

118TH CONGRESS
1ST SESSION

S. 828

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

MARCH 15, 2023

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 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
13 1008(e) of title 5, United States Code, for the pur-
14 pose of addressing the issues described in paragraph
15 (1) of this subsection shall satisfy the requirement
16 under that paragraph if, not later than 90 days
17 after that date, the membership of the Federal advi-
18 sory committee is modified, as necessary, to comply
19 with subsection (b) of this section.

20 (b) MEMBERSHIP.—

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

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

25 (A) Representatives of companies or rel-
26 evant trade associations in the communications

1 industry with facilities in the United States, ex-
2 cept entities that are determined by the Chair
3 to be not trusted, including, at minimum—

4 (i) 1 representative of a national wire-
5 less provider;

6 (ii) 1 representative of a national
7 wireline provider;

8 (iii) 1 representative of a national
9 cable provider;

10 (iv) 1 representative of a national sat-
11 ellite provider; and

12 (v) 1 representative of an equipment
13 manufacturer.

14 (B) Representatives of government, includ-
15 ing, at minimum—

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

20 (ii) 1 representative of a State govern-
21 ment, local government, or Tribal govern-
22 ment, including not less than 1 representa-
23 tive from each type of government, if fea-
24 sible.

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

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

12 (4) TERMS.—

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

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

23 (c) CONSULTATION.—The Chair may consult with
24 the Secretary of Homeland Security as the Chair deter-

1 mines appropriate to enable coordination on matters per-
2 taining to the Council.

3 (d) DURATION.—Section 1013(a)(2) of title 5,
4 United States Code, (relating to the termination of advi-
5 sory committees) shall not apply to the Council.

6 (e) DEFINITIONS.—In this section:

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

9 (2) COMMISSION.—The term “Commission”
10 means the Federal Communications Commission.

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

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

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

19 (B) the Chair determines that such entity
20 poses a threat to the national security of the
21 United States, using solely the criteria de-
22 scribed in paragraphs (1) through (4) of section
23 2(e) of the Secure and Trusted Communica-
24 tions Networks Act of 2019 (47 U.S.C.
25 1601(c)), as appropriate.

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

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