

WICKER - SUBSTITUTE

OLL19618


S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 893

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE.**
- 4 This Act may be cited as the “Secure 5G and Beyond
- 5 Act of 2019”.

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 section, the term “appropriate commit-

6 tees of 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 the enactment of this Act, the President,
20 in consultation with the Chairman of the Federal Commu-
21 nications Commission, the Assistant Secretary of Com-
22 merce for Communications and Information, the Secretary
23 of Homeland Security, the Director of National Intel-
24 ligence, the Attorney General, and the Secretary of De-
25 fense, shall develop and submit to the appropriate commit-
26 tees of Congress a strategy—

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

4 (2) to assist mutual defense treaty allies of the
5 United States, strategic partners of the United
6 States, and other countries, when in the security in-
7 terests of the United States, in maximizing the secu-
8 rity of 5th and future generations wireless commu-
9 nications systems and infrastructure inside their
10 countries; and

11 (3) to protect the competitiveness of United
12 States companies, privacy of United States con-
13 sumers, and integrity and impartiality of standards-
14 setting bodies related to 5th and future generations
15 wireless communications systems and infrastructure.

16 (e) DESIGNATION.—The strategy developed under
17 subsection (b) shall be known as the “Secure Next Genera-
18 tion Wireless Communications Strategy” (referred to in
19 this section as the “Strategy”).

20 (d) ELEMENTS.—The Strategy shall represent a
21 whole-of-government approach and shall include the fol-
22 lowing:

23 (1) A description of United States national and
24 economic security interests pertaining to the deploy-

1 ment of 5th and future generations wireless commu-
2 nications systems and infrastructure.

3 (2) An identification and assessment of poten-
4 tial security threats and vulnerabilities to the infra-
5 structure, equipment, systems, software, and vir-
6 tually defined networks that support 5th and future
7 generations wireless communications systems and in-
8 frastructure. The assessment shall include a com-
9 prehensive evaluation of the full range of threats to,
10 and unique security challenges posed by, 5th and fu-
11 ture generations wireless communications systems
12 and infrastructure, as well as steps that public and
13 private sector entities can take to mitigate those
14 threats.

15 (3) A list of available domestic suppliers of 5th
16 and future generations wireless communications
17 equipment and other suppliers in countries that are
18 mutual defense allies or strategic partners of the
19 United States and a strategy to assess their ability
20 to produce and supply 5th generation and future
21 generations wireless communications systems and in-
22 frastructure.

23 (4) Identification of trusted supplier entities
24 from both inside and outside the United States that
25 are capable of producing and supplying to private in-

1 industry infrastructure and systems equipment sup-
2 porting 5th and future generations wireless commu-
3 nications systems and infrastructure.

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

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

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

24 (8) A strategy for diplomatic engagement with
25 mutual defense treaty allies, strategic partners, and

1 other countries to share security risk information
2 and findings pertaining to 5th and future genera-
3 tions wireless communications systems and infra-
4 structure equipment and cooperation on mitigating
5 those risks.

6 (9) A strategy for engagement with private sec-
7 tor communications infrastructure and systems
8 equipment developers to share information and find-
9 ings on 5th and future generations wireless commu-
10 nications systems and infrastructure equipment
11 standards to secure platforms.

12 (10) A strategy for engagement with private
13 sector communications infrastructure and systems
14 equipment developers to encourage the maximum
15 participation possible on standards-setting bodies re-
16 lated to such systems and infrastructure equipment
17 standards by public and private sector entities from
18 the United States.

19 (11) A strategy 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 systems and infrastructure equipment standards to
24 promote maximum interoperability, competitiveness,
25 openness, and secure platforms.

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 infrastructure and systems equipment concerning
6 the standards-setting bodies related to such systems
7 and infrastructure equipment to promote maximum
8 transparency, openness, impartiality, integrity, and
9 neutrality.

10 (13) A strategy for joint testing environments
11 with mutual defense treaty allies, strategic partners,
12 and other countries to ensure a trusted marketplace
13 for 5th and future generations wireless communica-
14 tions systems and infrastructure equipment.

15 (14) A strategy for research and development
16 by the Federal Government, in close partnership
17 with trusted supplier entities, mutual defense treaty
18 allies, strategic partners, and other countries to
19 reach and maintain United States leadership in 5th
20 and future generations wireless communications sys-
21 tems and infrastructure security, including the de-
22 velopment of an ongoing monitoring capability of
23 5th and future generations wireless communications
24 systems to identify security vulnerabilities.

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

11 (16) Development of a plan that includes a de-
12 scription of the roles and responsibilities of the ap-
13 propriate executive branch agencies and interagency
14 mechanisms for the National Telecommunications
15 and Information Administration to act as the execu-
16 tive agent to coordinate implementation of the Strat-
17 egy, as provided in subsection (g).

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

22 (18) A description of such legislative or admin-
23 istrative action as may be necessary to carry out the
24 Strategy.

25 (e) LIMITATIONS.—

1 (1) IN GENERAL.—The Strategy shall not in-
2 clude a recommendation or a proposal to nationalize
3 5th or future generations wireless communications
4 systems or infrastructure.

5 (2) FEDERAL AGENCY AUTHORITY.—Nothing in
6 this section shall be construed to limit the authority
7 or ability of a Federal agency to—

8 (A) conduct cybersecurity incident, threat,
9 or asset response and recovery activities;

10 (B) obtain or execute warrants or other in-
11 vestigative or intelligence tools; or

12 (C) provide assistance to a private entity
13 upon request of the entity.

14 (f) BRIEFING.—

15 (1) IN GENERAL.—Not later than 14 days after
16 the date on which the Strategy is completed, the As-
17 sistant Secretary of Commerce for Communications
18 and Information, and any other Federal officials
19 designated by the President, shall provide to the ap-
20 propriate committees of Congress a briefing on the
21 implementation of the Strategy.

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

1 (g) IMPLEMENTATION.—The National Telecommuni-
2 cations and Information Administration shall—

3 (1) act as the executive agent to coordinate im-
4 plementation of the Strategy; and

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

7 (h) FORM.—The Strategy shall be submitted to the
8 appropriate committees of Congress in unclassified form,
9 but may include a classified annex.