

Wireless Roundup (November 2022)

October 31, 2022

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Practice Areas

Federal Infrastructure Resource Center
Telecom, Media & Technology
Wireless

Key Wireless Deadlines

SEC Requests Comment on Incident Reporting NPRM for Certain Filings Affected by Technical Glitch: On October 18, the Securities and Exchange Commission (SEC) published a Notice announcing it has re-opened for 14 days the comment period on its March 2022 incident reporting Notice of Proposed Rulemaking (NPRM) because of a technical glitch affecting filings submitted to the SEC between June 2021 and August 2021 in various proceedings. The SEC states that “[c]omments already received and posted on the Commission website need not be resubmitted.” For organizations that need to resubmit comments, the re-opened comment deadline closes on November 1.

ITA Seeks Comment on Harmonized System Code List of Critical Supply Chains: On October 4, the International Trade Administration (ITA) of the Department of Commerce released a Request for Comments (RFC) on a draft list of critical goods and materials within four of the supply chains assessed under the 2021 Supply Chains Executive Order, including information and communications technology. The ITA seeks input and recommendations on the draft list of critical goods and materials and how they are “used within [the] supply chain.” Comments are due November 3.

BIS Requests Comment on Interim Final Rule Authorizing Certain Items to Entities on Entity List in Context of Standards Activities: On September 9, the Bureau of Industry and Security (BIS) of the

Department of Commerce published an Interim Final Rule (IFR) and RFC, Authorization of Certain “Items” to Entities on the Entity List in the Context of Specific Standards Activities. The IFR expands the scope of the authorization provided in 2020 to Huawei to all Entity List companies. The IFR also: (1) clarifies the scope and application of standards activities covered by the authorization; and (2) authorizes the release of specified software and technology for the development, production, and use of cryptographic functionality. This rule is effective as of September 9 and comments are due by November 8.

FCC Seeks Comment on Unlawful Text Messages: The Federal Communications Commission (FCC or Commission) proposes to require mobile wireless providers to block texts, at the network level, that purport to be from invalid, unallocated, or unused numbers, and numbers on a Do-Not-Originate (DNO) list. The NPRM also seeks comment on the extent to which spoofing is a problem with regard to text messaging and whether there are measures the Commission can take to encourage providers to identify and block texts that appear to come from spoofed numbers. In addition, the document seeks comment on applying caller ID authentication standards to text messaging. Comments are due November 10, and Reply Comments are due November 25. [Read more here.](#)

CISA Requests Comment on Cyber Incident Reporting: On September 12, the Cybersecurity and Infrastructure Security Agency (CISA) published a Request for Information (RFI) related to its incident reporting mandate under the Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA). CISA is soliciting feedback on a series of non-exhaustive topics that fall under four categories: (1) definitions for and interpretations of terminology to be used in the regulations; (2) the form, manner, content, and procedures for submission of reports; (3) information regarding other incident reporting requirements; and (4) other policies and procedures, such as enforcement procedures and information protection policies. Comments are due November 14. [Read more here.](#)

NIST Requests Information on Design of CHIPS Incentive Programs: With this RFI, the CHIPS Program Office (CPO) within National Institute of Standards and Technology (NIST) is seeking further information “in order to inform the design and implementation of the CHIPS incentive programs, based on amendments to the CHIPS program resulting from the CHIPS Act of 2022.” This RFI follows the Incentives, Infrastructure, and Research and Development Needs to Support a Strong Domestic Semiconductor Industry RFI issued by the Department of Commerce on January 24, 2022, prior to the enactment of the CHIPS Act of 2022. On September 6, 2022, the Department released “A Strategy for the CHIPS for America Fund,” describing the Department of Commerce’s implementation strategy for the funds Congress appropriated “to catalyze long-term growth in the domestic semiconductor industry.” This strategy was informed in part by the information received in response to the January 2022 RFI. Responses to this RFI, considered alongside responses to the prior RFI, will further inform the planning of the CPO for the implementation of these programs. Comments are due November 14.

Federal Insurance Office Seeks Comment on Potential Federal Insurance Response to Catastrophic Cyber Incidents: On September 29, the Treasury’s Federal Insurance Office published an RFC on questions related to cyber insurance and catastrophic cyber incidents as part of its ongoing efforts with regard to both cyber insurance and insurer cybersecurity. Questions focus on issues such as effective cybersecurity measures,

current insurance coverage availability, and potential structures for federal insurance response. Comments are due November 14.

FTC Extends Comment Period on Commercial Surveillance and Data Security: The Federal Trade Commission (FTC) extended the deadline for filing comments on its Advance Notice of Proposed Rulemaking (ANPR) for its proposed Trade Regulation Rule on Commercial Surveillance and Data Security. The FTC asks a wide range of questions about privacy, data security, and algorithmic uses, and suggests a number of paths forward for greater regulation of privacy and what it calls “commercial surveillance.” The FTC generally seeks comment on two broad categories: (1) the “nature and prevalence of harmful commercial surveillance” and (2) “lax data security practices.” The FTC notes that any eventual rule must be grounded in “unfair or deceptive acts or practices” under Section 5 of the FTC Act. The ANPR was published on August 22. Comments are now due November 21. Read more about the FTC’s ANPR [here](#) and [here](#).

NIST Seeks Comment on Manufacturing USA Institutes for Semiconductor Manufacturing: In this RFI, NIST is seeking public input “to inform the design of, and requirements for, potential Manufacturing USA institutes to strengthen the semiconductor and microelectronics innovation ecosystem, which could include design, fabrication, advanced test, assembly, and packaging capability.” These Manufacturing USA institutes are envisioned in the 2021 CHIPS Act “to support efforts in research and development as well as education and workforce development,” which also provides for complementary initiatives including the National Semiconductor Technology Center, the National Advanced Packaging Manufacturing Program, and the NIST laboratories program supporting measurement science and standards. Responses to the RFI “will inform NIST’s development of funding opportunities for federal assistance to establish Manufacturing USA semiconductor institutes.” Comments are due November 28.

FCC Seeks Comment on Wireless Resiliency Reporting Requirements: On July 6, the FCC approved a Report and Order (R&O) and Further Notice of Proposed Rulemaking (FNPRM) on wireless resiliency. The FNPRM seeks comment on whether and how the new reporting requirement can be standardized to ensure that the FCC obtains sufficient information on the performance of providers’ implementation of the Mandatory Disaster Response Initiative in the aftermath of exigency, while also minimizing associated burdens. The FNPRM was published on September 30. Comments are due by October 31, and Reply Comments are due by November 29.

Upcoming Meetings and Events

- **FTC PrivacyCon 2022:** The FTC will be hosting its seventh annual PrivacyCon on November 1. Additional details can be found [here](#).
- **FCC DAC Meeting:** The FCC’s Disability Advisory Committee (DAC) will hold a meeting on November 1. More details are available [here](#).
- **FCC CEDC Meeting:** The FCC’s Communications Equity and Diversity Council (CEDC) will meet on November 7. Additional details can be found [here](#).

- **FISSEA Fall Forum:** Federal Information Security Educators (FISSEA) will hold a quarterly meeting on November 15. More details can be found [here](#).
- **FCBA/ABA Privacy and Data Security Symposium:** On November 16, the Federal Communications Bar Association's (FCBA) Privacy and Data Security Committee and the American Bar Association's (ABA) Forum on Communications Law will hold the 17th Annual Privacy and Data Security Symposium: Hot Topics in Federal Privacy Regulation and Enforcement. More information can be found [here](#).
- **Aspen Cyber Summit:** The Aspen Institute will be hosting its 2022 Cyber Summit on November 16. More details are available [here](#).
- **FirstNet Board Meeting:** FirstNet will convene an open public meeting on November 16. Additional details can be found [here](#).
- **FCC Open Meeting:** The next FCC Open Meeting is scheduled for November 17. More details are available [here](#). The agenda includes:
 - Improving 911 Reliability
 - Updating Resources Used to Determine Local TV Markets
 - An Enforcement Bureau Action
- **Fourth PQC Standardization Conference:** From November 29 to December 1, NIST will host its fourth Post-Quantum Cryptography (PQC) Standardization Conference. Additional details are available [here](#).

Did You Know?

Wiley attorneys Craig Sperling, Joan Stewart, Wesley Weeks, and Tyler Bridegan hosted a webinar, *Class Action Trends: Website Tracking Pixels and Video Privacy Protection Act (VPPA) Claims*. Watch on-demand [here](#).

TMT associate Tyler Bridegan was named to the DC Bar Foundation's Young Lawyers Network Leadership Council. Learn more [here](#).

Wiley created a **Sanctions and Export Controls Resource Center**, which hosts our latest insights related to sanctions, export controls, digital currency, cybersecurity and privacy, and other issues surrounding Russia's invasion of Ukraine.

Check out our Consumer Protection Newsletter

The latest edition of the *Wiley Consumer Protection Download* is available [here](#).

Recent Wiley Client Alerts, Blog Posts, and Podcasts

Class Action Trends: Website Tracking Pixels and Video Privacy Protection Act (VPPA) Claims

The CLOUD Act Data Access Agreement – 10 Things That U.S. Telecommunications Companies Need to Know Now

FTC Hosts Event to Examine Children’s Advertising in Digital Media

With 2023 Compliance Deadlines Looming for Several New State Privacy Laws, California and Colorado Release Draft Privacy Rules

Updates on the FTC Privacy Rulemaking: Insights from Commissioner Slaughter and Comment Deadline Extension

NIST Is Taking Critical Steps Towards an AI Risk Management Framework

Should Federal Government Insure “Catastrophic Cyber Incidents”? Comments due November 14, 2022

Executive Order on EU-U.S. Data Sharing Signed

FCC Seeks Comment on Additional Foreign Government-Sponsored Programming Rules

FCC Moves to De-List Certain Voice Providers from Robocall Mitigation Database

Crypto and Web3 Under Consumer Protection Scrutiny