

INFORMATION AND COMMUNICATION TECHNOLOGY
STRATEGY ACT

OCTOBER 19, 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. 4028]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 4028) to require the Secretary of Commerce to report on and develop a whole-of-Government strategy with respect to the economic competitiveness of the information and communication technology supply chain, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

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The amendments are as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Information and Communication Technology Strategy Act”.

SEC. 2. ECONOMIC COMPETITIVENESS OF INFORMATION AND COMMUNICATION TECHNOLOGY SUPPLY CHAIN.

(a) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the information and communication technology supply chain that—

(1) identifies—

(A) information and communication technology critical to the economic competitiveness of the United States; and

(B) the industrial capacity of—

(i) United States vendors that produce information and communication technology identified under subparagraph (A); and

(ii) trusted information and communication technology vendors that produce information and communication technology identified under subparagraph (A);

(2) assesses the economic competitiveness of vendors described under paragraph (1)(B);

(3) assesses whether, and to what extent, there is a dependence by providers of advanced telecommunications capability in the United States on information and communication technology identified under paragraph (1)(A) that is not trusted;

(4) identifies—

(A) what actions by the Federal Government are needed to support, and bolster the economic competitiveness of, trusted information and communication technology vendors; and

(B) what Federal resources are needed to reduce dependence by providers of advanced telecommunications capability in the United States on companies that—

(i) produce information and communication technology; and

(ii) are not trusted; and

(5) defines lines of effort and assigns responsibilities for a whole-of-Government response to ensuring the competitiveness of the information and communication technology supply chain in the United States.

(b) **WHOLE-OF-GOVERNMENT STRATEGY.**—

(1) **IN GENERAL.**—The Secretary shall develop, on the basis of the report required by subsection (a), a whole-of-Government strategy to ensure the economic competitiveness of trusted information and communication technology vendors that includes—

(A) recommendations on how—

(i) to strengthen the structure, resources, and authorities of the Federal Government to support the economic competitiveness of trusted information and communication technology vendors, including United States vendors that are trusted information and communication technology vendors; and

(ii) the Federal Government can address any barriers to a market-based solution for increasing the economic competitiveness of such information and communication technology vendors;

(B) defined lines of effort and responsibilities for Federal agencies to implement the strategy; and

(C) a description of—

(i) any change to a Federal program, Federal law, or structure of the Federal Government necessary to implement any recommendation under subparagraph (A); and

(ii) any additional Federal resource necessary to implement any recommendation under subparagraph (A).

(2) **REPORT.**—Not later than 180 days after the submission of the report required by subsection (a), the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the strategy developed under paragraph (1).

(c) **CONSULTATION REQUIRED.**—In carrying out subsections (a) and (b), the Secretary shall consult with—

(1) a cross-section of trusted information and communication technology vendors; and

(2) the Secretary of State, the Secretary of Homeland Security, the Attorney General, the Director of National Intelligence, the Chair of the Federal Communications Commission and any other head of an agency the Secretary determines necessary.

(d) DEFINITIONS.—In this section:

(1) ADVANCED TELECOMMUNICATIONS CAPABILITY.—The term “advanced telecommunications capability” has the meaning given that term in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302).

(2) INFORMATION AND COMMUNICATION TECHNOLOGY SUPPLY CHAIN.—The term “information and communication technology supply chain” means all of the companies that produce information and communication technology.

(3) INFORMATION AND COMMUNICATION TECHNOLOGY.—The term “information and communication technology” means a technology (including software), component, or material that enables communications by radio or wire.

(4) NOT TRUSTED.—The term “not trusted” means, with respect to a company or information and communication technology, that the company or information and communication technology is determined by the Secretary to pose an unacceptable risk to national security of the United States, or the security and safety of the United States persons based solely on one or more determination described under paragraphs (1) through (4) of section 2(c) of the Secure and Trusted Communications Networks Act of 2019 (Public Law 116–124).

(5) SECRETARY.—The term “Secretary” means the Secretary of Commerce, acting through the Assistant Secretary of Commerce for Communications and Information.

(6) TRUSTED.—The term “trusted” means, with respect to a company, that the Secretary has not determined that the company is not trusted.

(7) TRUSTED INFORMATION AND COMMUNICATION TECHNOLOGY VENDOR.—The term “trusted information and communication technology vendor” means a company—

- (A) that produces information and communication technology; and
- (B) that is trusted.

Amend the title so as to read:

A bill to require the Secretary of Commerce, acting through the Assistant Secretary of Commerce for Communications and Information, to report on and develop a whole-of-Government strategy with respect to the economic competitiveness of the information and communication technology supply chain, and for other purposes.

I. PURPOSE AND SUMMARY

H.R. 4028, the “Information and Communication Technology Strategy Act,” directs the National Telecommunications and Information Administration (NTIA) to submit a report within one year that identifies information and communication technology (ICT) critical to the economic competitiveness of the United States. In the report, NTIA will assess the economic competitiveness of trusted ICT vendors, assess whether, and to what extent, the United States is dependent on untrusted ICT components or vendors, and identify what actions by the Federal government are needed to bolster the economic competitiveness of trusted ICT vendors.

II. BACKGROUND AND NEED FOR LEGISLATION

In 2020, Congress passed the Secure and Trusted Communications Networks Act, which took steps to remove harmful equipment in our nation’s communications networks by, among other things, instructing the FCC to publish a list of communications equipment and services that pose a national security threat.¹ The law also prohibited the use of certain federal funds administered by the Commission to purchase equipment and services from companies

¹ Pub. L. No. 116–124 (Mar. 12, 2020).

on that list.² The legislation also authorized, and Congress subsequently appropriated, funding for certain United States telecommunications carriers to remove and replace prohibited equipment and services from their networks.³

As United States telecommunications providers remove and replace untrusted equipment, Congress has sought to ensure there is a robust marketplace of trusted ICT vendors. To understand the vulnerabilities in the supply chain for communications equipment and services, the report required under H.R. 4028 would inform Congress and the Executive Branch of the state of this marketplace, whether the United States faces any barriers to ensuring a secure and resilient supply chain, and what actions, if any, are needed to ensure access to trusted ICT equipment and services. NTIA would then use the report to develop a whole-of-government strategy to ensure the economic competitiveness of trusted ICT vendors.

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. 4028:

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 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, SVP, Spectrum Strategy & 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 Billy Long (R–MO), Abigail Spanberger (D–VA), Buddy “Earl” L. Carter (R–GA), and Jerry McNerney (D–CA) introduced H.R. 4028, the “Information and Communication Technology Strategy Act,” on June 22, 2021, which was referred to the Com-

²Id. at § 2.

³Division N, Title IX, Section 906, Consolidated Appropriations Act of 2021, Pub. L. No. 116–260 (Dec. 27, 2020).

mittee on Energy and Commerce. Subsequently, on June 23, 2021, H.R. 4028 was referred to the Subcommittee on Communications and Technology. A legislative hearing was held on the bill on June 30, 2021.

On July 20, 2021, the Subcommittee on Communications and Technology was discharged from further consideration of the bill. On July 21, 2021, the full Committee met in open markup session, pursuant to notice, to consider H.R. 4028 and 23 other bills. During consideration of the bill, an amendment in the nature of a substitute (AINS) offered by Representative Long 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. 4028 reported favorably to the House, amended, by a voice vote.

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. 4028, including a motion by Mr. Pallone ordering H.R. 4028 favorably reported to the House, amended.

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 submit a report assessing the state of economic competitiveness of trusted ICT vendors and

develop a whole of government strategy to ensure their competitiveness.

X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 4028 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. 4028 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. ADVISORY COMMITTEE STATEMENT

No 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 “Information and Communication Technology Strategy Act.”

Sec. 2. Economic competitiveness of information and communication technology supply chain

This section requires NTIA to submit a report to Congress within one year of the date of enactment that identifies information and communications technology critical to the economic competitiveness of the United States and the industrial capacity of the United States and other trusted ICT vendors. This section also requires NTIA to include in the report an assessment of the economic competitiveness of United States and trusted ICT vendors, whether and to what extent the United States has a dependence on untrusted ICT vendors, and an identification of what actions, if any, are needed to ensure access to trusted ICT equipment and services.

Additionally, NTIA is directed to use the report to develop a whole-of-government strategy to ensure the economic competitiveness of trusted ICT vendors. This strategy would include rec-

ommendations on how to strengthen the structure, resources, and authorities of the federal government to support the economic competitiveness of trusted ICT vendors and how the federal government can address barriers to market-based solutions for increasing the economic competitiveness of trusted ICT vendors. The strategy would also include defined lines of effort and responsibilities for Federal agencies implementing the strategy. NTIA would be required to submit a report to Congress within 180 days providing this strategy.

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

There are no changes to existing law made by the bill H.R. 4028.

