

Calendar No. 214

117TH CONGRESS
1ST SESSION

S. 1790

To ensure that the Federal Communications Commission does not approve
radio frequency devices that pose a national security risk.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2021

Mr. RUBIO (for himself, Mr. MARKEY, Mrs. BLACKBURN, and Ms. HASSAN)
introduced the following bill; which was read twice and referred to the
Committee on Commerce, Science, and Transportation

DECEMBER 17, 2021

Reported by Ms. CANTWELL, with an amendment

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

A BILL

To ensure that the Federal Communications Commission
does not approve radio frequency devices that pose a
national security risk.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Secure Equipment Act
5 of 2021”.

1 **SEC. 2. UPDATES TO EQUIPMENT AUTHORIZATION PROC-**
 2 **ESS OF FEDERAL COMMUNICATIONS COM-**
 3 **MISSION.**

4 (a) **DEFINITION.**—In this section, the term “Commis-

5 sion” means the Federal Communications Commission.

6 (b) **RULEMAKING.**—

7 (1) **IN GENERAL.**—Not later than 60 days after

8 the date of enactment of this Act, the Commission

9 shall initiate a rulemaking proceeding, in accordance

10 with paragraph (2), to update the equipment author-

11 ization procedures of the Commission.

12 (2) **UPDATES REQUIRED.**—In the rulemaking

13 proceeding conducted under paragraph (1), the

14 Commission shall clarify that the Commission will

15 no longer review or approve any application for

16 equipment authorization for equipment that is on

17 the list of covered communications equipment or

18 services published by the Commission under section

19 2(a) of the Secure and Trusted Communications

20 Network Act of 2019 (47 U.S.C. 1601(a)).

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Secure Equipment Act*

23 *of 2021”.*

1 **SEC. 2. UPDATES TO EQUIPMENT AUTHORIZATION PROC-**
 2 **ESS OF FEDERAL COMMUNICATIONS COMMIS-**
 3 **SION.**

4 (a) *DEFINITION.*—*In this section, the term “Commis-*
 5 *sion” means the Federal Communications Commission.*

6 (b) *RULEMAKING.*—

7 (1) *IN GENERAL.*—*Not later than 1 year after*
 8 *the date of enactment of this Act, the Commission*
 9 *shall adopt rules in the proceeding initiated in the*
 10 *Notice of Proposed Rulemaking in the matter of Pro-*
 11 *tecting Against National Security Threats to the*
 12 *Communications Supply Chain through the Equip-*
 13 *ment Authorization Program adopted on June 17,*
 14 *2021 (ET Docket No. 21–232; FCC 21–73), in accord-*
 15 *ance with paragraph (2), to update the equipment*
 16 *authorization procedures of the Commission.*

17 (2) *UPDATES REQUIRED.*—*In the rules adopted*
 18 *under paragraph (1), the Commission shall clarify*
 19 *that the Commission will no longer review or approve*
 20 *any application for equipment authorization for*
 21 *equipment that is on the list of covered communica-*
 22 *tions equipment or services published by the Commis-*
 23 *sion under section 2(a) of the Secure and Trusted*
 24 *Communications Networks Act of 2019 (47 U.S.C.*
 25 *1601(a)).*

26 (3) *APPLICABILITY.*—

1 (A) *IN GENERAL.*—*In the rules adopted*
2 *under paragraph (1), the Commission may not*
3 *provide for review or revocation of any equip-*
4 *ment authorization granted before the date on*
5 *which the rules are adopted on the basis of the*
6 *equipment being on the list described in para-*
7 *graph (2).*

8 (B) *RULE OF CONSTRUCTION.*—*Nothing in*
9 *this section may be construed to prohibit the*
10 *Commission, other than in the rules adopted*
11 *under paragraph (1), from—*

12 (i) *examining the necessity of review or*
13 *revocation of any equipment authorization*
14 *on the basis of the equipment being on the*
15 *list described in paragraph (2); or*

16 (ii) *adopting rules providing for any*
17 *review or revocation described in clause (i).*

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