

116TH CONGRESS
2D SESSION

S. 893

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”.

6 **SEC. 2. APPROPRIATE COMMITTEES OF CONGRESS DE-**
7 **FINED.**

8 In this Act, the term “appropriate committees of
9 Congress” means—

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

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

21 **SEC. 3. STRATEGY TO ENSURE SECURITY OF NEXT GEN-**
22 **ERATION WIRELESS COMMUNICATIONS SYS-**
23 **TEMS AND INFRASTRUCTURE.**

24 (a) STRATEGY REQUIRED.—Not later than 180 days
25 after the date of enactment of this Act, the President, in

1 consultation with the Chairman of the Federal Commu-
2 nications Commission, the Secretary of Commerce, the As-
3 sistant Secretary of Commerce for Communications and
4 Information, the Secretary of Homeland Security, the Di-
5 rector of National Intelligence, the Attorney General, the
6 Secretary of State, the Secretary of Energy, and the Sec-
7 retary of Defense, and consistent with the protection of
8 national security information, shall develop and submit to
9 the appropriate committees of Congress a strategy—

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

13 (2) to provide technical assistance to mutual de-
14 fense treaty allies of the United States, strategic
15 partners of the United States, and other countries,
16 when in the security and strategic interests of the
17 United States, to maximize the security of 5th and
18 future generations wireless communications systems
19 and infrastructure inside their countries; and

20 (3) to protect the competitiveness of United
21 States companies, privacy of United States con-
22 sumers, and integrity and impartiality of standards-
23 setting bodies and processes related to 5th and fu-
24 ture generations wireless communications systems
25 and infrastructure.

1 (b) DESIGNATION.—The strategy developed under
2 subsection (a) shall be known as the “National Strategy
3 to Secure 5G and Next Generation Wireless Communica-
4 tions” (referred to in this Act as the “Strategy”).

5 (c) ELEMENTS.—The Strategy shall represent a
6 whole-of-government approach and shall include the fol-
7 lowing:

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

11 (2) A description of efforts to assess the risks
12 to and identify core security principles of 5th and
13 future generations wireless communications infra-
14 structure.

15 (3) A description of efforts to address risks to
16 the national security of the United States during de-
17 velopment and deployment of 5th and future genera-
18 tions wireless communications infrastructure world-
19 wide.

20 (4) A description of efforts to promote respon-
21 sible global development and deployment of 5th and
22 future generations wireless communications, includ-
23 ing through robust international engagement, leader-
24 ship in the development of international standards,
25 and incentivizing market competitiveness of secure

1 5th and future generation wireless communications
2 infrastructure options.

3 (d) PUBLIC CONSULTATION.—In developing the
4 Strategy, the President shall consult with relevant groups
5 that represent consumers or the public interest, private
6 sector communications providers, and communications in-
7 frastructure and systems equipment developers.

8 **SEC. 4. STRATEGY IMPLEMENTATION PLAN.**

9 Not later than 180 days after the date of enactment
10 of this Act, the President shall develop and submit to the
11 appropriate committees of Congress an implementation
12 plan for the Strategy (referred to in this Act as the “Im-
13 plementation Plan”), which shall include, at a minimum,
14 the following:

15 (1) A description of United States national and
16 economic security interests pertaining to the deploy-
17 ment of 5th and future generations wireless commu-
18 nications systems and infrastructure.

19 (2) An identification and assessment of poten-
20 tial security threats and vulnerabilities to the infra-
21 structure, equipment, systems, software, and
22 virtualized networks that support 5th and future
23 generations wireless communications systems, infra-
24 structure, and enabling technologies, which shall, as
25 practicable, include a comprehensive evaluation of

1 the full range of threats to, and unique security
2 challenges posed by, 5th and future generations
3 wireless communications systems and infrastructure,
4 as well as steps that public and private sector enti-
5 ties can take to mitigate those threats.

6 (3) An identification and assessment of the
7 global competitiveness and vulnerabilities of United
8 States manufacturers and suppliers of 5th and fu-
9 ture generations wireless communications equip-
10 ment.

11 (4) An evaluation of available domestic sup-
12 pliers of 5th and future generations wireless commu-
13 nications equipment and other suppliers in countries
14 that are mutual defense allies or strategic partners
15 of the United States and a strategy to assess their
16 ability to produce and supply 5th generation and fu-
17 ture generations wireless communications systems
18 and infrastructure.

19 (5) Identification of where security gaps exist in
20 the United States domestic or mutual defense treaty
21 allies and strategic partners communications equip-
22 ment supply chain for 5th and future generations
23 wireless communications systems and infrastructure.

24 (6) Identification of incentives and policy op-
25 tions to help close or narrow any security gaps iden-

1 tified under paragraph (5) in, and ensure the eco-
2 nomic viability of, the United States domestic indus-
3 trial base, including research and development in
4 critical technologies and workforce development in
5 5th and future generations wireless communications
6 systems and infrastructure.

7 (7) Identification of incentives and policy op-
8 tions for leveraging the communications equipment
9 suppliers from mutual defense treaty allies, strategic
10 partners, and other countries to ensure that private
11 industry in the United States has adequate sources
12 for secure, effective, and reliable 5th and future gen-
13 erations wireless communications systems and infra-
14 structure equipment.

15 (8) A plan for diplomatic engagement with mu-
16 tual defense treaty allies, strategic partners, and
17 other countries to share security risk information
18 and findings pertaining to 5th and future genera-
19 tions wireless communications systems and infra-
20 structure equipment and cooperation on mitigating
21 those risks.

22 (9) A plan for engagement with private sector
23 communications infrastructure and systems equip-
24 ment developers and critical infrastructure owners
25 and operators who have a critical dependency on

1 communications infrastructure to share information
2 and findings on 5th and future generations wireless
3 communications systems and infrastructure equip-
4 ment standards to secure platforms.

5 (10) A plan for engagement with private sector
6 communications infrastructure and systems equip-
7 ment developers to encourage the maximum partici-
8 pation possible on standards-setting bodies related to
9 such systems and infrastructure equipment stand-
10 ards by public and private sector entities from the
11 United States.

12 (11) A plan for diplomatic engagement with
13 mutual defense treaty allies, strategic partners, and
14 other countries to share information and findings on
15 5th and future generations wireless communications
16 systems and infrastructure equipment standards to
17 promote maximum interoperability, competitiveness,
18 openness, and secure platforms.

19 (12) A plan for diplomatic engagement with
20 mutual defense treaty allies, strategic partners, and
21 other countries to share information and findings on
22 5th and future generations wireless communications
23 infrastructure and systems equipment concerning
24 the standards-setting bodies related to such systems
25 and infrastructure equipment to promote maximum

1 transparency, openness, impartiality, integrity, and
2 neutrality.

3 (13) A plan for joint testing environments with
4 mutual defense treaty allies, strategic partners, and
5 other countries to ensure a trusted marketplace for
6 5th and future generations wireless communications
7 systems and infrastructure equipment.

8 (14) A plan for research and development by
9 the Federal Government, in close partnership with
10 trusted supplier entities, mutual defense treaty al-
11 lies, strategic partners, and other countries to reach
12 and maintain United States leadership in 5th and
13 future generations wireless communications systems
14 and infrastructure security, including the develop-
15 ment of an ongoing capability to identify security
16 vulnerabilities in 5th and future generations wireless
17 communications systems.

18 (15) Options for identifying and helping to
19 mitigate the security risks of 5th and future genera-
20 tions wireless communications systems and infra-
21 structure that have security flaws or vulnerabilities,
22 or are utilizing equipment sourced from countries of
23 concern, and that have already been put in place
24 within the systems and infrastructure of mutual de-
25 fense treaty allies, strategic partners, and other

1 countries, when in the security interests of the
2 United States.

3 (16) A description of the roles and responsibil-
4 ities of the appropriate executive branch agencies
5 and interagency mechanisms to coordinate imple-
6 mentation of the Strategy, as provided in section
7 5(d).

8 (17) An identification of the key diplomatic, de-
9 velopment, intelligence, military, and economic re-
10 sources necessary to implement the Strategy, includ-
11 ing specific budgetary requests.

12 (18) As necessary, a description of such legisla-
13 tive or administrative action needed to carry out the
14 Strategy.

15 **SEC. 5. LIMITATIONS AND BRIEFINGS.**

16 (a) LIMITATIONS.—

17 (1) IN GENERAL.—The Strategy and the Imple-
18 mentation Plan shall not include a recommendation
19 or a proposal to nationalize 5th or future genera-
20 tions wireless communications systems or infrastruc-
21 ture.

22 (2) FEDERAL AGENCY AUTHORITY.—Nothing in
23 this Act shall be construed to limit any authority or
24 ability of any Federal agency.

1 (b) PUBLIC COMMENT.—Not later than 60 days after
2 the date of enactment of this Act, the President shall seek
3 public comment regarding the development and implemen-
4 tation of the Implementation Plan.

5 (c) BRIEFING.—

6 (1) IN GENERAL.—Not later than 21 days after
7 the date on which the Implementation Plan is com-
8 pleted, the President shall direct appropriate rep-
9 resentatives from the departments and agencies in-
10 volved in the formulation of the Strategy to provide
11 the appropriate committees of Congress a briefing
12 on the implementation of the Strategy.

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

16 (d) IMPLEMENTATION.—

17 (1) IN GENERAL.—The President and the Na-
18 tional Telecommunications and Information Admin-
19 istration, in conjunction, shall—

20 (A) implement the Strategy;

21 (B) keep congressional committees ap-
22 prised of progress on implementation; and

23 (C) not implement any proposal or rec-
24 ommendation involving non-Federal spectrum
25 administered by the Federal Communications

1 Commission unless the implementation of such
2 proposal or recommendation is first approved
3 by the Commission.

4 (2) RULE OF CONSTRUCTION.—Nothing in this
5 subsection shall be construed to affect the authority
6 or jurisdiction of the Federal Communications Com-
7 mission or confer upon the President or any other
8 executive branch agency the power to direct the ac-
9 tions of the Commission, whether directly or indi-
10 rectly.

11 (e) FORM.—The Strategy and Implementation Plan
12 shall be submitted to the appropriate committees of Con-
13 gress in unclassified form, but may include a classified
14 annex.

Passed the Senate March 4, 2020.

Attest:

Secretary.

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