

117TH CONGRESS
2D SESSION

S. 3988

To codify and authorize the Federal Communications Commission’s establishment of a council to make recommendations on ways to increase the security, reliability, and interoperability of communications networks, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 4 (legislative day, MARCH 31), 2022

Mr. PETERS (for himself and Mr. MORAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To codify and authorize the Federal Communications Commission’s establishment of a council to make recommendations on ways to increase the security, reliability, and interoperability of communications networks, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Communications Secu-
5 rity, Reliability, and Interoperability Council Act”.

1 **SEC. 2. COUNCIL ON COMMUNICATIONS SECURITY, RELI-**
2 **ABILITY, AND INTEROPERABILITY.**

3 (a) CODIFICATION AND ESTABLISHMENT.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of enactment of this Act, the Commission
6 shall establish a council to advise the Commission on
7 issues including the security, reliability, and inter-
8 operability of communications networks.

9 (2) EXISTING ADVISORY COMMITTEE.—Any
10 Federal advisory committee of the Commission that
11 is operating on the date of enactment of this Act
12 under a charter filed in accordance with section 9(c)
13 of the Federal Advisory Committee Act (5 U.S.C.
14 App.) for the purpose of addressing the issues de-
15 scribed in paragraph (1) of this subsection shall sat-
16 isfy the requirement under that paragraph if, not
17 later than 90 days after that date, the membership
18 of the Federal advisory committee is modified, as
19 necessary, to comply with subsection (b) of this sec-
20 tion.

21 (b) MEMBERSHIP.—

22 (1) APPOINTMENT.—The members of the Coun-
23 cil shall be appointed by the Chair.

24 (2) COMPOSITION.—The Chair shall appoint as
25 members of the Council the following:

1 (A) Representatives of companies or rel-
2 evant trade associations in the communications
3 industry with facilities in the United States, ex-
4 cept entities that are determined by the Chair
5 to be not trusted, including, at minimum—

6 (i) 1 representative of a national wire-
7 less provider;

8 (ii) 1 representative of a national
9 wireline provider;

10 (iii) 1 representative of a national
11 cable provider;

12 (iv) 1 representative of a national sat-
13 ellite provider; and

14 (v) 1 representative of an equipment
15 manufacturer.

16 (B) Representatives of government, includ-
17 ing, at minimum—

18 (i) 1 representative of the Federal
19 Government, including not less than 1 rep-
20 resentative of the Department of Home-
21 land Security; and

22 (ii) 1 representative of a State govern-
23 ment, local government, or Tribal govern-
24 ment, including not less than 1 representa-

1 tive from each type of government, if fea-
2 sible.

3 (C) Representatives of public interest orga-
4 nizations or academic institutions, except public
5 interest organizations or academic institutions
6 that are determined by the Chair to be not
7 trusted, provided that not more than $\frac{1}{3}$ of the
8 membership of the Council be from public inter-
9 est organizations or academic institutions.

10 (3) KNOWLEDGE AND EXPERIENCE.—Each
11 member of the Council shall have knowledge and ex-
12 perience relevant to the purpose and goals of the
13 Council.

14 (4) TERMS.—

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

18 (B) VACANCIES.—Any member appointed
19 to fill a vacancy occurring before the expiration
20 of the term for which the member's predecessor
21 was appointed shall be appointed only for the
22 remainder of that term. A member may serve
23 after the expiration of that member's term until
24 a successor has taken office.

1 (c) CONSULTATION.—The Chair may consult with
2 the Secretary of Homeland Security as the Chair deter-
3 mines appropriate to enable coordination on matters per-
4 taining to the Council.

5 (d) DURATION.—Section 14(a)(2) of the Federal Ad-
6 visory Committee Act (5 U.S.C. App.) (relating to the ter-
7 mination of advisory committees) shall not apply to the
8 Council.

9 (e) DEFINITIONS.—In this section:

10 (1) CHAIR.—The term “Chair” means the
11 Chairman of the Commission.

12 (2) COMMISSION.—The term “Commission”
13 means the Federal Communications Commission.

14 (3) COUNCIL.—The term “Council” means the
15 council established under subsection (a).

16 (4) NOT TRUSTED.—The term “not trusted”
17 means, with respect to an entity, that—

18 (A) the Chair has made a public deter-
19 mination that such entity is owned by, con-
20 trolled by, or subject to the influence of a for-
21 eign adversary; or

22 (B) the Chair determines that such entity
23 poses a threat to the national security of the
24 United States, using solely the criteria de-
25 scribed in paragraphs (1) through (4) of section

1 2(c) of the Secure and Trusted Communica-
2 tions Networks Act of 2019 (47 U.S.C.
3 1601(c)), as appropriate.

4 (5) STATE.—The term “State” has the mean-
5 ing given such term in section 3 of the Communica-
6 tions Act of 1934 (47 U.S.C. 153).

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