

(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 subsecs. (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—

(A) conduct regular briefings and other events to share information with trusted providers of advanced communications service and trusted suppliers of communications equipment or services;

(B) engage with trusted providers of advanced communications service and trusted suppliers of communications equipment or services, in particular such providers and suppliers that—

(i) are small businesses; or

(ii) primarily serve rural areas;

(C) not later than 180 days after March 12, 2020, submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for—

(i) declassifying material, when feasible, to help share information regarding supply chain security risks with trusted providers

of advanced communications service and trusted suppliers of communications equipment or services; and

(ii) expediting and expanding the provision of security clearances to facilitate information sharing regarding supply chain security risks with trusted providers of advanced communications service and trusted suppliers of communications equipment or services; and

(D) ensure that the activities carried out through the program are consistent with and, to the extent practicable, integrated with, ongoing activities of the Department of Homeland Security and the Department of Commerce.

(3) Scope of program

The program established under paragraph (1) shall involve only the sharing of information regarding supply chain security risks by the Federal Government to trusted providers of advanced communications service and trusted suppliers of communications equipment or services, and not the sharing of such information by such providers and suppliers to the Federal Government.

(b) Representation on CSRIC of interests of public and consumers

(1) In general

The Commission shall appoint to the Communications Security, Reliability, and Interoperability Council (or any successor thereof), and to each subcommittee, workgroup, or other subdivision of the Council (or any such successor), at least one member to represent the interests of the public and consumers.

(2) Initial appointments

The Commission shall make the initial appointments required by paragraph (1) not later than 180 days after March 12, 2020. Any member so appointed shall be in addition to the members of the Council, or the members of the subdivision of the Council to which the appointment is being made, as the case may be, as of March 12, 2020.

(c) Definitions

In this section:

(1) Assistant Secretary

The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(2) Foreign adversary

The term “foreign adversary” means any foreign government or foreign nongovernment person engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons.

(3) Supply chain security risk

The term “supply chain security risk” includes specific risk and vulnerability information related to equipment and software.

(4) Trusted

The term “trusted” means, with respect to a provider of advanced communications service

or a supplier of communications equipment or service, that the Assistant Secretary has determined that such provider or supplier is not owned by, controlled by, or subject to the influence of a foreign adversary.

(Pub. L. 116–124, §8, Mar. 12, 2020, 134 Stat. 168.)

§ 1608. Definitions

In this chapter:

(1) Advanced communications service

The term “advanced communications service” has the meaning given the term “advanced telecommunications capability” in section 1302 of this title.

(2) Appropriate national security agency

The term “appropriate national security agency” means—

- (A) the Department of Homeland Security;
- (B) the Department of Defense;
- (C) the Office of the Director of National Intelligence;
- (D) the National Security Agency; and
- (E) the Federal Bureau of Investigation.

(3) Commission

The term “Commission” means the Federal Communications Commission.

(4) Communications equipment or service

The term “communications equipment or service” means any equipment or service that is essential to the provision of advanced communications service.

(5) Covered communications equipment or service

The term “covered communications equipment or service” means any communications equipment or service that is on the list published by the Commission under section 1601(a) of this title.

(6) Customers

The term “customers” means, with respect to a provider of advanced communications service—

- (A) the customers of such provider; and
- (B) the customers of any affiliate (as defined in section 153 of this title) of such provider.

(7) Executive branch interagency body

The term “executive branch interagency body” means an interagency body established in the executive branch.

(8) Person

The term “person” means an individual or entity.

(9) Program

The term “Program” means the Secure and Trusted Communications Networks Reimbursement Program established under section 1603(a) of this title.

(10) Provider of advanced communications service

The term “provider of advanced communications service”—

- (A) means a person who provides advanced communications service to United States customers; and