

PROMOTING UNITED STATES WIRELESS LEADERSHIP ACT
OF 2019

JANUARY 7, 2020.—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. 4500]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 4500) to direct the Assistant Secretary for Communications and Information to take certain actions to enhance the representation of the United States and promote United States leadership in communications standards-setting bodies, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend 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 “Promoting United States Wireless Leadership Act of 2019”.

SEC. 2. REPRESENTATION AND LEADERSHIP OF UNITED STATES IN COMMUNICATIONS STANDARDS-SETTING BODIES.

(a) **IN GENERAL.**—In order to enhance the representation of the United States and promote United States leadership in standards-setting bodies that set standards for 5G networks and for future generations of wireless communications networks, the Assistant Secretary shall, in consultation with the National Institute of Standards and Technology, coordinate executive branch efforts to—

(1) equitably encourage participation by companies and a wide variety of relevant stakeholders, but not including any company or relevant stakeholder that the Assistant Secretary has determined to be not trusted, (to the extent such standards-setting bodies allow such stakeholders to participate) in such standards-setting bodies; and

(2) equitably offer technical expertise to companies and a wide variety of relevant stakeholders, but not including any company or relevant stakeholder that the Assistant Secretary has determined to be not trusted, (to the extent such standards-setting bodies allow such stakeholders to participate) to facilitate such participation.

(b) **STANDARDS-SETTING BODIES.**—The standards-setting bodies referred to in subsection (a) include, but are not limited to—

(1) the International Organization for Standardization;

(2) the voluntary standards-setting bodies that develop protocols for wireless devices and other equipment, such as the 3GPP and the Institute of Electrical and Electronics Engineers; and

(3) any standards-setting body accredited by the American National Standards Institute or Alliance for Telecommunications Industry Solutions.

(c) **BRIEFING.**—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary shall brief the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on a strategy to carry out subsection (a).

(d) **DEFINITIONS.**—In this section:

(1) **3GPP.**—The term “3GPP” means the 3rd Generation Partnership Project.

(2) **5G NETWORK.**—The term “5G network” means a fifth-generation mobile network as described by 3GPP Release 15 or higher.

(3) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(4) **CLOUD COMPUTING.**—The term “cloud computing” has the meaning given the term in Special Publication 800–145 of the National Institute of Standards and Technology, entitled “The NIST Definition of Cloud Computing”, published in September 2011, or any successor publication.

(5) **COMMUNICATIONS NETWORK.**—The term “communications network” means any of the following:

(A) A system enabling the transmission, between or among points specified by the user, of information of the user’s choosing.

(B) Cloud computing resources.

(C) A network or system used to access cloud computing resources.

(6) **NOT TRUSTED.**—The term “not trusted” means, with respect to a company or stakeholder, that the company or stakeholder is determined by the Assistant Secretary to pose a threat to the national security of the United States. In making such a determination, the Assistant Secretary shall rely solely on one or more of the following determinations:

(A) A specific determination made by any executive branch interagency body with appropriate national security expertise, including the Federal Acquisition Security Council established under section 1322(a) of title 41, United States Code.

(B) A specific determination made by the Department of Commerce pursuant to Executive Order 13873 (84 Fed. Reg. 22689; relating to securing the information and communications technology and services supply chain).

(C) Whether a company or stakeholder produces or provides covered telecommunications equipment or services, as defined in section 889(f)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1918).

I. PURPOSE AND SUMMARY

H.R. 4500, the “Promoting United States Wireless Leadership Act of 2019”, was introduced on September 26, 2019, by Reps. Walberg (R–MI), Dingell (D–MI), and Brooks (R–IN), and referred to the Committee on Energy and Commerce, as well as to the Committee on Foreign Affairs. H.R. 4500 would direct the Assistant Secretary for Communications and Information for the Department of Commerce to take certain actions to enhance the representation of the United States and promote United States leadership in communications standards-setting bodies.

II. BACKGROUND AND NEED FOR LEGISLATION

As technology advances and new technology is developed, countries work together to develop standards that guide how such technology is implemented. These independent, business-led entities determine the standards to which 5G operators, equipment manufacturers, software providers, and others build. These technical discussions also contemplate the intended purposes of the technology to ensure it is not used for malicious purposes. The United States sends representatives to standards-setting bodies such as the International Organization for Standardization, the 3GPP and others to set standards for new technology that align with the United States’ objectives.

There is an ongoing struggle in 5G standards setting bodies to maintain U.S. leadership. As 5G and future technologies are developed, it is essential that the United States has a strong influence in the development of standards that guide the implementation of these technologies. This legislation reaffirms Congress’s desire to strengthen U.S. leadership in the global standards setting arena.

III. COMMITTEE HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearing was used to develop or consider H.R. 4500:

The Subcommittee on Communications and Technology held a legislative hearing on September 27, 2019, entitled, “Legislating to Secure America’s Wireless Future.” The Subcommittee received testimony from the following witnesses:

- John Nettles, President, Pine Belt Wireless;
- Harold Feld, Senior Vice President, Public Knowledge;
- Dean Brenner, Senior Vice President, Spectrum Strategy & Tech Policy, Qualcomm Incorporated; and
- Bobbie Stempfley, Managing Director, CERT Division Software Engineering Institute, Carnegie Mellon University.

IV. COMMITTEE CONSIDERATION

H.R. 4500, the “Promoting United States Wireless Leadership Act of 2019”, was introduced on September 26, 2019, by Rep. Walberg (R–MI), Rep. Dingell (D–MI), and Rep. Brooks (R–IN), and referred to the Committee on Energy and Commerce, as well as to the Committee on Foreign Affairs. The bill was referred to the Subcommittee on Communications and Technology on September 27, 2019. Following a legislative hearing, the Subcommittee met in open markup session on November 14, 2019, pursuant to notice, for

consideration of the bill. An amendment offered by the sponsors of the bill, along with Rep. Clarke (D-NY), was agreed to by a voice vote. Subsequently, the Subcommittee on Communications and Technology agreed to a motion by Mr. Doyle, Chairman of the subcommittee, to favorably forward H.R. 4500 to the full Committee on Energy and Commerce, amended, by a voice vote.

The full Committee met in open markup session, pursuant to notice, on November 20, 2019, to consider H.R. 4500, as amended by the Subcommittee. During consideration, an amendment offered by Mr. Johnson of Ohio was agreed to by a voice vote. Then, the Committee on Energy and Commerce agreed to a motion by Mr. Pallone, Chairman of the committee, to order H.R. 4500 reported favorably to the House, amended, by a voice vote, a quorum being present.

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. 4500.

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 encourage participation in global wireless standards bodies by trusted companies and relevant stakeholders.

X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 4500 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. 4500 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. ADVISORY COMMITTEE STATEMENT

The legislation does not create any new Federal advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act.

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 “Promoting United States Wireless Leadership Act of 2019”.

Sec. 2. Representation and leadership of United States in communications standards-setting bodies

This section requires the National Telecommunications and Information Administration (NTIA), in consultation with the National Institute of Standards and Technology (NIST), to coordinate executive branch efforts to equitably encourage participation by trusted companies and a wide variety of relevant stakeholders in standards-setting bodies that set standards for 5G networks and future generations of wireless communications networks. This section further requires NTIA, in consultation with NIST, to equitably offer technical expertise to trusted companies and a wide variety of relevant stakeholders. Finally, this section requires NTIA to brief the House Committee on Energy and Commerce and Senate Committee on Commerce, Science, and Transportation within 60 days on their strategy to carry out these functions.

XVI. EXCHANGE OF LETTERS

ELIOT L. ENGEL, NEW YORK
CHAIRMAN

JASON STEINBAUM
STAFF DIRECTOR



MICHAEL T. MCCAUL, TEXAS
RANKING REPUBLICAN MEMBER

BRENDAN P. SHIELDS
REPUBLICAN STAFF DIRECTOR

One Hundred Sixteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

January 3, 2020

The Honorable Frank Pallone, Jr.
Chairman, Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Pallone:

In recognition of the desire to expedite consideration of H.R. 4500, Promoting United States Wireless Leadership Act of 2019, the Committee on Foreign Affairs agrees to waive formal consideration of the bill as to provisions that fall within the Rule X jurisdiction of the Committee on Foreign Affairs.

The Committee on Foreign Affairs takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any issues within our jurisdiction. I ask you to support the appointment of Committee on Foreign Affairs conferees during any House-Senate conference convened on this legislation.

Finally, thank you for agreeing to include a copy of our exchange of letters in the *Congressional Record* during floor consideration of H.R. 4500.

Sincerely,

A handwritten signature in black ink that reads "Eliot L. Engel".

ELIOT L. ENGEL
Chairman

Cc: The Honorable Michael T. McCaul, Committee on Foreign Affairs
The Honorable Greg Walden, Committee on Energy and Commerce
Mr. Thomas J. Wickham, Parliamentarian

FRANK PALLONE, JR., NEW JERSEY
CHAIRMAN

GREG WALDEN, OREGON
RANKING MEMBER

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927

Minority (202) 225-3641

January 6, 2020

The Honorable Eliot Engel
Chairman
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515

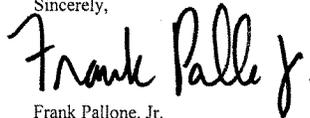
Dear Chairman Engel:

Thank you for consulting with the Committee on Energy and Commerce and agreeing to be discharged from further consideration of H.R. 4500, the Promoting United States Wireless Leadership Act of 2019, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee or prejudice its jurisdictional prerogatives on this measure or similar legislation in the future. I agree that your Committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues within your jurisdiction. I would support your effort to seek appointment of an appropriate number of conferees from your Committee to any House-Senate conference on this legislation.

I will place our letters on H.R. 4500 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,



Frank Pallone, Jr.
Chairman

The Honorable Eliot Engel
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cc: The Honorable Nancy Pelosi, Speaker
The Honorable Steny Hoyer, Majority Leader
The Honorable Greg Walden, Ranking Member, Committee on Energy and Commerce
The Honorable Michael McCaul, Ranking Member, Committee on Foreign Affairs
The Honorable Thomas J. Wickham, Parliamentarian

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

No changes in existing law were made by H.R. 4500, as reported by the Committee on Energy and Commerce.

