



PUBLIC NOTICE

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DA 23-876

Released: September 20, 2023

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES STATUS OF THE LIST OF EQUIPMENT AND SERVICES COVERED BY SECTION 2 OF THE SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT

WC Docket No. 18-89, ET Docket No. 21-232, EA Docket No. 21-233

Pursuant to sections 2(a) and (d) of the Secure and Trusted Communications Networks Act of 2019,¹ and sections 1.50002 and 1.50003 of the Commission's rules,² the Federal Communications Commission's Public Safety and Homeland Security Bureau (Bureau) announces the status of the list of covered communications equipment and services (Covered List).³

The Secure and Trusted Communications Networks Act states that the Covered List shall be updated upon one of the following four events: (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; (2) a specific determination made by the Department of Commerce pursuant to Executive Order No. 13873 (84 Fed. Reg. 22689; relating to securing the information and communications technology and services supply chain); (3) the communications equipment or service being covered telecommunications equipment or services, as defined in section 889(f)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1918); and (4) a specific determination made by an appropriate national security agency.⁴

Consistent with the Secure and Trusted Communications Networks Act, the Commission's rules require⁵ the Commission to place on the Covered List any communications equipment or service if a

¹ Secure and Trusted Communications Networks Act of 2019, Pub. L. No. 116-124, 133 Stat. 158 (2020) (codified as amended at 47 U.S.C. §§ 1601-1609) .

² *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Second Report and Order, 35 FCC Rcd 14284 (2020) (*Supply Chain Second Report and Order*) (adopting 47 CFR §§ 1.50002, 1.50003).

³ See *Public Safety and Homeland Security Bureau Announces Additions To The List of Equipment and Services Covered by Section 2 of the Secure Networks Act*, WC Docket No. 18-89 *et al.*, Public Notice, DA 22-979 (rel. Sep. 20, 2022). The Covered List can be found at <https://www.fcc.gov/supplychain/coveredlist>.

⁴ 47 U.S.C. § 1601(c).

⁵ The Commission found that if a determination by an enumerated national security agency, or intergovernmental agency with national security expertise, "indicates that a specific piece of equipment or service poses an unacceptable risk to the national security of the United States and the security and safety of United States persons, the Commission will automatically include this determination on the Covered List." *Supply Chain Second Report and Order*, 35 FCC Rcd at 14382, para. 80. The Commission took this approach "because of the plain language in section 2(b)(2)(C) which lists, among other equipment or service capabilities mandating inclusion on the Covered List, whether the equipment or service poses an unacceptable risk to the national security of the United States or the security and safety of United States persons. If an enumerated source has already performed this analysis as part of (continued....)

source enumerated in the Secure and Trusted Communications Networks Act determines that the equipment or service poses an unacceptable risk to the national security of the United States and if the communications equipment or service is capable of posing an unacceptable risk to the national security of the United States.⁶

Section 2(d)(3) of the Secure and Trusted Communications Networks Act and section 1.50003(c) of the Commission's rules require the Bureau to notify the public that no updates were made for each 12-month period during which the Covered List is not updated.⁷ The Covered List was last updated on September 20, 2022, and during the preceding 12 months, the Commission did not receive any "specific determinations" from the enumerated sources in Section 2(c) of the Secure and Trusted Communications Networks Act.⁸ Accordingly, the Bureau provides notice that no updates have been made to the Covered List for the last 12 months.

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its determination, the only action we need take is to incorporate this determination onto the Covered List." *Id.* The Commission, in adopting the rules, interpreted Congress's use of the words "shall place" to mean it has no discretion to disregard determinations from these enumerated sources. *Supply Chain Second Report and Order*, 35 FCC Rcd at 14312, para. 59.

⁶ See 47 CFR § 1.50002(b)(2)(iii); see also *id.* § 1.50002(b)(2)(i)-(ii) (listing other capabilities that, together with a determination pursuant to paragraph (b)(1), qualifies equipment or service for placement on the Covered List).

⁷ See 47 U.S.C. § 1601(d)(3); see also 47 CFR § 1.50003(c) ("After each 12-month period during which the Covered List is not updated, the Public Safety and Homeland Security Bureau will issue a Public Notice indicating that no updates were necessary during such period.").

⁸ The chiefs of the Office of Engineering and Technology and the Public Safety and Homeland Security Bureau recently notified the enumerated sources of potential security risks by cellular connectivity modules, as raised by the House Select Committee on the Chinese Communist Party in a letter to FCC Chairwoman Jessica Rosenworcel. See e.g., Letter from Debra Jordan, Chief, Public Safety and Homeland Security Bureau, and Ronald T. Repasi, Chief, Office of Engineering and Technology, to Lee G. Licata, National Security Division, U.S. Department of Justice (Sep. 1, 2023); see also Letter from FCC Chairwoman Jessica Rosenworcel to Representatives Mike Gallagher and Raja Krishnamoorthi (Sep. 5, 2023) (responding to their letter regarding the security risks posed by cellular connectivity modules provided by companies subject to the jurisdiction, direction, or control of the People's Republic of China or the Chinese Communist Party), <https://docs.fcc.gov/public/attachments/DOC-396816A2.pdf>.