

OPEN RAN OUTREACH 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. 4032]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 4032) to provide outreach and technical assistance to small providers regarding the benefits of Open RAN networks, 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 “Open RAN Outreach Act”.

**SEC. 2. OUTREACH AND TECHNICAL ASSISTANCE TO SMALL PROVIDERS REGARDING OPEN RAN NETWORKS.**

(a) **IN GENERAL.**—The Assistant Secretary shall conduct outreach and provide technical assistance to small communications network providers—

(1) to raise awareness regarding the uses, benefits, and challenges of Open RAN networks and other open network architectures; and

(2) regarding participation in the Wireless Supply Chain Innovation Grant Program established under section 9202(a)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(b) **DEFINITIONS.**—In this section:

(1) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information, acting through the head of the Office of Internet Connectivity and Growth.

(2) **OPEN NETWORK ARCHITECTURE.**—The term “open network architecture” means Open RAN networks and other network elements that follow a set of published open standards for multi-vendor network equipment interoperability, including open core and open transport.

(3) **OPEN RAN NETWORK.**—The term “Open RAN network” means a wireless network that follows the Open Radio Access Network approach to standardization adopted by the O–RAN Alliance, Telecom Infra Project, or Third Generation Partnership Project (3GPP), or any similar set of published open standards for multi-vendor network equipment interoperability.

Amend the title so as to read:

A bill to provide outreach and technical assistance to small providers regarding Open RAN networks, and for other purposes.

**I. PURPOSE AND SUMMARY**

H.R. 4032, the “Open RAN Outreach Act,” directs the Assistant Secretary of the National Telecommunications and Information Administration (NTIA) to provide outreach and technical assistance to small communications network providers regarding the use, benefits, and challenges of Open Radio Access Networks (Open RAN) technologies.

**II. BACKGROUND AND NEED FOR LEGISLATION**

United States communications service providers rely heavily on equipment and services manufactured and provided by foreign companies. The increasingly globalized market for telecommunications equipment and services has increased competition and opened the door to cheaper goods for consumers but poses new challenges for the United States, particularly for ensuring the security of the telecommunications supply chain.

To support the development of a competitive market for trusted, secure network equipment, a growing movement has focused on Open RAN network architecture, which relies primarily on open-sourced standards and software to operate wireless communications networks.<sup>1</sup> Though now only in a nascent stage, Open RAN architecture will potentially allow a network operator to choose network components from various vendors, rather than relying on one vendor for its entire network, spurring the development of a competitive marketplace for secure equipment.<sup>2</sup>

While this architecture and related technologies may bring advantages to communications network providers and the communications supply chain, it could also pose challenges to smaller communications providers without the resources to integrate several

<sup>1</sup> Financial Times, *Telecoms Networks Look To Fix Huawei Problem With Open Source Software* (July 26, 2020).

<sup>2</sup> *Id.*

different kinds of vendors and equipment to create an end-to-end network. Directing the NTIA to provide this assistance to small providers will make it more likely that small providers can make informed decisions about adopting this network architecture.

### 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. 4032:

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 Colin Allred (D–TX), Tom O’Halloran (D–AZ), Richard Hudson (R–NC), and Brett Guthrie (R–KY) introduced H.R. 4032 the “Open RAN Outreach Act,” on June 22, 2021, which was referred to the Committee on Energy and Commerce. Subsequently, on June 23, 2021, H.R. 4032 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. 4032 and 23 other bills. During consideration of the bill, an amendment in the nature of a substitute (AINS) offered by Representative McNerney (D–CA) was agreed to by a voice vote. An amendment to the AINS, offered by Representative Latta (R–OH), 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. 4032 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. 4032, including a motion by Mr. Pallone ordering H.R. 4032 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 provide technical assistance to small communications providers regarding Open RAN Network Equipment and open network architectures.

## X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 4032 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. 4032 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 “Open RAN Outreach Act.”

*Sec. 2. Outreach and technical assistance to small providers regarding Open RAN networks*

Section 2 directs the Assistant Secretary to conduct outreach and technical assistance to small communications network providers, (1) to raise awareness regarding the uses, benefits, and challenges of Open RAN networks and other open network architectures, and (2) regarding participation in the Wireless Supply Chain Innovation Grant Program established in the Fiscal Year 2021 National Defense Authorization Act.

*Sec. 3. Definitions*

Section 3 defines three terms used in the legislation: Assistant Secretary, Open Network architecture, and Open RAN networks

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

There are no changes to existing law made by the bill H.R. 4032.