

ALERT

FCC Imposes Security Prohibitions, Certifications, and Reporting Requirements for Providers of “Advanced Communications Services”

January 13, 2021

On January 13, 2021, the Federal Communications Commission (FCC or Commission) published its final supply chain security rule implementing the Secure and Trusted Communications Networks Act of 2019. The rule is the most recent action in the FCC’s existing proceeding *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs* (WC Docket No. 18-89). The final item:

- Establishes the procedures and criteria for publishing a list of covered communications equipment and services that pose an unacceptable risk to national security;
- Prohibits the use of federal subsidies administered by the Commission from being used on such covered communications equipment and services;
- Establishes the Secure and Trusted Communications Networks Reimbursement Program (Reimbursement Program);
- Requires Eligible Telecommunications Carriers (ETCs) and participants in the Reimbursement Program to remove and dispose of covered communications equipment and services; and
- Establishes certain reporting requirements for providers of “advanced communications services.”

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National Security
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Of particular note, the Order requires that providers of advanced communications services either (A) certify to the Commission that such provider does not have any covered communications equipment or service in the network of such provider; or (B) provide an annual report to the Commission to include: (1) the type of covered communications equipment or service purchased, rented or leased; (2) the location of the covered equipment or service; (3) the date the covered equipment or service was procured; (4) the removal or replacement plans for covered equipment or services, including cost to replace; (5) the amount paid for covered equipment or services; (6) the supplier for covered equipment or services; and (7) a detailed justification for obtaining such covered equipment and services. Accordingly, all providers of advanced communications services must evaluate the nature and scope of covered communications equipment and services within their network.

The rule will be effective on **March 15, 2021**, with certain sections to be effective pending future publication in the *Federal Register*. We previously summarized the major requirements and impact of the rule when it was proposed, available [here](#).

The final rule was adopted by the Commission at its Open Meeting in December. In late 2020, through the omnibus appropriations bill, Congress provided \$1.9 billion in funds for the Reimbursement Program for eligible communications providers to replace covered equipment.

Please reach out to a member of our team if you have any questions.