covered communications equipment or service that is on the initial list published under section 1601(a) of this title, August 14, 2018; or

(2) in the case of any covered communications equipment or service that is not on the initial list published under section 1601(a) of this title, the date that is 60 days after the date on which the Commission places such equipment or service on the list required by such section.

(b) Rule of construction

If a provider of advanced communications service certifies to the Commission that such

provider does not have any covered communications equipment or service in the network of such provider, such provider is not required to submit a report under subsection (a) after making such certification, unless such provider later purchases, rents, leases, or otherwise obtains any covered communications equipment or service.

(c) Justification

If a provider of advanced communications service indicates in a report under subsection (a) that such provider has purchased, rented, leased, or otherwise obtained any covered communications equipment or service as described in such subsection, such provider shall include in such report—

- (1) a detailed justification for such action;
- (2) information about whether such covered communications equipment or service has subsequently been removed and replaced pursuant to section 1603 of this title; and
- (3) information about whether such provider plans to continue to purchase, rent, lease, or otherwise obtain, or install or use, such covered communications equipment or service and, if so, why.

(d) Proceeding

The Commission shall implement this section as part of the rulemaking required by section 1603(g) of this title.

(Pub. L. 116–124, § 5, Mar. 12, 2020, 134 Stat. 166.)

§ 1605. Hold harmless

In the case of a person who is a winner of the Connect America Fund Phase II auction, has not yet been authorized to receive Connect America Fund Phase II support, and demonstrates an inability to reasonably meet the build-out and service obligations of such person under Connect America Fund Phase II without using equipment or services prohibited under this chapter, such person may withdraw the application of such person for Connect America Fund Phase II support without being found in default or subject to forfeiture. The Commission may set a deadline to make such a withdrawal that is not earlier than the date that is 60 days after March 12, 2020.

(Pub. L. 116–124, § 6, Mar. 12, 2020, 134 Stat. 167.)

§ 1606. Enforcement

(a) Violations

A violation of this chapter or a regulation promulgated under this chapter shall be treated as a violation of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or a regulation promulgated under such Act, respectively. The Commission shall enforce this chapter and the regulations promulgated under this chapter in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Communications Act of 1934 were incorporated into and made a part of this chapter.

(b) Additional penalties

(1) In general

Except as provided in paragraph (2), in addition to penalties under the Communications

Act of 1934, a recipient of a reimbursement under the Program found to have violated section 1603 of this title, the regulations promulgated under such section, or the commitments made by the recipient in the application for the reimbursement—

(A) shall repay to the Commission all reimbursement funds provided to the recipient under the Program;

(B) shall be barred from further participation in the Program;

(C) shall be referred to all appropriate law enforcement agencies or officials for further action under applicable criminal and civil laws; and

(D) may be barred by the Commission from participation in other programs of the Commission, including the Federal universal service support programs established under section 254 of the Communications Act of 1934 (47 U.S.C. 254).

(2) Notice and opportunity to cure

The penalties described in paragraph (1) shall not apply to a recipient of a reimbursement under the Program unless—

(A) the Commission provides the recipient with notice of the violation; and

(B) the recipient fails to cure the violation within 180 days after the Commission provides such notice.

(c) Recovery of funds

The Commission shall immediately take action to recover all reimbursement funds awarded to a recipient of a reimbursement under the Program in any case in which such recipient is required to repay reimbursement funds under subsection (b)(1)(A).

(Pub. L. 116–124, § 7, Mar. 12, 2020, 134 Stat. 167.)

Editorial Notes

REFERENCES IN TEXT

The Communications Act of 1934, referred to in subsections (a) and (b)(1), is act June 19, 1934, ch. 652, 48 Stat. 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—