

Union Calendar No. 292

116TH CONGRESS
2D SESSION

H. R. 2881

[Report No. 116–369, Part I]

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2019

Ms. SPANBERGER (for herself, Ms. STEFANIK, Ms. SLOTKIN, Mr. ROONEY of Florida, Mr. O'HALLERAN, and Mrs. BROOKS of Indiana) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JANUARY 7, 2020

Additional sponsors: Mr. TED LIEU of California, Mr. FITZPATRICK, Ms. SHERRILL, Mr. MITCHELL, Mr. GONZALEZ of Ohio, Ms. HOULAHAN, Mr. SHERMAN, Mr. CICILLINE, Mr. ALLRED, Mr. MCCAUL, Mr. WITTMAN, Mr. MOULTON, Ms. BLUNT ROCHESTER, Mr. CASE, Mr. CÁRDENAS, Mr. ROSE of New York, Mr. HARDER of California, Mr. AMODEI, Mr. COSTA, Mr. HURD of Texas, Ms. WEXTON, and Mr. TAYLOR

JANUARY 7, 2020

Reported from the Committee on Energy and Commerce with amendments

[Strike out all after the enacting clause and insert the part printed in *italic*]

JANUARY 7, 2020

Committee on Foreign Affairs discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 21, 2019]

A BILL

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 2019”.*

6 **SEC. 2. STRATEGY TO ENSURE SECURITY OF NEXT GENERA-**
 7 **TION WIRELESS COMMUNICATIONS SYSTEMS**
 8 **AND INFRASTRUCTURE.**

9 *(a) APPROPRIATE COMMITTEES OF CONGRESS DE-*
 10 *FINED.—In this section, the term “appropriate committees*
 11 *of Congress” means—*

12 *(1) the Permanent Select Committee on Intel-*
 13 *ligence, the Committee on Energy and Commerce, the*
 14 *Committee on Foreign Affairs, the Committee on*
 15 *Armed Services, and the Committee on Homeland Se-*
 16 *curity of the House of Representatives; and*

17 *(2) the Select Committee on Intelligence, the*
 18 *Committee on Commerce, Science, and Transpor-*
 19 *tation, the Committee on Foreign Relations, the Com-*
 20 *mittee on Armed Services, and the Committee on*
 21 *Homeland Security and Governmental Affairs of the*
 22 *Senate.*

23 *(b) STRATEGY REQUIRED.—Not later than 180 days*
 24 *after the date of the enactment of this Act, the President,*
 25 *in consultation with the Chairman of the Federal Commu-*

1 *nications Commission, the Assistant Secretary of Commerce*
2 *for Communications and Information, the Secretary of*
3 *Homeland Security, the Director of National Intelligence,*
4 *the Attorney General, the Secretary of Defense, and the Sec-*
5 *retary of State, shall develop and submit to the appropriate*
6 *committees of Congress a strategy—*

7 *(1) to ensure the security of 5th and future gen-*
8 *erations wireless communications systems and infra-*
9 *structure within the United States;*

10 *(2) to provide technical assistance to mutual de-*
11 *fense treaty allies of the United States, strategic part-*
12 *ners of the United States, and other countries, when*
13 *in the security interests of the United States, to maxi-*
14 *mize the security of 5th and future generations wire-*
15 *less communications systems and infrastructure in-*
16 *side their countries; and*

17 *(3) to protect the competitiveness of United*
18 *States companies, privacy of United States con-*
19 *sumers, and integrity and impartiality of standards-*
20 *setting bodies related to 5th and future generations*
21 *wireless communications systems and infrastructure.*

22 *(c) DESIGNATION.—The strategy developed under sub-*
23 *section (b) shall be known as the “Secure Next Generation*
24 *Wireless Communications Strategy” (referred to in this sec-*
25 *tion as the “Strategy”).*

1 (d) *ELEMENTS.*—*The Strategy shall represent a whole-*
2 *of-government approach and shall include the following:*

3 (1) *A description of United States national and*
4 *economic security interests pertaining to the deploy-*
5 *ment of 5th and future generations wireless commu-*
6 *nications systems and infrastructure.*

7 (2) *An identification and assessment of potential*
8 *security threats and vulnerabilities to the infrastruc-*
9 *ture, equipment, systems, software, and virtually de-*
10 *finied networks that support 5th and future genera-*
11 *tions wireless communications systems and infra-*
12 *structure. The assessment shall include a comprehen-*
13 *sive evaluation of the full range of threats to, and*
14 *unique security challenges posed by, 5th and future*
15 *generations wireless communications systems and in-*
16 *frastructure, as well as steps that public and private*
17 *sector entities can take to mitigate such threats.*

18 (3) *An identification and assessment of the glob-*
19 *al competitiveness and vulnerabilities of United*
20 *States manufacturers and suppliers of 5th and future*
21 *generations wireless communications equipment.*

22 (4) *A list of available domestic suppliers of 5th*
23 *and future generations wireless communications*
24 *equipment and other suppliers in countries that are*
25 *mutual defense allies or strategic partners of the*

1 *United States and a strategy to assess their ability to*
2 *produce and supply 5th generation and future genera-*
3 *tions wireless communications systems and infra-*
4 *structure.*

5 *(5) Identification of trusted supplier entities*
6 *from both inside and outside the United States that*
7 *are capable of producing and supplying to private in-*
8 *dustry infrastructure and systems equipment sup-*
9 *porting 5th and future generations wireless commu-*
10 *nications systems and infrastructure.*

11 *(6) Identification of where security gaps exist in*
12 *the United States domestic or mutual defense treaty*
13 *allies and strategic partners communications equip-*
14 *ment supply chain for 5th and future generations*
15 *wireless communications systems and infrastructure.*

16 *(7) Identification of incentives and policy op-*
17 *tions to help close or narrow any security gaps iden-*
18 *tified under paragraph (6) in, and ensure the eco-*
19 *nomics viability of, the United States domestic indus-*
20 *trial base, including research and development in*
21 *critical technologies and workforce development in 5th*
22 *and future generations wireless communications sys-*
23 *tems and infrastructure.*

24 *(8) Identification of incentives and policy op-*
25 *tions for leveraging the communications equipment*

1 suppliers from mutual defense treaty allies, strategic
2 partners, and other countries to ensure that private
3 industry in the United States has adequate sources
4 for secure, effective, and reliable 5th and future gen-
5 erations wireless communications systems and infra-
6 structure equipment.

7 (9) A strategy for diplomatic engagement with
8 mutual defense treaty allies, strategic partners, and
9 other countries to share security risk information and
10 findings pertaining to 5th and future generations
11 wireless communications systems and infrastructure
12 equipment and cooperation on mitigating those risks.

13 (10) A strategy for engagement with private sec-
14 tor communications infrastructure and systems equip-
15 ment developers to share information and findings on
16 5th and future generations wireless communications
17 systems and infrastructure equipment standards to
18 secure platforms.

19 (11) A strategy for engagement with private sec-
20 tor communications infrastructure and systems equip-
21 ment developers to encourage the maximum partici-
22 pation possible on standards-setting bodies related to
23 such systems and infrastructure equipment standards
24 by public and private sector entities from the United
25 States.

1 (12) *A strategy for diplomatic engagement with*
2 *mutual defense treaty allies, strategic partners, and*
3 *other countries to share information and findings on*
4 *5th and future generations wireless communications*
5 *systems and infrastructure equipment standards to*
6 *promote maximum interoperability, competitiveness,*
7 *openness, and secure platforms.*

8 (13) *A strategy for diplomatic engagement with*
9 *mutual defense treaty allies, strategic partners, and*
10 *other countries to share information and findings on*
11 *5th and future generations wireless communications*
12 *infrastructure and systems equipment concerning the*
13 *standards-setting bodies related to such systems and*
14 *infrastructure equipment to promote maximum trans-*
15 *parency, openness, impartiality, integrity and neu-*
16 *trality.*

17 (14) *A strategy for joint testing environments*
18 *with mutual defense treaty allies, strategic partners,*
19 *and other countries to ensure a trusted marketplace*
20 *for 5th and future generations wireless communica-*
21 *tions systems and infrastructure equipment.*

22 (15) *A strategy for research and development by*
23 *the Federal Government, in close partnership with*
24 *trusted supplier entities, mutual defense treaty allies,*
25 *strategic partners, and other countries to reach and*

1 *maintain United States leadership in 5th and future*
2 *generations wireless communications systems and in-*
3 *frastructure security, including the development of an*
4 *ongoing monitoring capability of 5th and future gen-*
5 *erations wireless communications systems to identify*
6 *security vulnerabilities.*

7 *(16) Options for identifying and helping to miti-*
8 *gate the security risks of 5th and future generations*
9 *wireless communications systems and infrastructure*
10 *that have security flaws or vulnerabilities, or are uti-*
11 *lizing equipment sourced from countries of concern,*
12 *and that have already been put in place within the*
13 *systems and infrastructure of mutual defense treaty*
14 *allies, strategic partners, and other countries, when in*
15 *the security interests of the United States.*

16 *(17) Development of a plan that includes a de-*
17 *scription of the roles and responsibilities of the appro-*
18 *priate executive branch agencies and interagency*
19 *mechanisms for the Assistant Secretary of Commerce*
20 *for Communications and Information to act as the*
21 *executive agent to coordinate implementation of the*
22 *Strategy, as provided in subsection (h).*

23 *(18) An identification of the key diplomatic, de-*
24 *velopment, intelligence, military, and economic re-*

1 *sources necessary to implement the Strategy, includ-*
2 *ing specific budgetary requests.*

3 *(19) A description of such legislative or adminis-*
4 *trative action as may be necessary to carry out the*
5 *Strategy.*

6 *(e) LIMITATION.—*

7 *(1) IN GENERAL.—The Strategy shall not include*
8 *a recommendation or a proposal to nationalize 5th or*
9 *future generations wireless communications systems*
10 *or infrastructure.*

11 *(2) FEDERAL AGENCY AUTHORITY.—Nothing in*
12 *this section shall be construed to limit the authority*
13 *or ability of a Federal agency to—*

14 *(A) conduct cybersecurity incident, threat,*
15 *or asset response and recovery activities;*

16 *(B) obtain or execute warrants or other in-*
17 *vestigative or intelligence tools; or*

18 *(C) provide assistance to a private entity*
19 *upon request of the entity.*

20 *(f) PUBLIC COMMENT.—Not later than 60 days after*
21 *the date of the enactment of this Act, the President shall*
22 *seek public comment regarding the development and imple-*
23 *mentation of the Strategy.*

24 *(g) BRIEFING.—*

1 (1) *IN GENERAL.*—Not later than 14 days after
2 the date on which the Strategy is completed, the As-
3 sistant Secretary of Commerce for Communications
4 and Information, and any other Federal officials des-
5 ignated by the President, shall provide to the appro-
6 priate committees of Congress a briefing on the imple-
7 mentation of the Strategy.

8 (2) *UNCLASSIFIED SETTING.*—The briefing under
9 paragraph (1) shall be held in an unclassified setting
10 to the maximum extent possible.

11 (h) *IMPLEMENTATION.*—The Assistant Secretary of
12 Commerce for Communications and Information shall—

13 (1) *act as the executive agent to coordinate im-*
14 *plementation of the Strategy;*

15 (2) *keep congressional committees apprised of*
16 *progress on implementation; and*

17 (3) *not implement any proposal or recommenda-*
18 *tion involving spectrum licensed by the Commission*
19 *unless the implementation of such proposal or rec-*
20 *ommendation is first approved by the Commission.*

21 (i) *FORM.*—The Strategy shall be submitted to the ap-
22 propriate committees of Congress in unclassified form, but
23 may include a classified annex.

Amend the title so as to read: “A bill to require the President to develop a strategy to ensure the security of next generation wireless communications systems and infrastructure in the United States and to assist allies and strategic partners in maximizing the security of next generation wireless communications systems, infrastructure, and software, and for other purposes.”.

Union Calendar No. 292

116TH CONGRESS
2D Session

H. R. 2881

[Report No. 116-369, Part I]

A BILL

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.

JANUARY 7, 2020

Reported from the Committee on Energy and Commerce
with amendments

JANUARY 7, 2020

Committee on Foreign Affairs discharged; committed to
the Committee of the Whole House on the State of the
Union and ordered to be printed