

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the preamble.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. Con. Res. 10

Recognizing that Chinese telecommunications companies such as Huawei and ZTE pose serious threats to the national security of the United States and its allies.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. GARDNER

Viz:

1 Strike the preamble and insert the following:

Whereas fifth-generation (in this preamble referred to as “5G”) wireless technology promises greater speed and capacity and will provide the backbone for the next generation of digital technologies;

Whereas 5G wireless technology will be a revolutionary advancement in telecommunications with the potential to create millions of jobs and billions of dollars in economic opportunity;

Whereas Chinese companies, including Huawei, have invested substantial resources in advancing 5G wireless technology and other telecommunications services around the globe, including subsidies provided directly by the Government of the People’s Republic of China;

Whereas Chinese officials have assumed a greater number of leadership roles at the International Telecommunications Union, where international telecommunications standards are set, and Chinese companies such as Huawei have increased their influence at the 3rd Generation Partnership Project (3GPP), whose work informs global telecommunications network technology standards;

Whereas Huawei and ZTE have rapidly expanded their market share throughout the developing world, including in Latin America and Africa, in countries such as Venezuela and Kenya;

Whereas, in 2018, Huawei increased its penetration to approximately 29 percent of the global telecommunications equipment market and 43 percent of the market in the Asia-Pacific, according to Dell'Oro Group;

Whereas, in 2012, the Permanent Select Committee on Intelligence of the House of Representatives released a bipartisan report naming Huawei and ZTE as national security threats;

Whereas, in 2013, the United States restricted Federal procurement of certain products produced by Huawei and ZTE and has since expanded these restrictions;

Whereas, in 2016, the national legislature of the People's Republic of China passed the Cyber Security Law of the People's Republic of China, Article 28 of which requires "network operators", including companies like Huawei, to "provide technical support and assistance" to Chinese authorities involved in national security efforts;

Whereas, in 2017, the national legislature of the People's Republic of China passed the National Intelligence Law of the People's Republic of China, Article 7 of which re-

quires “all organizations and citizens”, including companies like Huawei and ZTE, to “support, assist, and cooperate with national intelligence efforts” undertaken by the People’s Republic of China;

Whereas, in August 2018, the Government of Australia banned Huawei and ZTE from building the 5G wireless networks of Australia;

Whereas, in August 2018, Congress restricted the heads of Federal agencies from procuring certain telecommunications equipment and services, which included Huawei and ZTE equipment;

Whereas, in December 2018, the Government of Japan issued a directive barring procurement by the government and the Japan Self-Defense Forces of telecommunications equipment that would undermine national security;

Whereas, on December 7, 2018, a Vice-President of the European Commission expressed concern that Huawei and other Chinese companies may be forced to cooperate with China’s intelligence services to install “mandatory backdoors”;

Whereas, in January 2019, the Office of the Director of National Intelligence issued a Worldwide Threat Assessment that describes concerns “about the potential for Chinese intelligence and security services to use Chinese information technology firms as routine and systemic espionage platforms against the United States and allies”;

Whereas, in February 2019, the Government of New Zealand expressed serious concern about Huawei building the 5G wireless networks of New Zealand;

Whereas, on May 3, 2019, the Prague 5G Security Conference, which was widely attended by representatives

from the European Union and the North Atlantic Treaty Organization (NATO), including the United States, produced the Prague Proposals, which state that “communication networks and services should be designed with resilience and security in mind”;

Whereas the Department of Justice has charged Huawei with the theft of trade secrets, obstruction of justice, and other serious crimes;

Whereas, against the strong advice of the United States, the governments of some countries, including United States security partners such as Germany, have indicated they may permit the involvement of Huawei in building 5G wireless networks in those countries;

Whereas installation of Huawei equipment in the communications infrastructure of United States allies would jeopardize the security of communication lines between the United States and those allies;

Whereas secure communications systems are critical to ensure the safety and defense of the United States and allies of the United States;

Whereas the North Atlantic Treaty Organization and other vital international security arrangements, including the Five Eyes partnership, depend on strong and secure communications, which could be at risk through the use of Huawei and ZTE equipment; and

Whereas there has been broad bipartisan consensus in Congress for years that Chinese companies like Huawei and ZTE present serious threats to national and global security: Now, therefore, be it