

AMENDMENT TO
RULES COMMITTEE PRINT 119-33
OFFERED BY MR. CRANE OF ARIZONA

At the end of subtitle B of title II, add the following new section:

1 **SEC. 2** ____ . **MOBILE DEVICE FORCE PROTECTION AGAINST**
2 **COMMERCIAL SURVEILLANCE THREATS.**

3 (a) **PILOT PROGRAM.**—

4 (1) **ESTABLISHMENT.**—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary shall establish a pilot program to evaluate
7 mobile device force protection technologies intended
8 to reduce the operational exposure of covered per-
9 sonnel arising from application-generated signals.

10 (2) **PARTICIPATION.**—The Secretary shall make
11 participation in the pilot program available to the
12 military departments, the combatant commands, and
13 other covered organizations seeking to participate.

14 (3) **ACQUISITION AUTHORITIES.**—The Secretary
15 shall, to the maximum extent practicable, use exist-
16 ing rapid acquisition authorities and other trans-
17 action authorities to minimize administrative bar-
18 riers to participation in the pilot program.

1 (4) MEASURES OF EFFECTIVENESS.—The Sec-
2 retary shall establish objective, outcome-based meas-
3 ures of effectiveness before the initiation of the pilot
4 program..

5 (b) MINIMUM OPERATIONAL REQUIREMENTS.—A
6 technology evaluated under the pilot program shall dem-
7 onstrate the ability to—

8 (1) identify applications generating signals rel-
9 evant to force protection;

10 (2) determine the destinations receiving such
11 signals;

12 (3) characterize the categories of information
13 transmitted in sufficient detail to assess operational
14 exposure;

15 (4) distinguish legitimate application
16 functionality from analytics, diagnostics, advertising,
17 profiling, and related exploitation activities;

18 (5) maintain auditable records and generate
19 commander-level reporting sufficient to support force
20 protection decisions;

21 (6) actively control application-generated trans-
22 missions, including the ability to block, throttle, or
23 otherwise govern which signals leave the device and
24 the destinations to which they may be sent, and not
25 merely to observe, characterize, or report them;

1 (7) enable the Department of Defense, and not
2 solely a vendor, to independently verify the matters
3 described in paragraphs (1) through (6) and to con-
4 firm measured reductions in operational exposure;
5 and

6 (8) adapt as commercial surveillance techniques
7 evolve.

8 (c) TRANSITION AND OPERATIONAL ADOPTION.—

9 (1) DETERMINATION.—Not later than 90 days
10 after the evaluation of a technology is completed
11 under the pilot program, the Secretary shall deter-
12 mine whether the evaluated technology demonstrated
13 measurable reductions in operational exposure asso-
14 ciated with commercial mobile surveillance.

15 (2) ADOPTION.—If the Secretary determines
16 that the effectiveness of a technology evaluated
17 under the pilot program has been adequately dem-
18 onstrated, the Secretary may authorize operational
19 deployment of the technology without initiating a
20 duplicative requirements process.

21 (3) TRANSITION PATHWAYS.—The Secretary
22 shall identify potential transition pathways for a
23 technology before evaluating the technology under
24 the pilot program.

25 (d) CONTINUOUS ASSESSMENT.—

1 (1) FRAMEWORK.—The Secretary shall estab-
2 lish a continuous assessment framework applicable
3 to deployed mobile device force protection tech-
4 nologies, under which each such technology is re-
5 viewed not less frequently than annually to evaluate
6 whether it continues to reduce operational exposure
7 arising from commercial mobile surveillance.

8 (2) ANNUAL REPORT.—Not less frequently than
9 annually, the Secretary shall submit to the congres-
10 sional defense committees a report that summarizes
11 the findings of the assessments conducted under
12 paragraph (1), identifies emerging commercial sur-
13 veillance techniques, documents the effectiveness of
14 deployed technologies, and recommends modifica-
15 tions to standards and procurement approaches.

16 (e) DEGRADATION AND REASSESSMENT.—If the Sec-
17 retary determines that a deployed mobile device force pro-
18 tection technology no longer provides meaningful protec-
19 tion against identified threats, the Secretary shall initiate
20 a review of alternative capabilities using the authorities
21 established under this section.

22 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed to require the use of a particular
24 technical architecture, implementation methodology, or
25 commercial vendor. The requirements established under

1 this section are intended to define the operational out-
2 comes necessary to support force protection and not to
3 prescribe the means by which those outcomes are achieved.

4 (g) DEFINITIONS.—In this section:

5 (1) The term “application-generated signal”
6 means any data transmitted from a mobile device
7 by, or on behalf of, a software application, including
8 data derived from device sensors, network and envi-
9 ronmental observations, diagnostic and behavioral
10 telemetry, and embedded software development kits,
11 whether or not the data includes a persistent identi-
12 fier.

13 (2) The term “covered personnel” means—

14 (A) members of the Armed Forces;

15 (B) civilian employees of the Department
16 of Defense;

17 (C) contractors supporting the Department
18 of Defense;

19 (D) employees of entities engaged in the
20 development or manufacture of weapons sys-
21 tems or other defense articles; and

22 (E) any other category of personnel des-
23 ignated by the Secretary of Defense whose du-
24 ties involve heightened operational security con-
25 siderations.

1 (3) The term “mobile device force protection
2 technology” means a technology or capability in-
3 tended to identify, observe, characterize, audit, re-
4 port upon, restrict, suppress, or otherwise manage
5 application-generated signals that may contribute to
6 operational surveillance or pattern-of-life reconstruc-
7 tion affecting covered personnel.

8 (4) The term “Secretary” means the Secretary
9 of Defense.

