

Edward J Markey

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 1790

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

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. Markey

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 “Secure Equipment Act
5 of 2021”.

6 **SEC. 2. UPDATES TO EQUIPMENT AUTHORIZATION PROC-**
7 **ESS OF FEDERAL COMMUNICATIONS COM-**
8 **MISSION.**

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

11 (b) RULEMAKING.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Commission
3 shall adopt rules in the proceeding initiated in the
4 Notice of Proposed Rulemaking in the matter of
5 Protecting Against National Security Threats to the
6 Communications Supply Chain through the Equip-
7 ment Authorization Program adopted on June 17,
8 2021 (ET Docket No. 21–232; FCC 21–73), in ac-
9 cordance with paragraph (2), to update the equip-
10 ment authorization procedures of the Commission.

11 (2) UPDATES REQUIRED.—In the rules adopted
12 under paragraph (1), the Commission shall clarify
13 that the Commission will no longer review or ap-
14 prove any application for equipment authorization
15 for equipment that is on the list of covered commu-
16 nications equipment or services published by the
17 Commission under section 2(a) of the Secure and
18 Trusted Communications Networks Act of 2019 (47
19 U.S.C. 1601(a)).

20 (3) APPLICABILITY.—

21 (A) IN GENERAL.—In the rules adopted
22 under paragraph (1), the Commission may not
23 provide for review or revocation of any equip-
24 ment authorization granted before the date on
25 which the rules are adopted on the basis of the

1 equipment being on the list described in para-
2 graph (2).

3 (B) RULE OF CONSTRUCTION.—Nothing in
4 this section may be construed to prohibit the
5 Commission, other than in the rules adopted
6 under paragraph (1), from—

7 (i) examining the necessity of review
8 or revocation of any equipment authoriza-
9 tion on the basis of the equipment being
10 on the list described in paragraph (2); or

11 (ii) adopting rules providing for any
12 review or revocation described in clause (i).