

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2881
OFFERED BY MS. SPANBERGER OF VIRGINIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Secure 5G and Beyond
3 Act of 2019”.

**4 SEC. 2. STRATEGY TO ENSURE SECURITY OF NEXT GEN-
5 ERATION MOBILE TELECOMMUNICATIONS
6 SYSTEMS AND INFRASTRUCTURE.**

7 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
8 FINED.—In this section, the term “appropriate commit-
9 tees of 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

1 on Armed Services, and the Committee on Home-
2 land Security of the House of Representatives.

3 (b) STRATEGY REQUIRED.—Not later than 180 days
4 after the date of the enactment of this Act, the President,
5 in consultation with the Chairman of the Federal Commu-
6 nications Commission, the Administrator of the National
7 Telecommunications and Information Administration, the
8 Secretary of Homeland Security, the Director of National
9 Intelligence, the Attorney General, the Secretary of De-
10 fense, and the Secretary of State, shall develop and submit
11 to the appropriate committees of Congress a strategy—

12 (1) to ensure the security of 5th and future
13 generations mobile telecommunications systems and
14 infrastructure within the United States;

15 (2) to assist mutual defense treaty allies of the
16 United States, strategic partners of the United
17 States, and other countries, when in the security in-
18 terests of the United States, in maximizing the secu-
19 rity of 5th and future generations mobile tele-
20 communications systems and infrastructure inside
21 their countries; and

22 (3) to protect the competitiveness of United
23 States companies, privacy of United States con-
24 sumers, and integrity of standards setting bodies
25 against political influence.

1 (c) DESIGNATION.—The strategy developed under
2 subsection (b) shall be known as the “Secure Next Genera-
3 tion Mobile Communications Strategy”.

4 (d) ELEMENTS.—The strategy required by subsection
5 (b) shall represent a whole-of-government approach and
6 shall include 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 mobile tele-
10 communications 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 vir-
14 tually defined networks that support 5th and future
15 generations mobile telecommunications systems and
16 infrastructure.

17 (3) A list of available domestic suppliers of 5th
18 and future generations telecommunications equip-
19 ment and other suppliers in countries that are mu-
20 tual defense allies or strategic partners of the
21 United States and a strategy to assess their ability
22 to produce and supply 5th generation and future
23 generations telecommunications systems and infra-
24 structure.

1 (4) Identification of trusted supplier entities
2 from both inside and outside the United States that
3 are capable of producing and supplying to private in-
4 dustry infrastructure and systems equipment sup-
5 porting 5th and future generations mobile tele-
6 communications systems and infrastructure.

7 (5) Identification of where security gaps exist in
8 the United States domestic or mutual defense treaty
9 allies and strategic partners telecommunications
10 equipment supply chain for 5th and future genera-
11 tions infrastructure and systems equipment.

12 (6) Identification of incentives and policy op-
13 tions to help close or narrow such security gaps in
14 the United States domestic industrial base, including
15 research and development in critical technologies
16 and workforce development in new generation tech-
17 nologies.

18 (7) Identification of incentives and policy op-
19 tions for leveraging the telecommunications equip-
20 ment suppliers from mutual defense treaty allies,
21 strategic partners, and other countries to ensure
22 that private industry in the United States has ade-
23 quate sources for secure, effective, and reliable 5th
24 and future generations mobile telecommunications
25 systems and infrastructure equipment.

1 (8) A strategy for diplomatic engagement with
2 mutual 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 mobile telecommunications systems and infra-
6 structure equipment and cooperation on mitigating
7 those risks.

8 (9) A strategy for engagements with private
9 sector telecommunications infrastructure and sys-
10 tems equipment developers to share information and
11 findings on 5th and future generations mobile tele-
12 communication systems and infrastructure equip-
13 ment standards to secure platforms.

14 (10) A strategy for diplomatic engagements
15 with mutual defense treaty allies, strategic partners,
16 and other countries to share information and find-
17 ings on 5th and future generations mobile tele-
18 communication systems and infrastructure equip-
19 ment standards and standards setting bodies to pro-
20 mote maximum interoperability, competitiveness,
21 openness, and secure platforms.

22 (11) A strategy for diplomatic engagement with
23 mutual defense treaty allies, strategic partners, and
24 other countries to share information and findings on
25 5th and future generations mobile telecommuni-

1 cations systems and infrastructure equipment con-
2 cerning the standards-setting bodies related to such
3 systems and infrastructure equipment to promote
4 maximum transparency, openness, impartiality, in-
5 tegrity and neutrality.

6 (12) A strategy for joint testing environments
7 with mutual defense treaty allies, strategic partners,
8 and other countries to ensure a trusted marketplace
9 for 5th and future generations mobile telecommuni-
10 cation systems and infrastructure equipment.

11 (13) A strategy for research and development
12 by the Federal Government, in close partnership
13 with trusted supplier entities, mutual defense treaty
14 allies, strategic partners, and other countries to
15 reach and maintain United States leadership in 5th
16 and future generations communications security, in-
17 cluding the development of an ongoing monitoring
18 capability of 5th and future generations tele-
19 communications systems for security vulnerabilities.

20 (14) Options for identifying and helping to
21 mitigate the security risks of 5th and future genera-
22 tions telecommunications systems and infrastructure
23 equipment with security flaws or vulnerabilities or
24 equipment sourced from countries of concern that
25 have already been put in place within mutual de-

1 fense treaty allies, strategic partners, and other
2 countries, when in the security interests of the
3 United States.

4 (15) Development of a plan that includes a de-
5 scription of the roles and responsibilities of the ap-
6 propriate executive branch agencies and interagency
7 mechanisms for the National Telecommunications
8 and Information Administration to act as the execu-
9 tive agent to coordinate implementation of the strat-
10 egy.

11 (16) An identification of the key diplomatic, de-
12 velopment, intelligence, military, and economic re-
13 sources necessary to implement the strategy, includ-
14 ing specific budgetary requests.

15 (17) A description of such legislative or admin-
16 istrative action as may be necessary to carry out the
17 strategy.

18 (e) LIMITATION.—The strategy required by sub-
19 section (b) shall not include a recommendation or a pro-
20 posal to Federalize 5th or future generations mobile tele-
21 communications systems or infrastructure.

22 (f) BRIEFING.—Not later than 14 days after the date
23 on which the strategy required by subsection (b) is com-
24 pleted, the President's designee shall provide to the appro-

1 priate committees of Congress a briefing on the implemen-
2 tation of the strategy.

3 (g) IMPLEMENTATION.—The National Telecommuni-
4 cations and Information Administration shall act as the
5 executive agent to coordinate implementation of the strat-
6 egy, and keep congressional committees apprised of
7 progress on implementation.

8 (h) FORM.—The strategy submitted under subsection
9 (b) shall be submitted in unclassified form, but may in-
10 clude a classified annex.

