

Peters-Substitute

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 4472

To amend the Secure and Trusted Communications Network Reimbursement Program to include eligible telecommunications carriers and providers of educational broadband service, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Network Security Act”.
5

6 **SEC. 2. AMENDMENTS TO THE SECURE AND TRUSTED COMMUNICATIONS NETWORK REIMBURSEMENT PROGRAM.**
7
8

9 The Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.) is amended—
10

11 (1) in section 4 (47 U.S.C. 1603)—

1 (A) in subsection (b)(1), by striking
2 “2,000,000” and inserting “10,000,000”;

3 (B) in subsection (c)—

4 (i) in paragraph (1)(A)—

5 (I) in the matter preceding clause

6 (i), by striking “before”;

7 (II) by amending clause (i) to
8 read as follows:

9 “(i) as defined in the Report and
10 Order of the Commission in the matter of
11 Protecting Against National Security
12 Threats to the Communications Supply
13 Chain Through FCC Programs (FCC 19–
14 121; WC Docket No. 18–89; adopted No-
15 vember 22, 2019) (in this section referred
16 to as the ‘Report and Order’); or”;

17 (III) by amending clause (ii) to
18 read as follows:

19 “(ii) as determined to be covered by
20 both the process of the Report and Order
21 and the Designation Orders of the Com-
22 mission on June 30, 2020 (DA 20–690;
23 PS Docket No. 19–351; adopted June 30,
24 2020) (DA 20–691; PS Docket No. 19–
25 352; adopted June 30, 2020) (in this sec-

1 tion collectively referred to as the ‘Des-
2 ignation Orders’);” and

3 (ii) in paragraph (2)(A)—

4 (I) by amending clauses (i) and
5 (ii) to read as follows:

6 “(i) publication of the Report and
7 Order; or

8 “(ii) in the case of covered commu-
9 nications equipment that only became cov-
10 ered pursuant to the Designation Orders,
11 June 30, 2020; or”;

12 (C) in subsection (d)(5)—

13 (i) in subparagraph (A), by striking
14 “The Commission” and inserting “Subject
15 to subparagraph (C), the Commission”;
16 and

17 (ii) by adding at the end the fol-
18 lowing:

19 “(C) PRIORITY FOR ALLOCATION.—On and
20 after the date of enactment of this subpara-
21 graph, the Commission shall allocate sufficient
22 reimbursement funds—

23 “(i) first, to approved applicants that
24 have 2,000,000 or fewer customers, for re-
25 moval and replacement of covered commu-

1 communications equipment, as defined in section
2 9 or as designated by the process set forth
3 in the Report and Order;

4 “(ii) after funds have been allocated
5 to all applicants described in clause (i), to
6 approved applicants that are accredited
7 public or private non-commercial edu-
8 cational institutions providing their own
9 facilities-based education broadband serv-
10 ice, as defined in section 27.4 of title 47,
11 Code of Federal Regulations, or any suc-
12 cessor regulation, for removal and replace-
13 ment of covered communications equip-
14 ment, as defined in section 9 or as des-
15 ignated by the process set forth in the Re-
16 port and Order; and

17 “(iii) after funds have been allocated
18 to all applicants described in clause (ii), to
19 any remaining approved applicants deter-
20 mined to be eligible for reimbursement
21 under the Program.”; and

22 (D) by adding at the end the following:

23 “(k) LIMITATION.—In carrying out this section, the
24 Commission may not expend more than \$1,900,000,000.”;
25 and

1 (2) in section 9 (47 U.S.C. 1608), by amending
2 paragraph (10) to read as follows:

3 “(10) PROVIDER OF ADVANCED COMMUNICA-
4 TIONS SERVICE.—The term ‘provider of advanced
5 communications service’—

6 “(A) means a person who provides ad-
7 vanced communications service to United States
8 customers; and

9 “(B) includes—

10 “(i) accredited public or private non-
11 commercial educational institutions, pro-
12 viding their own facilities-based edu-
13 cational broadband service, as defined in
14 section 27.4 of title 47, Code of Federal
15 Regulations, or any successor regulation;
16 and

17 “(ii) health care providers and librar-
18 ies providing advanced communications
19 service.”.