



PUBLIC NOTICE

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

WC Docket No. 18-89

Pursuant to section 2(a) of the Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act),¹ and section 1.50002 of the Commission's rules,² the Federal Communications Commission's Public Safety and Homeland Security Bureau (Bureau) announces the publication of a list of communications equipment and services (Covered List) that are deemed to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons. Along with the release of this Public Notice, the Commission will publish the Covered List, reproduced in the Appendix to this Public Notice, on its website at www.fcc.gov/supplychain/coveredlist. Section 2(a) of the Secure Networks Act directs the Commission to publish this Covered List on its website by March 12, 2021.³

The Secure Networks Act became law in March 2020. Among other things, the Secure Networks Act established a process to prohibit the use of federal subsidies to purchase equipment or services deemed to pose national security risks, as well as a reimbursement program that provided for the replacement of communications equipment or services that posed such risks. The Commission has implemented the requirements of the Secure Networks Act in a series of recent orders.⁴ Sections 2(b) and (c) of the Secure Networks Act requires that the Commission place on the Covered List "any communications equipment or service that poses an unacceptable risk to the national security of the United States or the security and safety of United States persons" based exclusively on any of four sources for such a determination and that such equipment or services possess certain capabilities as

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) (Secure Networks Act).

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 (effective Mar. 15, 2021)).

³ Secure Networks Act § 2(a).

⁴ See, e.g., *Supply Chain Second Report and Order; Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, 35 FCC Rcd 7821 (2020) (*Supply Chain Declaratory Ruling and Second FNPRM*); *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket 18-89, Third Further Notice of Proposed Rulemaking, FCC 21-26 (Feb 17, 2021) (proposing to modify certain rules governing the Reimbursement Program in response to changes that the Consolidated Appropriations Act, 2021 made to the Secure Networks Act).

enumerated in the statute.⁵

The *Supply Chain Second Report and Order* adopted rules governing the publication of the Covered List and tasked the Bureau with both publishing and maintaining it on the Commission's website in accordance with the Commission's rules.⁶ These rules contain criteria for inclusion on the Covered List.⁷ Further, the Commission specifically found that the Secure Networks Act's mandate to include telecommunications equipment and services defined in section 889(f)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019⁸ required the inclusion of the following services and equipment on the Covered List: (1) "telecommunications equipment produced or provided by Huawei [Technologies Company] or ZTE [Corporation] capable of the functions outlined in sections 2(b)(2)(A), (B), or (C) of the Secure Networks Act";⁹ and (2) video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, and Dahua Technology Company "to the extent it is used for public safety or security," capable of the functions outlined in sections 2(b)(2)(A), (B), or (C) of the Secure Networks Act."¹⁰

In accordance with the discussion above, and consistent with the directives of the Secure Networks Act and the Commission's discussion in the *Supply Chain Second Report and Order*,¹¹ the Bureau today announces its publication of a Covered List containing certain equipment or services produced by the following entities: (1) Huawei Technologies Company, (2) ZTE Corporation, (3) Hytera Communications Corporation, (4) Hangzhou Hikvision Digital Technology Company, and (5) Dahua Technology Company. The inclusion of these entities on the Covered List extends both to subsidiaries and affiliates of these entities, as well as to "telecommunications or video surveillance services provided by such entities or using such equipment."¹²

Consistent with the Secure Networks Act and the Commission's rules, the Bureau will update this list upon becoming aware of any equipment or service that satisfies the criteria established in section 2 of the Secure Networks Act and section 1.50002 of the Commission's rules.

To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to: fcc504@fcc.gov, or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

For further information, please contact Jeffery Goldthorp, Associate Bureau Chief, Public Safety and Homeland Security Bureau at 202-418-1096 or Jeffery.goldthorp@fcc.gov.

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⁵ Secure Networks Act §§ 2(b)-(c).

⁶ See *Supply Chain Second Report and Order*, 35 FCC Rcd at 14311-25, paras. 57-92.

⁷ 47 CFR §§ 1.50002, 1.50003 (effective Mar. 15, 2021).

⁸ See Pub. L. 115-232, 132 Stat. 1636.

⁹ See *Supply Chain Second Report and Order*, 35 FCC Rcd at 14315, para. 67 (internal quotations omitted).

¹⁰ See *id.* at 14316, para. 68 (quoting *Supply Chain Declaratory Ruling and Second FNPRM*, 35 FCC Rcd at 7832, para. 35).

¹¹ Secure Networks Act § 2; *Supply Chain Second Report and Order*, 35 FCC Rcd at 14311-25, paras. 57-92.

¹² See Pub. L. 115-232, 132 Stat. 1636 at 1918, § 889(f)(2)-(3).

APPENDIX

COVERED LIST (Updated March 12, 2021)*†

Covered Equipment or Services*	Date of Inclusion on Covered List
Telecommunications equipment produced or provided by Huawei Technologies Company , including telecommunications or video surveillance services produced or provided by such entity or using such equipment.	March 12, 2021
Telecommunications equipment produced or provided by ZTE Corporation , including telecommunications or video surveillance services provided or provided by such entity or using such equipment.	March 12, 2021
Video surveillance and telecommunications equipment produced or provided by Hytera Communications Corporation , to the extent it is used for the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, including telecommunications or video surveillance services produced or provided by such entity or using such equipment.	March 12, 2021
Video surveillance and telecommunications equipment produced or provided by Hangzhou Hikvision Digital Technology Company , to the extent it is used for the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, including telecommunications or video surveillance services produced or provided by such entity or using such equipment.	March 12, 2021
Video surveillance and telecommunications equipment produced or provided by Dahua Technology Company , to the extent it is used for the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, including telecommunications or video surveillance services produced or provided by such entity or using such equipment.	March 12, 2021

*The inclusion of producers or providers of equipment or services identified on this list should be read to include the subsidiaries and affiliates of such entities.

†Where equipment or services on the list are identified by category, such category should be construed to include only equipment or services capable of the functions outlined in sections 2(b)(2)(A), (B), or (C) of the 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) (“Secure Networks Act”).