

Calendar No. 403

116TH CONGRESS
2^D SESSION**H. R. 2881**

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2020

Received; read twice and placed on the calendar

AN ACT

To require the President to develop a strategy to ensure the security of next generation mobile telecommunications systems and infrastructure in the United States and to assist allies and strategic partners in maximizing the security of next generation mobile telecommunications systems, infrastructure, and software, 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 “Secure 5G and Beyond
5 Act of 2020”.

1 **SEC. 2. STRATEGY TO ENSURE SECURITY OF NEXT GEN-**
2 **ERATION WIRELESS COMMUNICATIONS SYS-**
3 **TEMS AND INFRASTRUCTURE.**

4 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
5 FINED.—In this Act, the term “appropriate committees of
6 Congress” means—

7 (1) the Select Committee on Intelligence, the
8 Committee on Commerce, Science, and Transpor-
9 tation, the Committee on Foreign Relations, the
10 Committee on Armed Services, and the Committee
11 on Homeland Security and Governmental Affairs of
12 the Senate; and

13 (2) the Permanent Select Committee on Intel-
14 ligence, the Committee on Energy and Commerce,
15 the Committee on Foreign Affairs, the Committee
16 on Armed Services, and the Committee on Home-
17 land Security of the House of Representatives.

18 (b) STRATEGY REQUIRED.—Not later than 180 days
19 after the date of enactment of this Act, the President, in
20 consultation with the Chairman of the Federal Commu-
21 nications Commission, the Secretary of Commerce, the As-
22 sistant Secretary of Commerce for Communications and
23 Information, the Secretary of Homeland Security, the Di-
24 rector of National Intelligence, the Attorney General, the
25 Secretary of State, the Secretary of Energy, and the Sec-
26 retary of Defense, and consistent with the protection of

1 national security information, shall develop and submit to
2 the appropriate committees of Congress a strategy—

3 (1) to ensure the security of 5th and future
4 generations wireless communications systems and in-
5 frastructure within the United States;

6 (2) to assist mutual defense treaty allies of the
7 United States, strategic partners of the United
8 States, and other countries, when in the security and
9 strategic interests of the United States, in maxi-
10 mizing the security of 5th and future generations
11 wireless communications systems and infrastructure
12 inside their countries; and

13 (3) to protect the competitiveness of United
14 States companies, privacy of United States con-
15 sumers, and integrity and impartiality of standards-
16 setting bodies and processes related to 5th and fu-
17 ture generations wireless communications systems
18 and infrastructure.

19 (c) DESIGNATION.—The strategy developed under
20 subsection (b) shall be known as the “National Strategy
21 to Secure 5G and Next Generation Wireless Communica-
22 tions” (referred to in this Act as the “Strategy”).

23 (d) ELEMENTS.—The Strategy shall represent a
24 whole-of-government approach and shall include the fol-
25 lowing:

1 (1) A description of efforts to facilitate domes-
2 tic 5th and future generations wireless communica-
3 tions rollout.

4 (2) A description of efforts to assess the risks
5 to and identify core security principles of 5th and
6 future generations wireless communications infra-
7 structure.

8 (3) A description of efforts to address risks to
9 United States and national security during develop-
10 ment and deployment of 5th and future generations
11 wireless communications infrastructure worldwide.

12 (4) A description of efforts to promote respon-
13 sible global development and deployment of 5th and
14 future generations wireless communications, includ-
15 ing through robust international engagement, leader-
16 ship in the development of international standards,
17 and incentivizing market competitiveness of secure
18 5th and future generation wireless communications
19 infrastructure options.

20 (e) PUBLIC CONSULTATION.—In developing the
21 Strategy, the President shall consult with relevant groups
22 that represent consumers or the public interest, private
23 sector communications providers, and communications in-
24 frastructure and systems equipment developers.

1 **SEC. 3. STRATEGY IMPLEMENTATION PLAN.**

2 Not later than 180 days after the date of the enact-
3 ment of this Act, the President shall develop an implemen-
4 tation plan for the Strategy (referred to in this Act as
5 the “Strategy implementation plan”), which shall include,
6 at a minimum, the following:

7 (1) A description of United States national and
8 economic security interests pertaining to the deploy-
9 ment of 5th and future generations wireless commu-
10 nications systems and infrastructure.

11 (2) An identification and assessment of poten-
12 tial security threats and vulnerabilities to the infra-
13 structure, equipment, systems, software, and
14 virtualized networks that support 5th and future
15 generations wireless communications systems, infra-
16 structure, and enabling technologies. The assessment
17 shall, as practicable, include a comprehensive evalua-
18 tion of the full range of threats to, and unique secu-
19 rity challenges posed by, 5th and future generations
20 wireless communications systems and infrastructure,
21 as well as steps that public and private sector enti-
22 ties can take to mitigate those threats.

23 (3) An evaluation of available domestic sup-
24 pliers of 5th and future generations wireless commu-
25 nications equipment and other suppliers in countries
26 that are mutual defense allies or strategic partners

1 of the United States and a strategy to assess their
2 ability to produce and supply 5th generation and fu-
3 ture generations wireless communications systems
4 and infrastructure.

5 (4) Identification of where security gaps exist in
6 the United States domestic or mutual defense treaty
7 allies and strategic partners communications equip-
8 ment supply chain for 5th and future generations
9 wireless communications systems and infrastructure.

10 (5) Identification of incentives and policy op-
11 tions to help close or narrow any security gaps iden-
12 tified under paragraph (4) in the United States do-
13 mestic industrial base, including research and devel-
14 opment in critical technologies and workforce devel-
15 opment in 5th and future generations wireless com-
16 munications systems and infrastructure.

17 (6) Identification of incentives and policy op-
18 tions for leveraging the communications equipment
19 suppliers from mutual defense treaty allies, strategic
20 partners, and other countries to ensure that private
21 industry in the United States has adequate sources
22 for secure, effective, and reliable 5th and future gen-
23 erations wireless communications systems and infra-
24 structure equipment.

1 (7) A plan for diplomatic engagement with mu-
2 tual defense treaty allies, strategic partners, and
3 other countries to share security risk information
4 and findings pertaining to 5th and future genera-
5 tions wireless communications systems and infra-
6 structure equipment and cooperation on mitigating
7 those risks.

8 (8) A plan for engagement with private sector
9 communications infrastructure and systems equip-
10 ment developers and critical infrastructure owners
11 and operators who have a critical dependency on
12 communications infrastructure to share information
13 and findings on 5th and future generations wireless
14 communications systems and infrastructure equip-
15 ment standards to secure platforms.

16 (9) A plan for engagement with private sector
17 communications infrastructure and systems equip-
18 ment developers to encourage the maximum partici-
19 pation possible on standards-setting bodies related to
20 such systems and infrastructure equipment stand-
21 ards by public and private sector entities from the
22 United States.

23 (10) A plan for diplomatic engagement with
24 mutual defense treaty allies, strategic partners, and
25 other countries to share information and findings on

1 5th and future generations wireless communications
2 systems and infrastructure equipment standards to
3 promote maximum interoperability, competitiveness,
4 openness, and secure platforms.

5 (11) A plan for diplomatic engagement with
6 mutual defense treaty allies, strategic partners, and
7 other countries to share information and findings on
8 5th and future generations wireless communications
9 infrastructure and systems equipment concerning
10 the standards-setting bodies related to such systems
11 and infrastructure equipment to promote maximum
12 transparency, openness, impartiality, integrity, and
13 neutrality.

14 (12) A plan for joint testing environments with
15 mutual defense treaty allies, strategic partners, and
16 other countries to ensure a trusted marketplace for
17 5th and future generations wireless communications
18 systems and infrastructure equipment.

19 (13) A plan for research and development by
20 the Federal Government, in close partnership with
21 trusted supplier entities, mutual defense treaty al-
22 lies, strategic partners, and other countries to reach
23 and maintain United States leadership in 5th and
24 future generations wireless communications systems
25 and infrastructure security, including the develop-

1 ment of an ongoing capability to identify security
2 vulnerabilities in 5th and future generations wireless
3 communications systems.

4 (14) Options for identifying and helping to
5 mitigate the security risks of 5th and future genera-
6 tions wireless communications systems and infra-
7 structure that have security flaws or vulnerabilities,
8 or are utilizing equipment sourced from countries of
9 concern, and that have already been put in place
10 within the systems and infrastructure of mutual de-
11 fense treaty allies, strategic partners, and other
12 countries, when in the security interests of the
13 United States.

14 (15) A description of the roles and responsibil-
15 ities of the appropriate executive branch agencies
16 and interagency mechanisms to coordinate imple-
17 mentation of the Strategy, as provided in section
18 4(d).

19 (16) An identification of the key diplomatic, de-
20 velopment, intelligence, military, and economic re-
21 sources necessary to implement the Strategy, includ-
22 ing specific budgetary requests.

23 (17) As necessary, a description of such legisla-
24 tive or administrative action needed to carry out the
25 Strategy.

1 **SEC. 4. LIMITATIONS AND BRIEFINGS.**

2 (a) LIMITATIONS.—

3 (1) IN GENERAL.—The Strategy and the Strat-
4 egy implementation plan shall not include a rec-
5 ommendation or a proposal to nationalize 5th or fu-
6 ture generations wireless communications systems or
7 infrastructure.

8 (2) RULE OF CONSTRUCTION.—Nothing in this
9 Act shall be construed to limit the authority or abil-
10 ity of any executive branch agency.

11 (b) PUBLIC COMMENT.—Not later than 60 days after
12 the date of enactment of this Act, the President shall seek
13 public comment regarding the development and implemen-
14 tation of the Strategy implementation plan.

15 (c) BRIEFING.—

16 (1) IN GENERAL.—Not later than 21 days after
17 the date on which the Strategy implementation plan
18 is completed, the President shall direct appropriate
19 representatives from the executive branch agencies
20 involved in the formulation of the Strategy and
21 Strategy implementation plan to provide the appro-
22 priate committees of Congress a briefing on the im-
23 plementation of the Strategy.

24 (2) UNCLASSIFIED SETTING.—The briefing
25 under paragraph (1) shall be held in an unclassified
26 setting to the maximum extent possible.

1 (d) IMPLEMENTATION.—The National Telecommuni-
2 cations and Information Administration shall, in coordina-
3 tion with other relevant executive branch agencies—

4 (1) implement the Strategy;

5 (2) keep congressional committees apprised of
6 progress on implementation; and

7 (3) not implement any proposal or rec-
8 ommendation involving spectrum licensed by the
9 Commission unless the implementation of such pro-
10 posal or recommendation is first approved by the
11 Commission.

12 (e) FORM.—The Strategy and Strategy implementa-
13 tion plan shall be submitted to the appropriate committees
14 of Congress in unclassified form, but may include a classi-
15 fied annex.

Passed the House of Representatives January 8,
2020.

Attest:

CHERYL L. JOHNSON,

Clerk.

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