AMENDMENT NO._________ Calendar No._____

Purpose: In the nature of a substitute.


S.1625

To promote the deployment of commercial fifth-generation mobile networks and the sharing of information with communications providers in the United States regarding security risks to the networks of those providers, 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 “United States 5G
5 Leadership Act of 2019”.

6 SEC. 2. DEFINITIONS.

7 In this Act:

8 (1) 3GPP.—The term “3GPP” means the
9 Third Generation Partnership Project.
(2) **5G NETWORK.**—The term "5G network" means a fifth-generation radio network as described by 3GPP Release 15 or higher.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Armed Services of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

(E) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(F) the Committee on Energy and Commerce of the House of Representatives;

(G) the Committee on Armed Services of the House of Representatives;

(H) the Permanent Select Committee on Intelligence of the House of Representatives;

(I) the Committee on Homeland Security of the House of Representatives; and
(J) the Committee on Agriculture of the House of Representatives.

(4) **APPROPRIATE NATIONAL SECURITY AGENCY.**—The term “appropriate national security agency” means—

(A) the Department of Homeland Security;

(B) the Department of Defense;

(C) the Office of the Director of National Intelligence;

(D) the National Security Agency; and

(E) the Federal Bureau of Investigation.

(5) **CLOUD COMPUTING.**—The term “cloud computing” has the meaning given the term in Special Publication 800-145 of the National Institute of Standards and Technology, entitled “The NIST Definition of Cloud Computing”, published September 2011, or any successor publication.

(6) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(7) **COMMUNICATIONS NETWORK.**—The term “communications network” means—

(A) a system enabling the transmission, between or among points specified by the user, of information of the user’s choosing;

(B) cloud computing resources; and
(C) a network or system used to access cloud computing resources.

(8) COMMUNICATIONS PROVIDER.—The term “communications provider”—

(A) means any provider of a communications network; and

(B) includes a telecommunications carrier.

(9) COVERED COMPANY.—The term “covered company” means—

(A) Huawei Technologies Co., Limited;

(B) Zhongxing Telecommunications Equipment Corporation;

(C) a subsidiary or affiliate of a company described in subparagraph (A) or (B);

(D) any communications provider domiciled in the People’s Republic of China (or a subsidiary or affiliate of such a company), excluding a communications provider that—

(i) is domiciled in the People’s Republic of China; and

(ii) is a subsidiary of a company that is not domiciled in the People’s Republic of China;
(E) any company that is subject to extrajudicial direction from a foreign government; and

(F) any entity posing a national security risk.

(10) ENTITY POSING A NATIONAL SECURITY RISK.——

(A) IN GENERAL.—The term "entity posing a national security risk" means an entity that the Commission determines poses a national security risk.

(B) DETERMINATION.—In determining which entities qualify as entities posing a national security risk under this paragraph, the Commission may rely solely upon a determination made by——

(i) an appropriate national security agency;

(ii) an interagency body that includes appropriate national security expertise, including the Federal Acquisition Security Council established under section 1322 of title 41, United States Code;

(iii) Congress; or
(iv) the Secretary of Commerce under the program established under Executive Order 13873 (84 Fed. Reg. 22689; relating to securing the information and communications technology and services supply chain) or by an agency under any successor program.

(11) Supply Chain Security Trust Fund.—The term "Supply Chain Security Trust Fund" means the trust fund established under section 6.

(12) Telecommunications Carrier.—The term "telecommunications carrier" has the meaning given the term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(13) Trusted Supplier.—The term "trusted supplier"—

(A) means a supplier of equipment and services for communications networks that the Secretary of Homeland Security determines—

(i) does not pose an undue or unacceptable risk—

(I) to the security of United States communications networks or
United States communications providers; or
(II) to the national security of
the United States or the security and
safety of persons in the United States;
and
(ii) whose naming as a trusted sup-
plier would further the purposes of this
Act, particularly section 8; and
(B) does not include a covered company.

(14) UNITED STATES COMMUNICATIONS PRO-
VIDER.—The term "United States communications
provider"—

(A) means a communications provider
domiciled in the United States, regardless of
whether the provider is a subsidiary or affiliate
of a communications provider not domiciled in
the United States; and

(B) does not include a covered company.

SEC. 3. POLICY STATEMENT ON 5G NETWORK DEPLOYMENT
AND SECURITY.

(a) IN GENERAL.—It is the policy of the United
States—

(1) to promote the deployment of robust, se-
cure, and resilient commercial 5G networks;

(2) to promote the development of the informa-
tion and communications technology industry of the
United States in order to supply technology and equipment to deploy commercial 5G networks;

(3) that communications networks deployed in the United States should not incorporate any hardware or software produced, or any services offered, by a covered company;

(4) that the security of communications networks deployed in the United States should be of paramount importance to the country and to the Federal Government; and

(5) that the Federal Government should not nationalize 5G networks.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority or ability of a Federal agency to—

(1) conduct cybersecurity incident, threat, or asset response and recovery activities;

(2) obtain or execute warrants or other investigative or intelligence tools; or

(3) provide assistance to a private entity upon request of such entity.
SEC. 4. PROHIBITION OF COMMUNICATIONS EQUIPMENT AND SERVICES POSING NATIONAL SECURITY RISKS.

(a) PROHIBITION.—Except as provided in subsection (b)(2) or (c)(2), Federal funds may not be used to purchase communications equipment and services from a covered company.

(b) COMPLETION OF PENDING PROCEEDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commission shall adopt a Report and Order consistent with this section in the proceeding captioned “Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs” (WC Docket No. 18–89).

(2) EXEMPTIONS.—In implementing paragraph (1), the Commission, in consultation with the appropriate national security agencies, may exempt types or categories of equipment, services, or components thereof that do not pose—

(A) an undue risk of sabotage to or subversion of the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of communications networks in the United States; or
(B) a national security threat to the integrity of communications networks or the communications supply chain in the United States.

(c) IMPLEMENTATION BY OTHER AGENCIES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, each Federal agency that oversees a program issuing Federal funds shall update the rules for the program to comply with this section.

(2) EXEMPTIONS.—In implementing paragraph (1), the Commission, in consultation with the appropriate national security agencies, may exempt types or categories of equipment, services, or components thereof that do not pose—

(A) an undue risk of sabotage to or subversion of the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of communications networks in the United States; or

(B) a national security threat to the integrity of communications networks or the communications supply chain in the United States.

(d) FEDERAL FUNDS DEFINED.—For purposes of this section, the term "Federal funds" means—
(1) funds from a universal service support pro-
gram established under section 254 of the Commu-
nications Act of 1934 (47 U.S.C. 254);

(2) any other Federal grants, subsidies, or
loans to support the deployment of communications
networks in the United States; and

(3) any private loans—

(A) the purpose of which is to support the
deployment of communications networks in the
United States; and

(B) that are—

(i) obtained using a loan guarantee
from the Federal Government; or

(ii) secured in whole or in part by
other funds from the Federal Government.

(e) HOLD HARMLESS.—An entity that is a winner
of the Connect America Fund Phase II auction, has not
yet been authorized to receive support, and demonstrates
an inability to reasonably meet the build-out and service
obligations of the entity without using equipment prohib-
ited under this section may withdraw the application of
the entity for support without being found in default or
subject to forfeiture.
SEC. 5. EQUIPMENT REPLACEMENT REIMBURSEMENT.

(a) IN GENERAL.—The Commission shall make reimbursements to United States communications providers using amounts—

(1) made available from the Supply Chain Security Trust Fund; or

(2) borrowed under subsection (l).

(b) PURPOSE.—The Commission may issue a reimbursement under this section solely for the purpose of reimbursing costs reasonably incurred by a United States communications provider to remove and replace communications equipment and services that the communications provider obtained from a covered company before August 14, 2018.

(c) ELIGIBLE COSTS AND USE OF FUNDS.—

(1) IN GENERAL.—As part of the implementation of the reimbursement program established under this section, the Commission shall develop—

(A) a list of reasonable costs eligible for reimbursement under this section; and

(B) a list of eligible replacement of both physical and virtual communications equipment, application and management software, and services for which reimbursement funds may be used, which may not include communications
equipment and services from a covered company.

(2) NEUTRALITY.—The list developed under this subsection shall be technology neutral and may not advantage the use of reimbursement funds for capital expenditures over operational expenditures, to the extent that the Commission determines that communications services can serve as an adequate substitute for the installation of communications equipment.

(d) REIMBURSEMENT APPLICATION AND REVIEW.—

(1) APPLICATION.—

(A) IN GENERAL.—The Commission shall develop an application process and related forms and materials for the reimbursement program established under this section.

(B) COST ESTIMATE.—

(i) INITIAL ESTIMATE.—The Commission shall require an applicant to provide an initial reimbursement cost estimate at the time of application, with supporting materials substantiating the costs.

(ii) UPDATES.—During and after the application review process, the Commission may require an applicant to—
(I) update the initial reimbursement cost estimate submitted under clause (i); and

(II) submit additional supporting materials substantiating a revised cost estimate submitted under subclause (I).

(C) MITIGATION OF BURDEN.—In developing the application process under this subsection, the Commission shall take reasonable steps to mitigate the administrative burdens and costs associated with the application process, while taking into account the need to avoid waste, fraud, and abuse in the reimbursement program.

(D) CONFIDENTIALITY.—

(i) IDENTIFICATION.—The Commission may establish a process through which an applicant may identify certain information submitted as part of the application as highly sensitive business information.

(ii) PRESERVATION OF CONFIDENTIALITY.—During the reimbursement application and issuance process, the Commission shall take reasonable steps to pre-
serve the confidentiality of highly sensitive business information identified under clause (i).

(2) **Review.**—

(A) **Timing.**—Except for good cause shown, the Commission shall grant or deny an application submitted under this subsection not later than 90 days after the date of submission of the application.

(B) **Good cause shown defined.**—For purposes of this paragraph, the term “good cause shown” means the Commission—

(i) finds that an application is materially deficient;

(ii) finds that an application lacks an adequate cost estimate or supporting materials; or

(iii) determines that because an excessive number of applications have been filed at one time, the Commission needs additional time for employees of the Commission to process the applications, which additional time may not exceed 45 days.

(C) **Opportunity to cure.**—If the Commission determines that consideration of an ap-
application must be delayed under clause (i) or (ii) of subparagraph (B), the Commission shall provide the applicant 15 days to cure the defect in the application before denying the application.

(D) Effect of denial.—A denial of an application under this paragraph shall not preclude the applicant from resubmitting the application at a later date.

(e) Reimbursement Eligibility.—

(1) In general.—A communications provider with not more than 2,000,000 customers shall be eligible to receive a reimbursement under subsection (a).

(2) Definition of customer.—For purposes of paragraph (1), the term "customer", with respect to a communications provider, means the United States customers of—

(A) the communications provider; or

(B) any parent, subsidiary, or affiliate of the communications provider.

(3) Education efforts.—The Commission shall engage in education efforts with United States communications providers to—
(A) encourage the providers to participate in the reimbursement program; and

(B) assist the providers in submitting applications under this section.

(4) CERTIFICATION.—As part of a reimbursement application under this subsection, the applicant shall certify to the Commission that as of the date of submission of the application, the applicant—

(A) will no longer purchase communications equipment or services from a covered company;

(B) has developed a plan for the removal and replacement of any communications equipment or services that the applicant obtained from a covered company and installed in the communications network of the applicant during the period beginning on August 14, 2018, and ending on the date of enactment of this Act;

(C) has developed a specific timeline for the removal and replacement of the equipment and services identified under subparagraph (B), which timeline shall be submitted to the Commission as part of the application;
(D) has taken, or will immediately take, all necessary steps to mitigate the security threat the equipment and services identified under subparagraph (B) could pose to the network of the applicant until the equipment and services can be removed and replaced in accordance with the timeline under subparagraph (C); and

(E) has implemented, or will immediately begin to implement, open, consensus-based, risk-informed cybersecurity best practices, including the cybersecurity framework developed by the National Institute of Standards and Technology.

(f) Reimbursement Money Distribution.—

(1) In general.—The Commission shall make reasonable efforts to ensure that the reimbursement funds made available under this section are distributed as equitably as possible among all applicants according to the needs of the applicants, as identified in their applications.

(2) Notification.—If at any time during the reimbursement process, the Commission determines, or has a reasonable belief, that the funds made available to the Commission under section 6 will not be sufficient to fully fund all approved reimburse-
ment applications under this section, the Commission shall immediately notify—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(B) the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives.

(g) Removal and Replacement Term.—

(1) In general.—The removal and replacement of any communications equipment or services obtained from a covered company identified in an application under this section shall be completed not later than 1 year after the date on which the Commission approves the application.

(2) Extension.—

(A) Petition.—A communications provider that receives a reimbursement under this section may petition the Commission for an extension of the deadline under paragraph (1).

(B) Grant.—

(i) In general.—The Commission may grant a petition filed under subparagraph (A) if the Commission finds that due to no fault of the recipient, the recipi-
ent is unable to complete the work contemplated under the terms of the reimbursement.

(ii) TERM.—Any extension granted under clause (i) shall be for a period of not more than 6 months.

(C) BLANKET EXTENSION.—The Commission may grant a blanket extension of the deadline under paragraph (1) for 6 months to all communications providers that have received a reimbursement under this section if the Commission—

(i) finds that the supply of replacement communications equipment and services needed by recipients to achieve the purposes of the reimbursement program is inadequate to meet the needs of the recipients; and

(ii) provides notice and a detailed justification for granting the blanket extension to—

(I) the Committee on Commerce, Science, and Transportation of the Senate; and
(II) the Committee on Energy and Commerce of the House of Representatives.

(h) STATUS UPDATES.—

(1) IN GENERAL.—Not less frequently than once every 90 days beginning on the date on which the Commission approves an application under this section, the recipient of the reimbursement shall submit to the Commission a status update on the recipient's work to achieve the purposes of the reimbursement.

(2) PUBLIC POSTING.—The Commission shall make public on the website of the Commission each status update submitted under paragraph (1).

(3) REPORTS TO CONGRESS.—Not less frequently than once every 180 days beginning on the date upon which the Commission first makes funds available to a reimbursement recipient under this section, the Commission shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representa-

(A) the work of the Commission on the reimbursement program; and
(B) the work by reimbursement recipients
to remove and replace communications equip-
ment and services purchased from a covered
company before August 14, 2018.

(i) AUDITS AND PENALTIES.—

(1) IN GENERAL.—As part of the rulemaking
implementing the reimbursement program estab-
lished under this section, the Commission shall take
all necessary steps to avoid waste, fraud, and abuse
with respect to the reimbursement program.

(2) AUDITS.—

(A) SPENDING REPORTS.—The Commissi-
ion shall subject reimbursement recipients to
regular reporting regarding how reimbursement
funds have been spent, including detailed ac-
counting of the equipment and services re-
moved, and the replacement equipment and
services purchased, using reimbursement funds.

(B) AUDITS.—The Commission shall con-
duct—

(i) regular audits and reviews of reim-
bursements issued under this section to
confirm that reimbursement recipients are
complying with this Act; and
(ii) random field investigations to ensure that reimbursement recipients are actually performing the work they are required to perform under the terms of their reimbursement application, including the removal of equipment identified under subsection (c)(4).

(3) Final Certification.—

(A) In general.—The Commission shall require a reimbursement recipient to file a certification with the Commission, in a form and at an appropriate time to be determined by the Commission, stating that the recipient—

(i) has fully complied with all terms and conditions of the reimbursement program;

(ii) has fully complied with the commitments made in the reimbursement application of the recipient;

(iii) has removed from the communications network of the recipient, and replaced, all communications equipment and services purchased from a covered company before August 14, 2018; and
(iv) subject to subparagraph (B), has complied with, or is in the process of complying with, the timeline prepared by the recipient, along with all other requirements, under subsection (e)(4).

(B) UPDATED CERTIFICATION.—If a recipient, upon submitting a certification under subparagraph (A), has not complied with the timeline described in clause (iv) of that subparagraph, the Commission shall require the recipient to file an updated certification when the recipient has completed the actions required to be taken within that timeline.

(4) VIOLATIONS AND PENALTIES.—

(A) VIOLATIONS.—A violation of this section shall be treated as a violation of the Communications Act of 1934 (47 U.S.C. 151 et seq.), and the Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this section.

(B) PENALTIES.—
(i) IN GENERAL.—Any person or entity that violates this section or the terms of the person's or entity's reimbursement application shall be subject to an appropriate penalty, as determined by the Commission, under—

(I) the Communications Act of 1934 (47 U.S.C. 151 et seq.), including section 501 of that Act (47 U.S.C. 501); and

(II) the rules of the Commission.

(ii) ADDITIONAL PENALTIES.—In addition to the penalties described in clause (i), a reimbursement recipient found to have violated this section—

(I) shall repay to the Commission all reimbursement funds provided to the recipient;

(II) shall be barred from further participation in the program established under this section;

(III) shall be referred to all appropriate law enforcement agencies or officials for further action under applicable criminal and civil laws; and
(IV) may be barred from participation in other programs of the Commission, including the universal service support programs established under section 254 of the Communications Act of 1934 (47 U.S.C. 254).

(j) Rulemaking.—

(1) Commencement.—Not later than 60 days after the date of enactment of this Act, the Commission shall commence a rulemaking to implement this section.

(2) Completion.—The Commission shall—

(A) complete the rulemaking under paragraph (1) not later than 1 year after the date of enactment of this Act; and

(B) begin to accept reimbursement applications not later than 15 months after the date of enactment of this Act.

(3) Model.—The Commission shall use the rules and processes developed by the Commission for the implementation of section 6403(b)(4) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1452(b)(4)), related to the relocation costs for TV stations, as the model for implementation of the program established under this sec-
(k) **Reports on Equipment and Services From a Covered Company.**

(1) **IN GENERAL.**—Each United States communications provider shall submit an annual report to the Commission, in a form to be determined by the Commission, regarding whether the provider has purchased, installed, or used any communications equipment or services from a covered company after August 14, 2018.

(2) **JUSTIFICATION.**—If a provider indicates as part of a report under paragraph (1) that the provider has purchased, installed, or used equipment or services as described in that paragraph, the provider shall include in the report—

(A) a detailed justification for such action;

(B) information about whether the equipment or services have subsequently been removed and replaced pursuant to this section; and

(C) information about whether the provider plans to continue to purchase, install, or use such equipment or services and why.

(l) **Borrowing Authority.**—
(1) In general.—Prior to the deposit of funds into the Supply Chain Security Trust Fund under section 6 of this Act, the Commission may borrow from the Treasury such sums as may be necessary, but not to exceed $700,000,000, to implement this section.

(2) Reimbursement.—The Commission shall reimburse the Treasury for any amounts borrowed under paragraph (1), without interest, from funds deposited into the Supply Chain Security Trust Fund as provided in section 6 of this Act.

SEC. 6. SUPPLY CHAIN SECURITY TRUST FUND.

(a) Establishment.—There is established in the Treasury of the United States a trust fund to be known as the "Supply Chain Security Trust Fund".

(b) Availability.—Amounts deposited in the Supply Chain Security Trust Fund shall remain available through fiscal year 2030. Any amounts remaining in the Fund after the end of that fiscal year shall be deposited in the general fund of the Treasury.

(c) Use of Fund.—As amounts are deposited into the Supply Chain Security Trust Fund, such amounts shall be used to make the following deposits or payments:

(1) Repayment of amount borrowed for equipment replacement.—An amount not to ex-
ceed $700,000,000 shall be available to the Commission to reimburse the general fund of the Treasury for any amounts borrowed under section 5.

(2) Equipment Replacement.—

$700,000,000, reduced by the amount borrowed under section 5, shall be available to the Commission to carry out that section.

(d) Investment.—Amounts in the Supply Chain Security Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be credited to, and become part of, the Fund.

(e) Administrative Costs.—The Commission may reserve not more than 2 percent of the funds made available under this section to pay for the administrative costs associated with the reimbursement program established under section 5.

(f) Deposits into Fund.—Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking “and (G)” and inserting “(G), and (H)”;

(2) in subparagraph (C)(i), by striking “and (G)” and inserting “(G), and (H)”;

(3) by adding at the end the following:
"(H) Certain proceeds designated for supply chain security trust fund.—
Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the proceeds (including deposits and upfront payments from successful bidders), not to exceed $700,000,000, from the use of a system of competitive bidding under this subsection shall be deposited in the Supply Chain Security Trust Fund established under section 6 of the United States 5G Leadership Act of 2019."

SEC. 7. REPORT ON DEPLOYMENT AND AVAILABILITY OF 5G NETWORKS.

Not later than 180 days after the date of enactment of this Act, and biennially thereafter, the Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of Homeland Security, the Chairman of the Commission, the Secretary of Defense, and the Director of National Intelligence, and after providing notice and an opportunity for public comment, shall submit to the appropriate congressional committees a report that identifies—

(1) steps to ensure the deployment and availability of secure 5G networks, with a particular
focus on the threat posed by equipment and services
produced or provided by covered companies; and
(2) any additional statutory authority required
to ensure the security of 5G networks in the United
States.

SEC. 8. INFORMATION SHARING WITH COMMUNICATIONS

PROVIDERS AND TRUSTED SUPPLIERS.

(a) Establishment of Joint Program.—Not
later than 90 days after the date of enactment of this Act,
the Secretary of Homeland Security, in consultation with
the Director of National Intelligence, the Director of the
Federal Bureau of Investigation, the Secretary of Com-
merce, and the Chairman of the Commission, shall estab-
lish a joint program to share information regarding secu-

rity risks, and vulnerabilities related to communications
networks and related equipment and services with United
States communication providers and trusted suppliers.

(b) Duties of Program.—The program established
under subsection (a) shall—

(1) conduct regular briefings and other events
to share information with United States communica-
tions providers and trusted suppliers regarding secu-

rity risks, and vulnerabilities related to communica-
tions networks and related equipment and services;
(2) prioritize engagement with United States communications providers that—

(A) are small business concerns (as defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)); or

(B) primarily serve rural areas;

(3) as determined appropriate and necessary by the Secretary of Homeland Security, facilitate information sharing with United States communications providers and trusted suppliers by providing temporary, security clearances to selected citizens of the United States, limited solely to the information under this section;

(4) develop recommendations for United States communications providers and trusted suppliers to better secure their networks, equipment, and supply chain; and

(5) as determined appropriate by the Commission, in consultation with the Assistant Secretary of Commerce for Communications and Information, convene a working group of United States communications providers to engage in discussions and information sharing regarding specific national security risks posed to communications networks.
(c) Voluntary and Confidential Nature of Recommendations.—

(1) In General.—Recommendations developed and provided to communications providers shall be entirely advisory and shall create no obligation on or expectation of communications providers or other non-Federal entities to take any action or abstain from any action.

(2) Exempt from Disclosure.—Recommendations and briefings created by the joint program created under this section shall be exempt from public disclosure.

(d) Authorization to Share.—Notwithstanding any other provision of law, a non-Federal entity participating in the program established under subsection (a) may share with, or receive from, any other non-Federal entity or the Federal Government information regarding security, risks, and vulnerabilities related to communications networks and supply chains.

(e) Confidentiality.—Any information shared by non-Federal entities in the program established under this section shall be—

(1) deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, Tribal, or local
provision of law requiring disclosure of information
or records;

(2) withheld, without discretion, from the public
under section 552(b)(3)(B) of title 5, United States
Code, and any State, Tribal, or local provision of law
requiring disclosure of information or records; and

(3) considered the equivalent of Protected Cri-
tical Infrastructure Information, as defined and pro-
tected in the Critical Infrastructure Information Act
of 2002 and Procedures for Handling Protected
Critical Infrastructure Information regulations, pro-
mulgated by Department of Homeland Security
under part 29 of title 6, Code of Federal Regula-
tions, to provide non-Federal entities confidence that
sharing their information with the Government will
not expose sensitive or proprietary data.

(f) **Lawful Restriction on Use.**—

(1) **In General.**—A non-Federal entity receiv-
ing information regarding security, risks, and
vulnerabilities from another non-Federal entity or a
Federal entity shall comply with otherwise lawful re-
strictions placed on the sharing or use of such by
the sharing non-Federal entity or Federal entity.

(2) **Permitted Use.**—A Federal entity receiv-
ing information regarding security, risks, and
vulnerabilities from non-Federal entities participating in the program established under this section shall only use that information for the purposes established under this section and in furtherance of the goals of the joint program, and may not release or share the information with other government officials or agencies that are not part of the joint program.

(g) **Antitrust Exemption.**—It shall not be considered a violation of any provision of antitrust laws for 2 or more non-Federal entities to exchange or provide information regarding security, risks, and vulnerabilities under the program established under this section.

(h) **Protection From Liability.**—No cause of action shall lie or be maintained in any court against any private entity, and such action shall be promptly dismissed, for the sharing or receipt of information regarding security, risks, and vulnerabilities under the program established under this section.

(i) **No Right, Benefit, or Duty.**—

(1) **In General.**—The sharing of information regarding security, risks, and vulnerabilities with a non-Federal entity in the program established under this section shall not create a right or benefit to
similar information by such non-Federal entity or any other non-Federal entity.

(2) **Recommendations.**—The creation of recommendations by the joint program is not intended to confer any benefits or rights in any party, nor is it intended to create any obligation or duty on any non-Federal entity to take any action or refrain from taking any action.

**SEC. 9. PROMOTING UNITED STATES LEADERSHIP IN COMMUNICATIONS STANDARDS-SETTING BODIES.**

(a) **In General.**—The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission shall take steps to promote and enhance representation of the United States from a wide variety of relevant stakeholders at international forums that set standards for 5G networks and for future generations of wireless communications networks, including—

(1) the International Telecommunication Union (commonly known as “ITU”);  
(2) the International Organization for Standardization (commonly known as “ISO”); and  
(3) the voluntary standards organizations that develop protocols for wireless networks, devices, and other equipment, such as the 3GPP and the Institute of Electrical and Electronics Engineers.
(b) Specific Actions.—

(1) In General.—As part of their responsibilities under this section, the entities identified in subsection (a) shall look for ways for the Federal Government to defray the costs of domestic entities participating in the international forums identified in subsection (a).

(2) Report.—Not later than 60 days after the date of enactment of this Act, the Secretary of State, the Secretary of Commerce, and the Chairman of the Commission shall prepare a joint public report on the ways the Federal Government could help domestic entities defray the costs of participating in the international forums identified in subsection (a), as well as plans to request additional funding in future fiscal years to accomplish such goal.

(c) Briefing.—Not later than 60 days after the date of enactment of this Act, the Secretary of State, the Secretary of Commerce, and the Chairman of the Commission shall brief the Committee on Commerce, Science, and Transportation of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Per-
1. The Select Committee on Intelligence of the House of
2. Representatives on a strategy to carry out subsection (a).