118th Congress 2d Session S.
To require the Federal Communications Commission to promulgate certain cybersecurity rules.
IN THE SENATE OF THE UNITED STATES
Mr. Wyden introduced the following bill; which was read twice and referred to the Committee on
A BILL  To require the Federal Communications Commission to promulgate certain cybersecurity rules.
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.
This Act may be cited as the "Secure American Com-
5 munications Act".
6 SEC. 2. REQUIRING FULL IMPLEMENTATION OF STATU
7 TORY PROTECTIONS FOR AMERICAN COMMU
8 NICATIONS.

(a) DEFINITIONS.—In this section—

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1	(1) the terms defined in section 102 of the
2	Communications Assistance for Law Enforcement
3	Act (47 U.S.C. 1001) have the meanings given those
4	terms in that section; and
5	(2) the term "advanced persistent threat" has
6	the meaning given the term in Special Publication
7	800–39 of the National Institute of Standards and
8	Technology, or any successor document.
9	(b) Rules.—Not later than 1 year after the date of
10	enactment of this Act, the Federal Communications Com-
11	mission (in this section referred to as the "Commission")
12	shall prescribe such rules as are appropriate to implement
13	the requirement under section 105 of the Communications
14	Assistance for Law Enforcement Act (47 U.S.C. 1004)
15	that telecommunications carriers prevent the interception
16	of communications or access to call-identifying informa-
17	tion without lawful authorization.
18	(c) Contents.—The rules prescribed pursuant to
19	subsection (b) shall, at a minimum, require a tele-
20	communications carrier to—
21	(1) implement specific cybersecurity require-
22	ments, as designed by the Commission in consulta-
23	tion with the Director of National Intelligence and
24	the Director of the Cybersecurity and Infrastructure
25	Security Agency, to prevent the interception of com-

1	munications or access to call-identifying information
2	without lawful authorization by any person or entity,
3	including by an advanced persistent threat;
4	(2)(A) conduct testing on the systems of the
5	telecommunications carrier, not less frequently than
6	annually, in a manner designed to evaluate whether
7	the systems are susceptible to the interception of
8	communications or access to call-identifying infor-
9	mation without lawful authorization by any person
10	or entity, including by an advanced persistent threat;
11	(B) take such corrective measures as indicated
12	by a test conducted under subparagraph (A); and
13	(C) document the findings of each test con-
14	ducted under subparagraph (A) and each corrective
15	measure taken in response under subparagraph (B);
16	(3) contract with an independent auditor that
17	complies with such requirements for independence
18	and technical expertise as the Commission may es-
19	tablish—
20	(A) to conduct an annual assessment of
21	compliance with the rules; and
22	(B) to document the findings of each audit
23	conducted under subparagraph (A), including
24	the areas of noncompliance; and

1	(4) submit to the Commission, not less fre-
2	quently than annually—
3	(A) the findings of each test conducted
4	under paragraph (2)(A) and each corrective
5	measure taken in response under paragraph
6	(2)(B), as documented under paragraph (2)(C)
7	(B) the findings of each audit, as docu-
8	mented under paragraph (3)(B); and
9	(C) a written statement signed by the chief
10	executive officer and chief information security
11	officer (or equivalent thereof) stating that the
12	telecommunications carrier is in compliance
13	with the rules prescribed pursuant to subsection
14	(b).
15	(d) TREATMENT OF RULE.—A rule prescribed by the
16	Commission pursuant to subsection (b) shall be treated
17	as a rule prescribed pursuant to section 229(a) of the
18	Communications Act of 1934 (47 U.S.C. 229(a)).