

COMMUNICATIONS SECURITY, RELIABILITY, AND
INTEROPERABILITY COUNCIL ACT

OCTOBER 15, 2021.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce,
submitted the following

R E P O R T

[To accompany H.R. 4067]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 4067) to direct the Federal Communications Commission to establish a council to make recommendations on ways to increase the security, reliability, and interoperability of communications networks, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Communications Security, Reliability, and Inter-operability Council Act”.

SEC. 2. COUNCIL ON COMMUNICATIONS SECURITY, RELIABILITY, AND INTEROPERABILITY.

(a) **ESTABLISHMENT.**—Not later than 90 days after the date of the enactment of this Act, the Commission shall establish a council, to advise the Commission on issues including the security, reliability, and interoperability of communications networks.

(b) **MEMBERSHIP.**—

(1) **APPOINTMENT.**—The members of the council shall be appointed by the Chair.

(2) **COMPOSITION.**—To the extent practicable, the membership of the council shall be composed of the following:

(A) Representatives of companies in the communications industry, except companies that are determined by the Chair to be not trusted.

(B) Representatives of public interest organizations or academic institutions, except public interest organizations or academic institutions that are determined by the Chair to be not trusted.

(C) Representatives of the Federal Government, State governments, local governments, or Tribal Governments, with at least one member representing each such type of government.

(3) **KNOWLEDGE AND EXPERIENCE.**—Each member of the council shall have knowledge and experience relevant to the purpose and goals of the council.

(4) **TERMS.**—

(A) **IN GENERAL.**—Each member of the council shall be appointed for a term of 2 years, except as provided in subparagraph (B).

(B) **VACANCIES.**—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office.

(c) **REPORTS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date on which the council is established under subsection (a), and every 2 years thereafter, the council shall submit to the Chair each report adopted by the council during the preceding 2-year period, and any report adopted by any working group of the council during such period, including any such report of the council or a working group containing recommendations on ways to increase the security, reliability, and interoperability of communications networks, and on other relevant issues as appropriate.

(2) **AVAILABILITY ON COMMISSION WEBSITE.**—The Commission shall make each report submitted under paragraph (1) publicly available on the website of the Commission.

(d) **DURATION.**—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the council.

(e) **DEFINITIONS.**—In this section:

- (1) CHAIR.—The term “Chair” means the Chair of the Commission.
- (2) COMMISSION.—The term “Commission” means the Federal Communications Commission.
- (3) COUNCIL.—The term “council” means the council established under sub-section (a).
- (4) NOT TRUSTED.—
- (A) IN GENERAL.—The term “not trusted” means, with respect to an entity, that—
- (i) the Chair has made a public determination that such entity is owned by, controlled by, or subject to the influence of a foreign adversary; or
- (ii) the Chair otherwise determines that such entity poses a threat to the national security of the United States.
- (B) CRITERIA FOR DETERMINATION.—In making a determination under subparagraph (A)(ii), the Chair shall use the criteria described in paragraphs (1) through (4) of section 2(c) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601(c)), as appropriate.
- (5) STATE.—The term “State” has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

I. PURPOSE AND SUMMARY

H.R. 4067, the “Communications Security Advisory Act of 2021,” directs the Chair of the Federal Communications Commission (FCC) to establish a committee to advise the Commission on issues related to the security, reliability, and interoperability of communications networks.

II. BACKGROUND AND NEED FOR LEGISLATION

The FCC established the Communications Security, Reliability, and Interoperability Council (CSRIC) to “provide recommendations to the Commission regarding best practices and actions the Commission can take to ensure optimal security, reliability, and interoperability of commercial and public safety communications.”¹ A hallmark of the body has been the collaboration between representatives from private industry, government, and other stakeholders in a forum that facilitates information sharing and the advancement of important issues.² CSRIC has been rechartered in two-year increments since 2009 with new membership, working groups, and issues, including most recently in April 2021.³

Experts have indicated the importance to the information and communications technology sector of advancing and strengthening existing government partnerships—especially those between agencies in the Department of Commerce, the FCC, and the Department of Homeland Security’s Cybersecurity and Infrastructure Se-

¹ Federal Communications Commission, *FCC Announces First Meeting of the Communications Security, Reliability, and Interoperability Council (CSRIC) Scheduled for December 7, 2009*, at FCC Headquarters, Public Notice, DA 09–2429 (Nov. 17, 2009).

² John Marinho, *CSRIC: A Crucial Cybersecurity Partnership Protecting Wireless Consumers, and Federal Agencies*, CTIA Blog (March 10, 2021) (available at www.ctia.org/news/blog-csric-a-crucial-cybersecurity-partnership-protecting-wireless-consumers-and-federal-agencies).

³ Federal Communications Commission, *FCC Announces Intent to Re-Establish the Communications Security, Reliability, and Interoperability Council and Solicits Nominations for Membership*, Public Notice, DA 21–430 (Apr. 15, 2021).

curity Agency (CISA).⁴ The legislation would advance that goal by making CSRIC a permanent advisory council to the FCC, without making changes to the purpose or operations of the body.

III. COMMITTEE HEARINGS

For the purposes of clause 3(c) of rule XIII of the Rules of the House of Representatives, the following hearings were used to develop or consider H.R. 4067:

The Subcommittee on Communications and Technology held a hearing on April 21, 2021, entitled “Leading the Wireless Future: Securing American Network Technology.” The Subcommittee received testimony from the following witnesses:

- John Baker, Senior Vice President, Business Development; Mavenir;
- John Mezzalingua, Chief Executive Officer, JMA Wireless;
- Tim Donovan, SVP, Legislative Affairs, Competitive Carriers Association;
- Tareq Amin, EVP and Group Chief Technology Officer, Rakuten Mobile; and
- Diane Rinaldo, Executive Director, Open RAN Policy Coalition.

The Subcommittee on Communications and Technology held a legislative hearing on June 30, 2021, entitled “A Safe Wireless Future: Securing our Networks and Supply Chains.” The Subcommittee received testimony from the following witnesses:

- Dileep Srihari, Senior Policy Counsel, Access Partnership;
- Dean Brenner, Senior Vice President—Spectrum Strategy and Tech Policy, Qualcomm Incorporated;
- Jason Boswell, Head of Security, Network Product Solutions, N.A., Ericsson; and
- Clete Johnson, Senior Fellow, Strategic Technologies Program, Center for Strategic and International Studies

IV. COMMITTEE CONSIDERATION

Representatives Elissa Slotkin (D–MI), Kurt Schrader (D–OR), and Tim Walberg (R–MI) introduced H.R. 4067, the “Communications Security Advisory Act of 2021,” on June 22, 2021, and it was referred to the Committee on Energy and Commerce. Subsequently, on June 23, 2021, H.R. 4067 was referred to the Subcommittee on Communications and Technology. A legislative hearing was held on the bill on June 30, 2021. H.R. 4067 was discharged from the Subcommittee on Communications and Technology on July 20, 2021.

On July 21, 2021, the full Committee met in open markup session, pursuant to notice, to consider H.R. 4067 and 23 other bills. During consideration of the bill, an amendment in the nature of a substitute (AINS) offered by Representative Schrader was agreed to by a voice vote. Upon conclusion of consideration of the bill, the full Committee agreed to a motion on final passage offered by Representative Pallone (D–NJ), Chairman of the Committee, to order H.R. 4067 reported favorably to the House, amended, by a voice vote.

⁴Testimony of Clete Johnson, Hearing on *A Safe Wireless Future: Securing Our Networks and Supply Chains*, United States House of Representatives Committee on Energy and Commerce, Subcommittee on Communications and Technology (June 30, 2021).

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were no record votes taken on H.R. 4067.

VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

VIII. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to permanently establish the Communications Security, Reliability, and Interoperability Council for the purpose of developing best practices and advising the Chair of the Federal Communications Commission on issues related to Communications Security, Reliability and Interoperability.

X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 4067 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

XI. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF
BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 4067 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. ADVISORY COMMITTEE STATEMENT

One advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

XIV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 designates that the short title may be cited as the “Communications Security Advisory Act of 2021.”

Sec. 2. Council on Communications Security, Reliability, and Interoperability

Section 2 directs the FCC to establish, within 90 days, a council (Council) to advise the Commission on, among other things, the security, reliability, and interoperability of communications networks.

It provides that the Chair of the Commission (Chair) can appoint members to the Council, which, to the extent practicable, shall be composed of representatives from companies in the communications industry, except those companies determined by the Chair to be not trusted; representatives from public interest or academia, except from organizations or institutions determined by the Chair to be not trusted; and representatives of the Federal government, state and local government, and Tribal governments. Members shall have the relevant knowledge and expertise on issues related to the mission of the Council. The legislation also provides that members’ terms shall last two years, and that if there is a vacancy the term shall last until the end of the previous term, or a successor is named.

The legislation also requires the Council to submit reports to the Chair every two years, and the reports shall be made public on the Commission’s website. Finally, it specifies that Section 14(a)(2)(B) of the Federal Advisory Committee Act regarding termination of advisory committees shall not apply to the Council, and it defines terms used in the legislation, including “not trusted.”

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

There are no changes to existing law made by the bill H.R. 4067.