

116TH CONGRESS
1ST SESSION

S. _____

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 SENATE OF THE UNITED STATES

Mr. CORNYN (for himself, Mr. BURR, Mr. WARNER, Ms. COLLINS, Mr. RUBIO, Mr. BENNET, Mr. COTTON, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on

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,*

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
19 on Armed Services, and the Committee on Home-
20 land Security of the House of Representatives.

21 (b) **STRATEGY REQUIRED.**—Not later than 180 days
22 after the date of the enactment of this Act, the President,
23 in consultation with the Chairman of the Federal Commu-
24 nications Commission, the Administrator of the National
25 Telecommunications and Information Administration, the
26 Secretary of Homeland Security, the Director of National

1 Intelligence, the Attorney General, and the Secretary of
2 Defense, shall develop and submit to the appropriate com-
3 mittees of Congress a strategy—

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

7 (2) to assist mutual defense treaty allies of the
8 United States, strategic partners of the United
9 States, and other countries, when in the security in-
10 terests of the United States, in maximizing the secu-
11 rity of 5th and future generations mobile tele-
12 communications systems and infrastructure inside
13 their countries; and

14 (3) to protect the competitiveness of United
15 States companies, privacy of United States con-
16 sumers, and integrity of standards setting bodies
17 against political influence.

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

21 (d) ELEMENTS.—The strategy required by subsection
22 (b) shall represent a whole-of-government approach and
23 shall include the following:

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

1 ment of 5th and future generations mobile tele-
2 communications 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 mobile telecommunications systems and
8 infrastructure.

9 (3) A list of available domestic suppliers of 5th
10 and future generations telecommunications equip-
11 ment and other suppliers in countries that are mu-
12 tual defense allies or strategic partners of the
13 United States and a strategy to assess their ability
14 to produce and supply 5th generation and future
15 generations telecommunications systems and infra-
16 structure.

17 (4) Identification of trusted supplier entities
18 from both inside and outside the United States that
19 are capable of producing and supplying to private in-
20 dustry infrastructure and systems equipment sup-
21 porting 5th and future generations mobile tele-
22 communications systems and infrastructure.

23 (5) Identification of where security gaps exist in
24 the United States domestic or mutual defense treaty
25 allies and strategic partners telecommunications

1 equipment supply chain for 5th and future genera-
2 tions infrastructure and systems equipment.

3 (6) Identification of incentives and policy op-
4 tions to help close or narrow such security gaps in
5 the United States domestic industrial base, including
6 research and development in critical technologies
7 and workforce development in new generation tech-
8 nologies.

9 (7) Identification of incentives and policy op-
10 tions for leveraging the telecommunications equip-
11 ment suppliers from mutual defense treaty allies,
12 strategic partners, and other countries to ensure
13 that private industry in the United States has ade-
14 quate sources for secure, effective, and reliable 5th
15 and future generations mobile telecommunications
16 systems and infrastructure equipment.

17 (8) A strategy for diplomatic engagement with
18 mutual defense treaty allies, strategic partners, and
19 other countries to share security risk information
20 and findings pertaining to 5th and future genera-
21 tions mobile telecommunications systems and infra-
22 structure equipment and cooperation on mitigating
23 those risks.

24 (9) A strategy for engagements with private
25 sector telecommunications infrastructure and sys-

1 tems equipment developers to share information and
2 findings on 5th and future generations mobile tele-
3 communication systems and infrastructure equip-
4 ment standards to secure platforms.

5 (10) A strategy for diplomatic engagements
6 with mutual defense treaty allies, strategic partners,
7 and other countries to share information and find-
8 ings on 5th and future generations mobile tele-
9 communication systems and infrastructure equip-
10 ment standards and standards setting bodies to pro-
11 mote maximum interoperability, competitiveness,
12 openness, and secure platforms.

13 (11) A strategy for joint testing environments
14 with mutual defense treaty allies, strategic partners,
15 and other countries to ensure a trusted marketplace
16 for 5th and future generations mobile telecommuni-
17 cation systems and infrastructure equipment.

18 (12) A strategy for research and development
19 by the Federal Government, in close partnership
20 with trusted supplier entities, mutual defense treaty
21 allies, strategic partners, and other countries to
22 reach and maintain United States leadership in 5th
23 and future generations communications security, in-
24 cluding the development of an ongoing monitoring

1 capability of 5th and future generations tele-
2 communications systems for security vulnerabilities.

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

12 (14) A description of the appropriate roles and
13 missions of the Federal Communications Commis-
14 sion, the National Telecommunications and Informa-
15 tion Administration, the Department of Homeland
16 Security, the intelligence community, the Depart-
17 ment of Justice, and the Department of Defense in
18 executing the strategy.

19 (15) Development of a plan that includes inter-
20 agency mechanisms for the National Telecommuni-
21 cations and Information Administration to act as the
22 executive agent to coordinate implementation of the
23 strategy.

24 (16) An identification of the key diplomatic, de-
25 velopment, intelligence, military, and economic re-

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

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

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

10 (f) BRIEFING.—Not later than 14 days after the date
11 on which the strategy required by subsection (b) is com-
12 pleted, the President's designee shall provide to the appro-
13 priate committees of Congress a briefing on the implemen-
14 tation of the strategy.

15 (g) IMPLEMENTATION.—The National Telecommuni-
16 cations and Information Administration shall act as the
17 executive agent to coordinate implementation of the strat-
18 egy, and keep congressional committees apprised of
19 progress on implementation.

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