

117TH CONGRESS  
1ST SESSION

# H. R. 4029

To amend the National Telecommunications and Information Administration Organization Act to establish an interagency national security review process, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2021

Mr. JOHNSON of Ohio introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the National Telecommunications and Information Administration Organization Act to establish an interagency national security review process, 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 “Timely Evaluation of  
5 Acquisitions, Mergers, or Transactions with External,  
6 Lawful Entities to Clear Owners and Management Act”  
7 or the “TEAM TELECOM Act”.

1 **SEC. 2. ESTABLISHMENT OF INTERAGENCY NATIONAL SE-**  
2 **CURITY REVIEW PROCESS.**

3 (a) IN GENERAL.—Part A of the National Tele-  
4 communications and Information Administration Organi-  
5 zation Act (47 U.S.C. 901 et seq.) is amended by adding  
6 at the end the following new section:

7 **“SEC. 106. ESTABLISHMENT OF INTERAGENCY NATIONAL**  
8 **SECURITY REVIEW PROCESS.**

9 “(a) ESTABLISHMENT.—Not later than 180 days  
10 after the date of the enactment of this section, the Assist-  
11 ant Secretary, in coordination with the head of each ap-  
12 propriate Federal entity, shall develop and issue proce-  
13 dures for, and establish, an interagency review process  
14 (which shall include each appropriate Federal entity) that  
15 considers the law enforcement and national security policy  
16 implications of the approval of a covered application that  
17 may arise from the foreign ownership interests held in the  
18 covered applicant that submitted the covered application.

19 “(b) APPLICABILITY.—Any covered application pend-  
20 ing before the Commission that was submitted by a cov-  
21 ered applicant with more than the threshold foreign own-  
22 ership limit, after the covered applicant declines an oppor-  
23 tunity to remedy the foreign ownership of the covered ap-  
24 plicant, is subject to review under the review process es-  
25 tablished pursuant to subsection (a).

26 “(c) PROCESS AND PROCEDURAL REQUIREMENTS.—

1 “(1) REFERRAL FOR REVIEW.—

2 “(A) REQUIREMENT FOR FCC TO REFER  
3 COMPLETE APPLICATION.—The Commission  
4 shall refer any covered application subject to  
5 the review process established pursuant to sub-  
6 section (a) to the Assistant Secretary promptly  
7 after the Commission determines that the cov-  
8 ered application, under the rules and regula-  
9 tions of the Commission, is complete.

10 “(B) REFERRAL OF OTHER REQUESTS.—  
11 The Commission may refer for review under the  
12 review process established pursuant to sub-  
13 section (a) any other request for action by the  
14 Commission for which the Commission deter-  
15 mines review is necessary under such process.

16 “(2) INTERAGENCY REVIEW DEADLINE; DETER-  
17 MINATION.—

18 “(A) IN GENERAL.—Not later than 120  
19 days after the date on which the Assistant Sec-  
20 retary receives a referral from the Commission  
21 pursuant to paragraph (1)—

22 “(i) the review of the covered applica-  
23 tion or other request under the review  
24 process established pursuant to subsection  
25 (a) shall be completed;

1 “(ii) the Assistant Secretary, in co-  
2 ordination with the head of each appro-  
3 priate Federal entity, shall make a deter-  
4 mination—

5 “(I) to recommend to the Com-  
6 mission that the Commission grant,  
7 grant conditioned on mitigation, or  
8 deny the application or other request;  
9 or

10 “(II) that the Assistant Secretary  
11 cannot make a recommendation with  
12 respect to the covered application or  
13 other request; and

14 “(iii) if the Assistant Secretary deter-  
15 mines under clause (ii) that the Assistant  
16 Secretary cannot make a recommendation  
17 with respect to the covered application or  
18 other request, the President shall make a  
19 determination to recommend to the Com-  
20 mission that the Commission grant, grant  
21 conditioned on mitigation, or deny the cov-  
22 ered application or other request.

23 “(B) EXTENSION.—The Assistant Sec-  
24 retary, in coordination with the head of each  
25 appropriate Federal entity, may extend the

1 deadline described in subparagraph (A) an ad-  
2 ditional 45 days.

3 “(C) NOTIFICATION OF EXTENSION.—If  
4 the Assistant Secretary, in coordination with  
5 the head of each appropriate Federal entity, ex-  
6 tends the deadline pursuant to subparagraph  
7 (B), the Assistant Secretary shall notify the  
8 covered applicant or other requesting party of  
9 the extension.

10 “(3) NOTIFICATION OF DETERMINATION.—Not  
11 later than 3 days (excepting Saturdays, Sundays,  
12 and legal holidays) after the Assistant Secretary or  
13 the President (as the case may be) makes a deter-  
14 mination under paragraph (2)(A) to recommend that  
15 the Commission grant, grant conditioned on mitiga-  
16 tion, or deny the application or other request, the  
17 Assistant Secretary shall notify the Commission and  
18 the covered applicant or other requesting party of  
19 the determination.

20 “(4) DISCLOSURE OF STATUS OF REVIEW.—Not  
21 later than 5 days (excepting Saturdays, Sundays,  
22 and legal holidays) after receiving an inquiry from a  
23 covered applicant or other requesting party for an  
24 update with respect to the status of review of the  
25 covered application or other request of the covered

1 applicant or other requesting party that was referred  
2 by the Commission for review under the review proc-  
3 ess established pursuant to subsection (a), the As-  
4 sistant Secretary, in coordination with the head of  
5 each appropriate Federal entity, shall provide, con-  
6 sistent with the protection of classified information  
7 and intelligence sources and methods, a complete  
8 and accurate response to the covered applicant or  
9 other requesting party, the Commission, and the ap-  
10 propriate congressional committees.

11 “(5) STANDARDIZATION OF INFORMATION RE-  
12 QUIRED.—In the review process established pursuant  
13 to subsection (a), the Assistant Secretary, in coordi-  
14 nation with the head of each appropriate Federal en-  
15 tity, shall establish a list of questions requesting in-  
16 formation from a covered applicant or other request-  
17 ing party that shall be made publicly available and  
18 posted on the internet website of NTIA. Such ques-  
19 tions shall, to the maximum extent possible, be  
20 standardized for any potential covered applicant or  
21 other requesting party.

22 “(6) DEADLINE FOR PROVISION OF INFORMA-  
23 TION REQUESTED.—Not later than 10 days after the  
24 date on which the Assistant Secretary, in coordina-  
25 tion with the head of each appropriate Federal enti-

1       ty, requests information from a covered applicant or  
2       other requesting party, the covered applicant or  
3       other requesting party shall submit to the NTIA  
4       complete and accurate responses.

5       “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
6       tion may be construed as limiting, superseding, or pre-  
7       venting the invocation of any privileges or defenses that  
8       are otherwise available at law or in equity to protect  
9       against the disclosure of information.

10       “(e) DEFINITIONS.—In this section:

11               “(1) APPROPRIATE CONGRESSIONAL COMMIT-  
12       TEES.—The term ‘appropriate congressional com-  
13       mittees’ means the Committee on Energy and Com-  
14       merce of the House of Representatives and the Com-  
15       mittee on Commerce, Science, and Transportation of  
16       the Senate.

17               “(2) APPROPRIATE FEDERAL ENTITIES.—The  
18       term ‘appropriate Federal entities’ means the fol-  
19       lowing:

20                       “(A) The Department of Commerce.

21                       “(B) The Department of Defense.

22                       “(C) The Department of Energy.

23                       “(D) The Department of Homeland Secu-  
24       rity.

25                       “(E) The Department of Justice.

1 “(F) The Department of the Treasury.

2 “(G) The Department of State.

3 “(H) The United States Trade Represent-  
4 ative.

5 “(I) The Federal Bureau of Investigation.

6 “(J) The Executive Office of the Presi-  
7 dent.

8 “(3) CLASSIFIED INFORMATION.—The term  
9 ‘classified information’ means any information or  
10 material that has been determined by the Federal  
11 Government pursuant to an Executive order, statute,  
12 or regulation, to require protection against unau-  
13 thorized disclosure for reasons of national security.

14 “(4) COVERED APPLICANT.—The term ‘covered  
15 applicant’ means an entity seeking approval of a  
16 covered application from the Commission.

17 “(5) COVERED APPLICATION.—The term ‘cov-  
18 ered application’ means—

19 “(A) an application under section 214(a)  
20 of the Communications Act of 1934 (47 U.S.C.  
21 214(a)) for authorization to undertake the con-  
22 struction of a new line or of an extension of any  
23 line, or to acquire or operate any line, or exten-  
24 sion thereof, or to engage in transmission over  
25 or by means of such additional or extended line;



1 “(B) an application under the Act entitled  
2 ‘An Act relating to the landing and operation of  
3 submarine cables in the United States,’ ap-  
4 proved May 27, 1921 (47 U.S.C. 34 et seq.; 42  
5 Stat. 8) for—

6 “(i) a submarine cable landing license;  
7 or

8 “(ii) an assignment or transfer of con-  
9 trol of a submarine cable landing license;

10 or

11 “(C) an application for a new license, or  
12 for the transfer, assignment, or disposal of an  
13 existing license under section 310(d) of the  
14 Communications Act of 1934 (47 U.S.C.  
15 310(d)), that is—

16 “(i) subject to approval by the Com-  
17 mission under section 310(b)(4) of such  
18 Act (47 U.S.C. 310(b)(4)); or

19 “(ii) eligible, under the rules of the  
20 Commission, for forbearance under section  
21 10 of such Act (47 U.S.C. 160) from the  
22 application of paragraph (1), (2), or (3) of  
23 section 310(b) of such Act (47 U.S.C.  
24 310(b)).

1           “(6)    THRESHOLD    FOREIGN    OWNERSHIP  
2    LIMIT.—The term ‘threshold foreign ownership limit’  
3    means foreign ownership of, as applicable—

4                   “(A) at least the amount determined by  
5           the Commission under section 214(a) of the  
6           Communications Act of 1934 (47 U.S.C.  
7           214(a)), in the case of an application described  
8           in paragraph (5)(A) of this subsection;

9                   “(B) any amount, in the case of an appli-  
10          cation described in paragraph (5)(B) of this  
11          subsection; or

12                   “(C) at least an amount sufficient for sec-  
13          tion 310(b) of such Act (47 U.S.C. 310(b)) to  
14          apply, in the case of an application described in  
15          paragraph (5)(C) of this subsection.”.

16          (b) APPLICABILITY.—This section, and the amend-  
17   ment made by this section, shall apply to any covered ap-  
18   plication (as such term is defined in section 106 of the  
19   National Telecommunications and Information Adminis-  
20   tration Organization Act, as added by subsection (a)) filed  
21   on or after the date on which the review process is estab-  
22   lished pursuant to such section 106.

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