

116TH CONGRESS  
1ST SESSION

# H. R. 4459

To prohibit Federal funds from being used to purchase communications equipment or services posing national security risks, to provide for the establishment of a reimbursement program for the replacement of communications equipment or services posing such risks, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2019

Mr. PALLONE (for himself, Mr. WALDEN, Ms. MATSUI, and Mr. GUTHRIE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To prohibit Federal funds from being used to purchase communications equipment or services posing national security risks, to provide for the establishment of a reimbursement program for the replacement of communications equipment or services posing such risks, 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 “Secure and Trusted  
3 Communications Networks Act of 2019”.

4 **SEC. 2. DETERMINATION OF COMMUNICATIONS EQUIP-**  
5 **MENT OR SERVICES POSING NATIONAL SECU-**  
6 **RITY RISKS.**

7       (a) PUBLICATION OF COVERED COMMUNICATIONS  
8 EQUIPMENT OR SERVICES LIST.—Not later than 1 year  
9 after the date of the enactment of this Act, the Commis-  
10 sion shall publish on its website a list of covered commu-  
11 nications equipment or services.

12       (b) DETERMINATION BY COMMISSION.—The Com-  
13 mission shall place on the list published under subsection  
14 (a) any communications equipment or service, if and only  
15 if the Commission determines that such equipment or  
16 service—

17               (1) is produced or provided by—

18                       (A) Huawei Technologies Co. Limited,  
19                       Zhongxing Telecommunications Equipment  
20                       Corporation, or any subsidiary or affiliate of ei-  
21                       ther such entity;

22                       (B) any successor to any entity described  
23                       in subparagraph (A); or

24                       (C) any other entity, if the Commission de-  
25                       termines, based exclusively on the determina-  
26                       tions described in paragraphs (1) through (4)

of subsection (c), that such equipment or service produced or provided by such entity poses an unacceptable risk to the national security of the United States or the security and safety of United States persons; and

(2) is capable of—

(A) routing or redirecting user data traffic or permitting visibility into any user data or packets that such equipment or service transmits or otherwise handles; or

(B) causing the network of a provider of advanced communications service to be disrupted remotely.

(c) RELIANCE ON CERTAIN OTHER DETERMINATIONS.—In making a determination under subsection (b)(1)(C), the Commission shall rely solely on one or more of the following determinations:

(1) A specific determination made by any executive branch interagency body with appropriate national security expertise, including the Federal Acquisition Security Council established under section 1322(a) of title 41, United States Code.

(2) A specific determination made by the Bureau of Industry and Security of the Department of Commerce to place an entity on the entity list main-

1       tained by the Bureau and set forth in Supplement  
2       No. 4 to part 744 of the Export Administration  
3       Regulations (subchapter C of chapter VII of title 15,  
4       Code of Federal Regulations).

5           (3) A specific determination made pursuant to  
6       Executive Order 13873 (84 Fed. Reg. 22689; relat-  
7       ing to securing the information and communications  
8       technology and services supply chain), including any  
9       determination made by the Department of Com-  
10      merce pursuant to regulations promulgated to imple-  
11      ment such Executive order.

12          (4) The communications equipment or service  
13      being covered telecommunications equipment or serv-  
14      ices, as defined in section 889(f)(3) of the John S.  
15      McCain National Defense Authorization Act for Fis-  
16      cal Year 2019 (Public Law 115–232; 132 Stat.  
17      1918).

18      (d) UPDATING OF LIST.—The Commission shall peri-  
19      odically update the list published under subsection (a), as  
20      necessary to protect national security and to address  
21      changes in the determinations described in paragraphs (1)  
22      through (4) of subsection (c). For each 12-month period  
23      during which the list is not updated, the Commission shall  
24      notify the public that no updates were necessary during

1 such period to protect national security or to address  
2 changes in such determinations.

3 **SEC. 3. PROHIBITION ON USE OF FEDERAL FUNDS.**

4 (a) IN GENERAL.—

5 (1) PROHIBITION.—Federal funds may not be  
6 used to purchase, rent, lease, or otherwise obtain  
7 any covered communications equipment or service or  
8 to maintain any covered communications equipment  
9 or service previously purchased, rented, leased, or  
10 otherwise obtained.

11 (2) TIMING.—Paragraph (1) shall apply with  
12 respect to any covered communications equipment or  
13 service beginning on the date that is 60 days after  
14 the date on which the Commission places such  
15 equipment or service on the list required by section  
16 2(a). In the case of any covered communications  
17 equipment or service that is on the initial list pub-  
18 lished under such section, such equipment or service  
19 shall be treated as being placed on the list on the  
20 date on which such list is published.

21 (b) COMPLETION OF PROCEEDING.—Not later than  
22 90 days after the date of the enactment of this Act, the  
23 Commission shall adopt a Report and Order in the matter  
24 of Protecting Against National Security Threats to the  
25 Communications Supply Chain Through FCC Programs

1 (WC Docket No. 18–89) that implements subsection (a),  
 2 to the extent such subsection applies to a program admin-  
 3 istered by the Commission.

4 (c) APPLICATION TO OTHER AGENCIES.—Not later  
 5 than 180 days after the date of the enactment of this Act,  
 6 the head of each Federal agency that administers a pro-  
 7 gram through which Federal funds are made available  
 8 shall update the regulations for the program to comply  
 9 with subsection (a).

10 **SEC. 4. SECURE AND TRUSTED COMMUNICATIONS NET-**  
 11 **WORKS REIMBURSEMENT PROGRAM.**

12 (a) IN GENERAL.—The Commission shall establish a  
 13 reimbursement program, to be known as the “Secure and  
 14 Trusted Communications Networks Reimbursement Pro-  
 15 gram”, to make reimbursements to providers of advanced  
 16 communications service to replace covered communica-  
 17 tions equipment or services.

18 (b) ELIGIBILITY.—The Commission may not make a  
 19 reimbursement under the Program to a provider of ad-  
 20 vanced communications service unless the provider—

21 (1) has 2,000,000 or fewer customers; and

22 (2) makes all of the certifications required by  
 23 subsection (d)(5).

24 (c) USE OF FUNDS.—

1           (1) IN GENERAL.—A recipient of a reimburse-  
2           ment under the Program shall use reimbursement  
3           funds solely for the purposes of—

4                   (A) permanently removing covered commu-  
5                   nications equipment or services purchased,  
6                   rented, leased, or otherwise obtained before Au-  
7                   gust 14, 2018, and replacing such equipment or  
8                   services with communications equipment or  
9                   services that are not covered communications  
10                  equipment or services; and

11                  (B) disposing of the equipment or services  
12                  removed as described in subparagraph (A) in  
13                  accordance with the requirements under sub-  
14                  section (d)(8).

15           (2) LIMITATIONS.—A recipient of a reimburse-  
16           ment under the Program may not use reimburse-  
17           ment funds to—

18                   (A) remove, replace, or dispose of any cov-  
19                   ered communications equipment or service pur-  
20                   chased, rented, leased, or otherwise obtained on  
21                   or after August 14, 2018;

22                   (B) purchase, rent, lease, or otherwise ob-  
23                   tain any covered communications equipment or  
24                   service, using reimbursement funds or any

1 other funds (including funds derived from pri-  
2 vate sources); or

3 (C) make network upgrades that go beyond  
4 the replacement of covered communications  
5 equipment or services, as determined by the  
6 Commission.

7 (d) IMPLEMENTATION.—

8 (1) REGULATIONS.—Not later than 270 days  
9 after the date of the enactment of this Act, the  
10 Commission shall promulgate regulations to imple-  
11 ment the Program.

12 (2) SUGGESTED REPLACEMENTS.—

13 (A) DEVELOPMENT OF LIST.—The Com-  
14 mission shall develop a list of suggested replace-  
15 ments of both physical and virtual communica-  
16 tions equipment, application and management  
17 software, and services.

18 (B) NEUTRALITY.—The list developed  
19 under subparagraph (A) shall be technology  
20 neutral and may not advantage the use of reim-  
21 bursement funds for capital expenditures over  
22 operational expenditures, to the extent that the  
23 Commission determines that communications  
24 services can serve as an adequate substitute for  
25 the installation of communications equipment.

1           (3) APPLICATION PROCESS.—

2           (A) IN GENERAL.—The Commission shall  
3           develop an application process and related  
4           forms and materials for the Program.

5           (B) COST ESTIMATE.—

6           (i) INITIAL ESTIMATE.—The Commis-  
7           sion shall require an applicant to provide  
8           an initial reimbursement cost estimate at  
9           the time of application, with supporting  
10          materials substantiating the costs.

11          (ii) UPDATES.—During and after the  
12          application review process, the Commission  
13          may require an applicant to—

14               (I) update the initial reimburse-  
15               ment cost estimate submitted under  
16               clause (i); and

17               (II) submit additional supporting  
18               materials substantiating an updated  
19               cost estimate submitted under sub-  
20               clause (I).

21          (C) MITIGATION OF BURDEN.—In devel-  
22          oping the application process under this para-  
23          graph, the Commission shall take reasonable  
24          steps to mitigate the administrative burdens  
25          and costs associated with the application proc-

1           ess, while taking into account the need to avoid  
2           waste, fraud, and abuse in the Program.

3           (4) APPLICATION REVIEW PROCESS.—

4                 (A) DEADLINE.—

5                     (i) IN GENERAL.—Except as provided  
6                     in clause (ii) and subparagraph (B), the  
7                     Commission shall approve or deny an ap-  
8                     plication for a reimbursement under the  
9                     Program not later than 90 days after the  
10                    date of the submission of the application.

11                   (ii) ADDITIONAL TIME NEEDED BY  
12                   COMMISSION.—If the Commission deter-  
13                   mines that, because an excessive number of  
14                   applications have been filed at one time,  
15                   the Commission needs additional time for  
16                   employees of the Commission to process  
17                   the applications, the Commission may ex-  
18                   tend the deadline described in clause (i) for  
19                   not more than 45 days.

20                 (B) OPPORTUNITY FOR APPLICANT TO  
21                 CURE DEFICIENCY.—If the Commission deter-  
22                 mines that an application is materially deficient  
23                 (including by lacking an adequate cost estimate  
24                 or adequate supporting materials), the Commis-  
25                 sion shall provide the applicant a 15-day period

1 to cure the defect before denying the applica-  
2 tion. If such period would extend beyond the  
3 deadline under subparagraph (A) for approving  
4 or denying the application, such deadline shall  
5 be extended through the end of such period.

6 (C) EFFECT OF DENIAL.—Denial of an ap-  
7 plication for a reimbursement under the Pro-  
8 gram shall not preclude the applicant from re-  
9 submitting the application or submitting a new  
10 application for a reimbursement under the Pro-  
11 gram at a later date.

12 (5) CERTIFICATIONS.—An applicant for a reim-  
13 bursement under the Program shall, in the applica-  
14 tion of such applicant, certify to the Commission  
15 that—

16 (A) beginning on the date of the submis-  
17 sion of the application, the applicant will not  
18 purchase, rent, lease, or otherwise obtain cov-  
19 ered communications equipment or services,  
20 using reimbursement funds or any other funds  
21 (including funds derived from private sources);  
22 and

23 (B) as of the date of the submission of the  
24 application, the applicant—

25 (i) has developed a plan for—

1 (I) the permanent removal and  
2 replacement of any covered commu-  
3 nications equipment or services that  
4 are in the communications network of  
5 the applicant as of such date; and

6 (II) the disposal of the equip-  
7 ment or services removed as described  
8 in subclause (I) in accordance with  
9 the requirements under paragraph  
10 (8);

11 (ii) has developed a specific timeline  
12 (subject to paragraph (7)) for the perma-  
13 nent removal, replacement, and disposal of  
14 the covered communications equipment or  
15 services identified under clause (i), which  
16 timeline shall be submitted to the Commis-  
17 sion as part of the application;

18 (iii) has taken, or will immediately  
19 take, all necessary steps to mitigate the se-  
20 curity threat the covered communications  
21 equipment or services identified under  
22 clause (i) could pose to the network of the  
23 applicant until the equipment or services  
24 can be permanently removed and replaced

1 in accordance with the timeline described  
2 in clause (ii); and

3 (iv) in developing and tailoring the  
4 risk management practices of such appli-  
5 cant, will consult and consider the stand-  
6 ards, guidelines, and best practices set  
7 forth in the cybersecurity framework devel-  
8 oped by the National Institute of Stand-  
9 ards and Technology.

10 (6) DISTRIBUTION OF REIMBURSEMENT  
11 FUNDS.—

12 (A) IN GENERAL.—The Commission shall  
13 make reasonable efforts to ensure that reim-  
14 bursement funds are distributed as equitably as  
15 possible among all applicants for reimburse-  
16 ments under the Program according to the  
17 needs of the applicants, as identified by the ap-  
18 plications of the applicants.

19 (B) NOTIFICATION.—If, at any time dur-  
20 ing the implementation of the Program, the  
21 Commission determines that the funds made  
22 available to the Commission to carry out the  
23 Program will not be sufficient to fully fund all  
24 approved applications for reimbursements under

1 the Program, the Commission shall immediately  
2 notify—

3 (i) the Committee on Energy and  
4 Commerce and the Committee on Appro-  
5 priations of the House of Representatives;  
6 and

7 (ii) the Committee on Commerce,  
8 Science, and Transportation and the Com-  
9 mittee on Appropriations of the Senate.

10 (7) REMOVAL, REPLACEMENT, AND DISPOSAL  
11 TERM.—

12 (A) DEADLINE.—The permanent removal,  
13 replacement, and disposal of any covered com-  
14 munications equipment or services identified  
15 under paragraph (5)(B)(i) shall be completed  
16 not later than 1 year after the date on which  
17 the Commission approves the application.

18 (B) GENERAL EXTENSION.—The Commis-  
19 sion may grant an extension of the deadline de-  
20 scribed in subparagraph (A) for 6 months to all  
21 recipients of reimbursements under the Pro-  
22 gram if the Commission—

23 (i) finds that the supply of replace-  
24 ment communications equipment or serv-  
25 ices needed by the recipients to achieve the

1 purposes of the Program is inadequate to  
2 meet the needs of the recipients; and

3 (ii) provides notice and a detailed jus-  
4 tification for granting the extension to—

5 (I) the Committee on Energy and  
6 Commerce of the House of Represent-  
7 atives; and

8 (II) the Committee on Com-  
9 merce, Science, and Transportation of  
10 the Senate.

11 (C) INDIVIDUAL EXTENSION.—

12 (i) PETITION.—A recipient of a reim-  
13 bursement under the Program may peti-  
14 tion the Commission for an extension for  
15 such recipient of the deadline described in  
16 subparagraph (A) or, if the Commission  
17 has granted an extension of such deadline  
18 under subparagraph (B), such deadline as  
19 so extended.

20 (ii) GRANT.—The Commission may  
21 grant a petition filed under clause (i) by  
22 extending, for the recipient that filed the  
23 petition, the deadline described in subpara-  
24 graph (A) or, if the Commission has grant-  
25 ed an extension of such deadline under

1           subparagraph (B), such deadline as so ex-  
2           tended, for a period of not more than 6  
3           months if the Commission finds that, due  
4           to no fault of such recipient, such recipient  
5           is unable to complete the permanent re-  
6           moval, replacement, and disposal described  
7           in subparagraph (A).

8           (8) DISPOSAL OF COVERED COMMUNICATIONS  
9           EQUIPMENT OR SERVICES.—The Commission shall  
10          include in the regulations promulgated under para-  
11          graph (1) requirements for the disposal by a recipi-  
12          ent of a reimbursement under the Program of cov-  
13          ered communications equipment or services identi-  
14          fied under paragraph (5)(B)(i) and removed from  
15          the network of the recipient in order to prevent such  
16          equipment or services from being used in the net-  
17          works of providers of advanced communications serv-  
18          ice.

19          (9) STATUS UPDATES.—

20                 (A) IN GENERAL.—Not less frequently  
21                 than once every 90 days beginning on the date  
22                 on which the Commission approves an applica-  
23                 tion for a reimbursement under the Program,  
24                 the recipient of the reimbursement shall submit  
25                 to the Commission a status update on the work

1 of the recipient to permanently remove, replace,  
2 and dispose of the covered communications  
3 equipment or services identified under para-  
4 graph (5)(B)(i).

5 (B) PUBLIC POSTING.—The Commission  
6 shall make public on the website of the Com-  
7 mission each status update submitted under  
8 subparagraph (A).

9 (C) REPORTS TO CONGRESS.—Not less fre-  
10 quently than once every 180 days beginning on  
11 the date on which the Commission first makes  
12 funds available to a recipient of a reimburse-  
13 ment under the Program, the Commission shall  
14 prepare and submit to the Committee on En-  
15 ergy and Commerce of the House of Represent-  
16 atives and the Committee on Commerce,  
17 Science, and Transportation of the Senate a re-  
18 port on—

19 (i) the implementation of the Program  
20 by the Commission; and

21 (ii) the work by recipients of reim-  
22 bursements under the Program to perma-  
23 nently remove, replace, and dispose of cov-  
24 ered communications equipment or services  
25 identified under paragraph (5)(B)(i).

1 (e) MEASURES TO AVOID WASTE, FRAUD, AND  
2 ABUSE.—

3 (1) IN GENERAL.—The Commission shall take  
4 all necessary steps to avoid waste, fraud, and abuse  
5 with respect to the Program.

6 (2) SPENDING REPORTS.—The Commission  
7 shall require recipients of reimbursements under the  
8 Program to submit to the Commission on a regular  
9 basis reports regarding how reimbursement funds  
10 have been spent, including detailed accounting of the  
11 covered communications equipment or services per-  
12 manently removed and disposed of, and the replace-  
13 ment equipment or services purchased, rented,  
14 leased, or otherwise obtained, using reimbursement  
15 funds.

16 (3) AUDITS, REVIEWS, AND FIELD INVESTIGA-  
17 TIONS.—The Commission shall conduct—

18 (A) regular audits and reviews of reim-  
19 bursements under the Program to confirm that  
20 recipients of such reimbursements are com-  
21 plying with this Act; and

22 (B) random field investigations to ensure  
23 that recipients of reimbursements under the  
24 Program are performing the work such recipi-  
25 ents are required to perform under the commit-

1           ments made in the applications of such recipi-  
2           ents for reimbursements under the Program, in-  
3           cluding the permanent removal, replacement,  
4           and disposal of the covered communications  
5           equipment or services identified under sub-  
6           section (d)(5)(B)(i).

7           (4) FINAL CERTIFICATION.—

8                   (A) IN GENERAL.—The Commission shall  
9           require a recipient of a reimbursement under  
10          the Program to submit to the Commission, in  
11          a form and at an appropriate time to be deter-  
12          mined by the Commission, a certification stat-  
13          ing that the recipient—

14                   (i) has fully complied with (or is in  
15                  the process of complying with) all terms  
16                  and conditions of the Program;

17                   (ii) has fully complied with (or is in  
18                  the process of complying with) the commit-  
19                  ments made in the application of the re-  
20                  cipient for the reimbursement;

21                   (iii) has permanently removed from  
22                  the communications network of the recipi-  
23                  ent, replaced, and disposed of (or is in the  
24                  process of permanently removing, replac-  
25                  ing, and disposing of) all covered commu-

1            communications equipment or services that were  
2            in the network of the recipient as of the  
3            date of the submission of the application of  
4            the recipient for the reimbursement; and

5            (iv) has fully complied with (or is in  
6            the process of complying with) the timeline  
7            submitted by the recipient under subpara-  
8            graph (B)(ii) of paragraph (5) of sub-  
9            section (d) and the other requirements of  
10          such paragraph.

11          (B) UPDATED CERTIFICATION.—If, at the  
12          time when a recipient of a reimbursement under  
13          the Program submits a certification under sub-  
14          paragraph (A), the recipient has not fully com-  
15          plied as described in clause (i), (ii), or (iv) of  
16          such subparagraph or has not completed the  
17          permanent removal, replacement, and disposal  
18          described in clause (iii) of such subparagraph,  
19          the Commission shall require the recipient to  
20          file an updated certification when the recipient  
21          has fully complied as described in such clause  
22          (i), (ii), or (iv) or completed such permanent re-  
23          moval, replacement, and disposal.

24          (f) RULE OF CONSTRUCTION REGARDING TIMING OF  
25 REIMBURSEMENT.—Nothing in this section shall be con-

1 strued to prohibit the Commission from making a reim-  
2 bursement under the Program to a provider of advanced  
3 communications service before the provider incurs the cost  
4 of the permanent removal, replacement, and disposal of  
5 the covered communications equipment or service for  
6 which the application of the provider has been approved  
7 under this section.

8 (g) EDUCATION EFFORTS.—The Commission shall  
9 engage in education efforts with providers of advanced  
10 communications service to—

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

13 (2) assist such providers in submitting applica-  
14 tions for the Program.

15 (h) SEPARATE FROM FEDERAL UNIVERSAL SERVICE  
16 PROGRAMS.—The Program shall be separate from any  
17 Federal universal service program established under sec-  
18 tion 254 of the Communications Act of 1934 (47 U.S.C.  
19 254).

20 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated to the Commission  
22 \$1,000,000,000 for fiscal year 2020 to carry out the Pro-  
23 gram. Such amount is authorized to remain available  
24 through fiscal year 2029.

1   **SEC. 5. HOLD HARMLESS.**

2           In the case of a person who is a winner of the Con-  
3   nect America Fund Phase II auction, has not yet been  
4   authorized to receive Connect America Fund Phase II sup-  
5   port, and demonstrates an inability to reasonably meet the  
6   build-out and service obligations of such person under  
7   Connect America Fund Phase II without using equipment  
8   or services prohibited under this Act, such person may  
9   withdraw the application of such person for Connect  
10   America Fund Phase II support without being found in  
11   default or subject to forfeiture.

12   **SEC. 6. ENFORCEMENT.**

13           (a) VIOLATIONS.—A violation of this Act or a regula-  
14   tion promulgated under this Act shall be treated as a vio-  
15   lation of the Communications Act of 1934 (47 U.S.C. 151  
16   et seq.) or a regulation promulgated under such Act, re-  
17   spectively. The Commission shall enforce this Act and the  
18   regulations promulgated under this Act in the same man-  
19   ner, by the same means, and with the same jurisdiction,  
20   powers, and duties as though all applicable terms and pro-  
21   visions of the Communications Act of 1934 were incor-  
22   porated into and made a part of this Act.

23           (b) ADDITIONAL PENALTIES.—

24                (1) IN GENERAL.—Except as provided in para-  
25   graph (2), in addition to penalties under the Com-  
26   munications Act of 1934, a recipient of a reimburse-

1       ment under the Program found to have violated sec-  
2       tion 4, the regulations promulgated under such sec-  
3       tion, or the commitments made by the recipient in  
4       the application for the reimbursement—

5               (A) shall repay to the Commission all reim-  
6       bursement funds provided to the recipient  
7       under the Program;

8               (B) shall be barred from further participa-  
9       tion in the Program;

10              (C) shall be referred to all appropriate law  
11       enforcement agencies or officials for further ac-  
12       tion under applicable criminal and civil laws;  
13       and

14              (D) may be barred by the Commission  
15       from participation in other programs of the  
16       Commission, including the Federal universal  
17       service support programs established under sec-  
18       tion 254 of the Communications Act of 1934  
19       (47 U.S.C. 254).

20              (2) NOTICE AND OPPORTUNITY TO CURE.—The  
21       penalties described in paragraph (1) shall not apply  
22       to a recipient of a reimbursement under the Pro-  
23       gram unless—

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

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

4 (c) RECOVERY OF FUNDS.—The Commission shall  
5 immediately take action to recover all reimbursement  
6 funds awarded to a recipient of a reimbursement under  
7 the Program in any case in which such recipient is re-  
8 quired to repay reimbursement funds under subsection  
9 (b)(1)(A).

10 **SEC. 7. DEFINITIONS.**

11 In this Act:

12 (1) ADVANCED COMMUNICATIONS SERVICE.—  
13 The term “advanced communications service” has  
14 the meaning given the term “advanced telecommuni-  
15 cations capability” in section 706 of the Tele-  
16 communications Act of 1996 (47 U.S.C. 1302).

17 (2) COMMISSION.—The term “Commission”  
18 means the Federal Communications Commission.

19 (3) COVERED COMMUNICATIONS EQUIPMENT OR  
20 SERVICE.—The term “covered communications  
21 equipment or service” means any communications  
22 equipment or service that is on the list published by  
23 the Commission under section 2(a).

1           (4) CUSTOMERS.—The term “customers”  
2 means, with respect to a provider of advanced com-  
3 munications service—

4                   (A) the customers of such provider; and

5                   (B) the customers of any affiliate (as de-  
6 fined in section 3 of the Communications Act of  
7 1934 (47 U.S.C. 153)) of such provider.

8           (5) EXECUTIVE BRANCH INTERAGENCY  
9 BODY.—The term “executive branch interagency  
10 body” means an interagency body established in the  
11 executive branch.

12           (6) FEDERAL AGENCY.—The term “Federal  
13 agency” has the meaning given the term “agency”  
14 in section 551 of title 5, United States Code.

15           (7) FEDERAL FUNDS.—The term “Federal  
16 funds” means—

17                   (A) funds from a Federal universal service  
18 support program established under section 254  
19 of the Communications Act of 1934 (47 U.S.C.  
20 254);

21                   (B) any other Federal grants, subsidies, or  
22 loans to support the deployment of communica-  
23 tions networks in the United States; and

24                   (C) any private loans—

1 (i) the purpose of which is to support  
2 the deployment of communications net-  
3 works in the United States; and

4 (ii) that are—

5 (I) obtained using a loan guar-  
6 antee from the Federal Government;  
7 or

8 (II) secured in whole or in part  
9 by other funds from the Federal Gov-  
10 ernment.

11 (8) PERSON.—The term “person” means an in-  
12 dividual or entity.

13 (9) PROGRAM.—The term “Program” means  
14 the Secure and Trusted Communications Networks  
15 Reimbursement Program established under section  
16 4(a).

17 (10) PROVIDER OF ADVANCED COMMUNICA-  
18 TIONS SERVICE.—The term “provider of advanced  
19 communications service” means a person who pro-  
20 vides advanced communications service to United  
21 States customers.

22 (11) RECIPIENT.—The term “recipient” means  
23 any provider of advanced communications service the  
24 application of which for a reimbursement under the  
25 Program has been approved by the Commission, re-

1        regardless of whether the provider has received reim-  
2        bursement funds.

3            (12) REIMBURSEMENT FUNDS.—The term “re-  
4        imbursement funds” means any reimbursement re-  
5        ceived under the Program.

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