

116TH CONGRESS
1ST SESSION

H. R. 3763

To direct the Secretary of State to provide assistance and technical expertise to enhance the representation and leadership of the United States at international standards-setting bodies that set standards for 5th and future generations mobile telecommunications systems and infrastructure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2019

Mr. McCAUL (for himself and Mr. CUELLAR) introduced the following bill;
which was referred to the Committee on Foreign Affairs

A BILL

To direct the Secretary of State to provide assistance and technical expertise to enhance the representation and leadership of the United States at international standards-setting bodies that set standards for 5th and future generations mobile telecommunications systems and infrastructure, 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 “Promoting United
5 States International Leadership in 5G Act of 2019”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Market analysts estimate that in the United
4 States, 5G technologies could create up to 3,000,000
5 new jobs and add \$500,000,000,000 to the country's
6 gross domestic product. Globally, analysts estimate
7 that 5G technologies could generate
8 \$12,300,000,000,000 in sales activity across mul-
9 tiple industries and support 22,000,000 jobs by
10 2035.

11 (2) China is the most active espionage power
12 when it comes to industrial espionage, theft of intel-
13 lectual property, and actions against groups or coun-
14 tries that the regime perceives as threatening. Its
15 targets go well beyond the United States and include
16 any country where China has interests and access.
17 There are credible reports of China taking advan-
18 tage of network equipment supplied by its companies
19 for intelligence advantage that date back almost two
20 decades.

21 (3) In the last year, China has ignored agree-
22 ments between China, the United States, and others
23 not to engage in commercial espionage, and efforts
24 to acquire American, European, and Asian tech-
25 nology have reached an unprecedented level.

1 (4) A recent report by the Defense Innovation
2 Board lists a number of difficulties facing the de-
3 ployment of 5G technologies in the United States
4 and concludes that “The country that owns 5G will
5 own many of these innovations and set the stand-
6 ards for the rest of the world. . . .”.

7 (5) Standards adopted at international bodies,
8 such as the International Telecommunication Union,
9 the 3rd Generation Partnership Project, and the 5G
10 Infrastructure Public Private Partnership, are crit-
11 ical to the global economy and to ensuring that net-
12 works and technology can connect globally.

13 (6) The 2018 report to Congress by the U.S.-
14 China Economic and Security Review Commission
15 states that “International 5G standards will be set
16 by 2019, facilitating large-scale commercial deploy-
17 ment expected by 2020. The Chinese government is
18 encouraging its companies to play a greater role in
19 international 5G standards organizations to ensure
20 they set global standards; such leadership may result
21 in higher revenues and exports from internationally
22 accepted intellectual property and technology and
23 more global influence over future wireless technology
24 and standards development.”.

1 (7) China's Made in China 2025 initiative is
2 driving support to Chinese companies to increasingly
3 participate in and dominate international standards-
4 setting bodies so that it can restructure the global
5 marketplace and dominate economically strategic in-
6 dustries.

7 (8) Chinese officials have assumed a greater
8 number of leadership roles at the International Tele-
9 communication Union, an intergovernmental public-
10 private partnership under the United Nations that
11 allocates global radio spectrum and satellite orbits
12 and establishes international technical standards for
13 information and communication technologies.

14 (9) Patented technology is used in international
15 standards and a company that owns the patent nec-
16 essary to comply with international standards (also
17 known as a standards-essential patent) gains global
18 market share, licensing revenues, and a competitive
19 edge in subsequent technology development. As such,
20 the Chinese government, through its Made in China
21 2025 and Internet Plus initiatives, is seeking to
22 dominate the international standards-setting bodies
23 so as to create an unfair advantage for Chinese com-
24 panies as the world adopts 5G technologies.

1 (10) General Joseph Dunford, Chairman of the
2 Joint Chiefs of Staff, testified before the House
3 Committee on Appropriations on May 1, 2019, that
4 “One of the things that underlines an alliance is the
5 ability to share information, and when we share in-
6 formation with allies and partners we have to have
7 common standards of information assurance. We
8 have to be sure that our secrets are protected,
9 whether it be intelligence or technology transfer.”.

10 (11) On May 3, 2019, the Prague 5G Security
11 Conference, which was widely attended by represent-
12 atives from the European Union, and the North At-
13 lantic Treaty Organization, including the United
14 States, produced the Prague Proposals, which state
15 that “communication networks and services should
16 be designed with resilience and security in mind”.

17 **SEC. 3. SENSE OF CONGRESS.**

18 It is the sense of Congress that—

19 (1) the United States and its allies and part-
20 ners should maintain participation and leadership at
21 international standards-setting bodies for 5th and
22 future generations mobile telecommunications sys-
23 tems and infrastructure;

24 (2) the United States should work with its allies
25 and partners to encourage and facilitate the develop-

1 ment of secure supply chains and networks for 5th
2 and future generations mobile telecommunications
3 systems and infrastructure; and

4 (3) the maintenance of a standard of security
5 in telecommunications and cyber between the United
6 States and its allies and partners is a vital strategic
7 and security interest of the United States.

8 **SEC. 4. ENHANCING REPRESENTATION AND LEADERSHIP**
9 **OF UNITED STATES AT INTERNATIONAL**
10 **STANDARDS-SETTING BODIES.**

11 (a) IN GENERAL.—The Secretary of State shall pro-
12 vide assistance and technical expertise, using amounts
13 made available pursuant to existing authorizations of ap-
14 propriations, to enhance the representation and leadership
15 of the United States at international standards-setting
16 bodies that set standards for 5th and future generations
17 mobile telecommunications systems and infrastructure,
18 such as the International Telecommunication Union, and
19 work with allies and partners as well as the private sector
20 to also increase their engagement.

21 (b) BRIEFING.—Not later than 90 days after the date
22 of the enactment of this Act, the Secretary of State shall
23 provide to the Committee on Foreign Affairs of the House
24 of Representatives and the Committee on Foreign Rela-
25 tions of the Senate a briefing that shall include—

1 (1) the strategy of the Department of State to
2 promote United States leadership at international
3 standards-setting bodies relevant to 5th and future
4 generation mobile telecommunications systems and
5 infrastructure;

6 (2) a strategy for diplomatic engagement with
7 allies and partners to share security risk information
8 and findings pertaining to equipment that supports
9 or is used in 5th and future generations mobile tele-
10 communications systems and infrastructure and co-
11 operation on mitigating such risks; and

12 (3) a discussion of China's presence and activi-
13 ties at international standards-setting bodies rel-
14 evant to 5th and future generation mobile tele-
15 communications systems and infrastructure, includ-
16 ing information on the differences in the scope and
17 scale of China's engagement at such bodies com-
18 pared to engagement by the United States or its al-
19 lies and partners and the security risks raised by
20 Chinese proposals in such standards-setting bodies.

21 (c) AUTHORIZATION TO RELEASE DATA.—The head
22 of each Federal department or agency, including any inde-
23 pendent agency, is authorized and directed to furnish to
24 the Secretary of State, upon request, such data, reports,

- 1 and other information the Secretary determines necessary
- 2 to carry out the functions under this section.

