

AMENDMENT TO H.R. 4350
OFFERED BY MR. KELLY OF MISSISSIPPI

At the appropriate place in title VIII, insert the following new section:

1 **SEC. 8___. SUPPLY OF OPTICAL TRANSMISSION EQUIP-**
2 **MENT FOR DEPARTMENT OF DEFENSE PUR-**
3 **POSES.**

4 (a) STATEMENT OF POLICY.—Is it is the policy of
5 the United States that optical transmission equipment, in-
6 cluding optical fiber and cable equipment, is a critical
7 component of the United States information and commu-
8 nications technology supply chain, and the Department of
9 Defense should source optical transmission equipment
10 from providers other than covered communications equip-
11 ment providers for use in communications networks, in-
12 cluding fifth and future generation networks and
13 hyperscale data centers.

14 (b) DETERMINATION AND REPORT.—Not later than
15 120 days after the date of the enactment of this Act, the
16 Secretary of Defense shall—

17 (1) publish a determination, in connection with
18 section 2 of the Secure and Trusted Communica-
19 tions Networks Act of 2019 (47 U.S.C. 1601), that

1 future purchases of optical transmission equipment
2 manufactured or supplied by a covered communica-
3 tions equipment provider poses an unacceptable risk
4 to the national security of the United States; and

5 (2) submit to the congressional defense commit-
6 tees a report on the efforts of the Department of
7 Defense to achieve the goals established under sub-
8 section (a).

9 (c) DEFINITIONS.—In this section:

10 (1) COVERED COMMUNICATIONS EQUIPMENT
11 PROVIDER.—The term “covered communications
12 equipment provider” means an entity owned, con-
13 trolled, or supported by the People’s Republic of
14 China that manufactures, produces, or distributes
15 any optical transmission equipment that is capable
16 of routing or redirecting user data traffic or permit-
17 ting visibility into any user data or packets that
18 such component transmits or handles.

19 (2) HYPERSCALE DATA CENTER.—The term
20 “hyperscale data center” means a cloud-operated fa-
21 cility that—

22 (A) enables users to store data and appli-
23 cations, including in the form of infrastructure-
24 , software-, or platform-as-a-service; and

1 (B) has more than 5,000 servers and more
2 than 10,000 square feet.

