

116TH CONGRESS
1ST SESSION

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.

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2019

Mr. GARDNER (for himself, Mr. COONS, and Mr. MARKEY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

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

Whereas fifth generation (5G) wireless technology promises greater speed and capacity and will provide the backbone for the next generation of digital technologies;

Whereas fifth generation 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 fifth generation 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 increased leadership roles at the International Telecommunications Union, where international telecommunications standards are set, and companies such as Huawei have increased their influence at the 3rd Generation Partnership Project (3GPP), whose work informs global technology standards;

Whereas Huawei and ZTE have aggressively sought to enter into contracts throughout the developing world, including throughout Latin America and Africa in countries such as Venezuela and Kenya;

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 restrictions on Federal procurement of those products;

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 requires “all organizations and citizens”—including companies like Huawei and ZTE—to “support, assist, and co-

operate 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 fifth generation wireless networks of Australia;

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

Whereas, in December 2018, the Government of Japan issued instructions effectively banning Huawei and ZTE from official contracts in the country;

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” to allow access to encrypted data;

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 fifth generation wireless networks of New Zealand;

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 and a number of the security partners of the United States,

the governments of countries such as Germany have indicated that they may permit Huawei to build out the fifth generation wireless networks of those countries;

Whereas installation of Huawei equipment in the communications infrastructure of countries that are allies of the United States 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 (NATO) and other vital international security arrangements depend on strong and secure communications, which could be put 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

1 *Resolved by the Senate (the House of Representatives*
2 *concurring), That—*

3 (1) Chinese telecommunications companies such
4 as Huawei and ZTE pose serious threats to the na-
5 tional security of the United States and allies of the
6 United States;

7 (2) the United States should reiterate to coun-
8 tries that are choosing to incorporate Huawei or
9 ZTE products in their new telecommunications in-
10 frastructure that the United States will consider all

1 necessary measures to limit the risks incurred by en-
2 tities of the United States Government or Armed
3 Forces from use of such compromised networks;

4 (3) the United States should continue to make
5 allies of the United States aware of the ongoing and
6 future risks to telecommunications networks shared
7 between the United States and such allies; and

8 (4) the United States should work with the pri-
9 vate sector and allies and partners of the United
10 States, including the European Union, in a regular-
11 ized bilateral or multilateral format, to identify se-
12 cure, cost-effective, and reliable alternatives to
13 Huawei or ZTE products.

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