



S.L.C.

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AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

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

**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 following:  
2

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.

1           (2) 5G NETWORK.—The term “5G network”  
2 means a fifth-generation radio network as described  
3 by 3GPP Release 15 or higher.

4           (3) APPROPRIATE CONGRESSIONAL COMMIT-  
5 TEES.—The term “appropriate congressional com-  
6 mittees” means—

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

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

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

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

15                   (E) the Committee on Agriculture, Nutri-  
16 tion, and Forestry of the Senate;

17                   (F) the Committee on Energy and Com-  
18 merce of the House of Representatives;

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

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

23                   (I) the Committee on Homeland Security  
24 of the House of Representatives; and

1 (J) the Committee on Agriculture of the  
2 House of Representatives.

3 (4) APPROPRIATE NATIONAL SECURITY AGEN-  
4 CY.—The term “appropriate national security agen-  
5 cy” means—

6 (A) the Department of Homeland Security;

7 (B) the Department of Defense;

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

10 (D) the National Security Agency; and

11 (E) the Federal Bureau of Investigation.

12 (5) CLOUD COMPUTING.—The term “cloud  
13 computing” has the meaning given the term in Spe-  
14 cial Publication 800–145 of the National Institute of  
15 Standards and Technology, entitled “The NIST Def-  
16 inition of Cloud Computing”, published September  
17 2011, or any successor publication.

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

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

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

25 (B) cloud computing resources; and

1 (C) a network or system used to access  
2 cloud computing resources.

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

5 (A) means any provider of a communica-  
6 tions network; and

7 (B) includes a telecommunications carrier.

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

10 (A) Huawei Technologies Co., Limited;

11 (B) Zhongxing Telecommunications Equip-  
12 ment Corporation;

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

15 (D) any communications provider domi-  
16 ciled in the People’s Republic of China (or a  
17 subsidiary or affiliate of such a company), ex-  
18 cluding a communications provider that—

19 (i) is domiciled in the People’s Repub-  
20 lic of China; and

21 (ii) is a subsidiary of a company that  
22 is not domiciled in the People’s Republic of  
23 China;

1           (E) any company that is subject to  
2 extrajudicial direction from a foreign govern-  
3 ment; and

4           (F) any entity posing a national security  
5 risk.

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

8           (A) IN GENERAL.—The term “entity pos-  
9 ing a national security risk” means an entity  
10 that the Commission determines poses a na-  
11 tional security risk.

12           (B) DETERMINATION.—In determining  
13 which entities qualify as entities posing a na-  
14 tional security risk under this paragraph, the  
15 Commission may rely solely upon a determina-  
16 tion made by—

17           (i) an appropriate national security  
18 agency;

19           (ii) an interagency body that includes  
20 appropriate national security expertise, in-  
21 cluding the Federal Acquisition Security  
22 Council established under section 1322 of  
23 title 41, United States Code;

24           (iii) Congress; or

1 (iv) the Secretary of Commerce under  
2 the program established under Executive  
3 Order 13873 (84 Fed. Reg. 22689; relat-  
4 ing to securing the information and com-  
5 munications technology and services supply  
6 chain) or by an agency under any suc-  
7 cessor program.

8 (11) SUPPLY CHAIN SECURITY TRUST FUND.—  
9 The term “Supply Chain Security Trust Fund”  
10 means the trust fund established under section 6.

11 (12) TELECOMMUNICATIONS CARRIER.—The  
12 term “telecommunications carrier” has the meaning  
13 given the term in section 3 of the Communications  
14 Act of 1934 (47 U.S.C. 153).

15 (13) TRUSTED SUPPLIER.—The term “trusted  
16 supplier”—

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

20 (i) does not pose an undue or unac-  
21 ceptable risk—

22 (I) to the security of United  
23 States communications networks or  
24 United States communications pro-  
25 viders; or

1 (II) to the national security of  
2 the United States or the security and  
3 safety of persons in the United States;  
4 and

5 (ii) whose naming as a trusted sup-  
6 plier would further the purposes of this  
7 Act, particularly section 8; and

8 (B) does not include a covered company.

9 (14) UNITED STATES COMMUNICATIONS PRO-  
10 VIDER.—The term “United States communications  
11 provider”—

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

17 (B) does not include a covered company.

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

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

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

24 (2) to promote the development of the informa-  
25 tion and communications technology industry of the

1 United States in order to supply technology and  
2 equipment to deploy commercial 5G networks;

3 (3) that communications networks deployed in  
4 the United States should not incorporate any hard-  
5 ware or software produced, or any services offered,  
6 by a covered company;

7 (4) that the security of communications net-  
8 works deployed in the United States should be of  
9 paramount importance to the country and to the  
10 Federal Government; and

11 (5) that the Federal Government should not na-  
12 tionalize 5G networks.

13 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
14 tion shall be construed to limit the authority or ability of  
15 a Federal agency to—

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

18 (2) obtain or execute warrants or other inves-  
19 tigative or intelligence tools; or

20 (3) provide assistance to a private entity upon  
21 request of such entity.



1 **SEC. 4. PROHIBITION OF COMMUNICATIONS EQUIPMENT**  
2 **AND SERVICES POSING NATIONAL SECURITY**  
3 **RISKS.**

4 (a) **PROHIBITION.**—Except as provided in subsection  
5 (b)(2) or (c)(2), Federal funds may not be used to pur-  
6 chase communications equipment and services from a cov-  
7 ered company.

8 (b) **COMPLETION OF PENDING PROCEEDING.**—

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

16 (2) **EXEMPTIONS.**—In implementing paragraph  
17 (1), the Commission, in consultation with the appro-  
18 priate national security agencies, may exempt types  
19 or categories of equipment, services, or components  
20 thereof that do not pose—

21 (A) an undue risk of sabotage to or sub-  
22 version of the design, integrity, manufacturing,  
23 production, distribution, installation, operation,  
24 or maintenance of communications networks in  
25 the United States; or

1           (B) a national security threat to the integ-  
2           rity of communications networks or the commu-  
3           nications supply chain in the United States.

4           (e) IMPLEMENTATION BY OTHER AGENCIES.—

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

10          (2) EXEMPTIONS.—In implementing paragraph  
11          (1), the Commission, in consultation with the appro-  
12          priate national security agencies, may exempt types  
13          or categories of equipment, services, or components  
14          thereof that do not pose—

15                 (A) an undue risk of sabotage to or sub-  
16                 version of the design, integrity, manufacturing,  
17                 production, distribution, installation, operation,  
18                 or maintenance of communications networks in  
19                 the United States; or

20                 (B) a national security threat to the integ-  
21                 rity of communications networks or the commu-  
22                 nications supply chain in the United States.

23          (d) FEDERAL FUNDS DEFINED.—For purposes of  
24          this section, the term “Federal funds” means—

## 11.

1 (1) funds from a universal service support pro-  
2 gram established under section 254 of the Commu-  
3 nications Act of 1934 (47 U.S.C. 254);

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

7 (3) any private loans—

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

11 (B) that are—

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

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

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

1 **SEC. 5. EQUIPMENT REPLACEMENT REIMBURSEMENT.**

2 (a) **IN GENERAL.**—The Commission shall make reim-  
3 bursements to United States communications providers  
4 using amounts—

5 (1) made available from the Supply Chain Secu-  
6 rity Trust Fund; or

7 (2) borrowed under subsection (1).

8 (b) **PURPOSE.**—The Commission may issue a reim-  
9 bursement under this section solely for the purpose of re-  
10 imburasing costs reasonably incurred by a United States  
11 communications provider to remove and replace commu-  
12 nications equipment and services that the communications  
13 provider obtained from a covered company before August  
14 14, 2018.

15 (c) **ELIGIBLE COSTS AND USE OF FUNDS.**—

16 (1) **IN GENERAL.**—As part of the implementa-  
17 tion of the reimbursement program established  
18 under this section, the Commission shall develop—

19 (A) a list of reasonable costs eligible for re-  
20 imbursement under this section; and

21 (B) a list of eligible replacement of both  
22 physical and virtual communications equipment,  
23 application and management software, and  
24 services for which reimbursement funds may be  
25 used, which may not include communications

1 equipment and services from a covered com-  
2 pany.

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

11 (d) REIMBURSEMENT APPLICATION AND REVIEW.—

12 (1) APPLICATION.—

13 (A) IN GENERAL.—The Commission shall  
14 develop an application process and related  
15 forms and materials for the reimbursement pro-  
16 gram established under this section.

17 (B) COST ESTIMATE.—

18 (i) INITIAL ESTIMATE.—The Commis-  
19 sion shall require an applicant to provide  
20 an initial reimbursement cost estimate at  
21 the time of application, with supporting  
22 materials substantiating the costs.

23 (ii) UPDATES.—During and after the  
24 application review process, the Commission  
25 may require an applicant to—

1 (I) update the initial reimburse-  
2 ment cost estimate submitted under  
3 clause (i); and

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

8 (C) MITIGATION OF BURDEN.—In devel-  
9 oping the application process under this sub-  
10 section, the Commission shall take reasonable  
11 steps to mitigate the administrative burdens  
12 and costs associated with the application proc-  
13 ess, while taking into account the need to avoid  
14 waste, fraud, and abuse in the reimbursement  
15 program.

16 (D) CONFIDENTIALITY.—

17 (i) IDENTIFICATION.—The Commis-  
18 sion may establish a process through which  
19 an applicant may identify certain informa-  
20 tion submitted as part of the application as  
21 highly sensitive business information.

22 (ii) PRESERVATION OF CONFIDEN-  
23 TIALITY.—During the reimbursement ap-  
24 plication and issuance process, the Com-  
25 mission shall take reasonable steps to pre-

1           serve the confidentiality of highly sensitive  
2           business information identified under  
3           clause (i).

4           (2) REVIEW.—

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

10          (B) GOOD CAUSE SHOWN DEFINED.—For  
11          purposes of this paragraph, the term “good  
12          cause shown” means the Commission—

13                 (i) finds that an application is materi-  
14                 ally deficient;

15                 (ii) finds that an application lacks an  
16                 adequate cost estimate or supporting mate-  
17                 rials; or

18                 (iii) determines that because an exces-  
19                 sive number of applications have been filed  
20                 at one time, the Commission needs addi-  
21                 tional time for employees of the Commis-  
22                 sion to process the applications, which ad-  
23                 ditional time may not exceed 45 days.

24          (C) OPPORTUNITY TO CURE.—If the Com-  
25          mission determines that consideration of an ap-

1 application must be delayed under clause (i) or  
2 (ii) of subparagraph (B), the Commission shall  
3 provide the applicant 15 days to cure the defect  
4 in the application before denying the applica-  
5 tion.

6 (D) EFFECT OF DENIAL.—A denial of an  
7 application under this paragraph shall not pre-  
8 clude the applicant from resubmitting the appli-  
9 cation at a later date.

10 (e) REIMBURSEMENT ELIGIBILITY.—

11 (1) IN GENERAL.—A communications provider  
12 with not more than 2,000,000 customers shall be eli-  
13 gible to receive a reimbursement under subsection  
14 (a).

15 (2) DEFINITION OF CUSTOMER.—For purposes  
16 of paragraph (1), the term “customer”, with respect  
17 to a communications provider, means the United  
18 States customers of—

19 (A) the communications provider; or

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

22 (3) EDUCATION EFFORTS.—The Commission  
23 shall engage in education efforts with United States  
24 communications providers to—



1           (A) encourage the providers to participate  
2           in the reimbursement program; and

3           (B) assist the providers in submitting ap-  
4           plications under this section.

5           (4) CERTIFICATION.—As part of a reimburse-  
6           ment application under this subsection, the applicant  
7           shall certify to the Commission that as of the date  
8           of submission of the application, the applicant—

9           (A) will no longer purchase communica-  
10          tions equipment or services from a covered com-  
11          pany;

12          (B) has developed a plan for the removal  
13          and replacement of any communications equip-  
14          ment or services that the applicant obtained  
15          from a covered company and installed in the  
16          communications network of the applicant dur-  
17          ing the period beginning on August 14, 2018,  
18          and ending on the date of enactment of this  
19          Act;

20          (C) has developed a specific timeline for  
21          the removal and replacement of the equipment  
22          and services identified under subparagraph (B),  
23          which timeline shall be submitted to the Com-  
24          mission as part of the application;

1           (D) has taken, or will immediately take, all  
2           necessary steps to mitigate the security threat  
3           the equipment and services identified under  
4           subparagraph (B) could pose to the network of  
5           the applicant until the equipment and services  
6           can be removed and replaced in accordance with  
7           the timeline under subparagraph (C); and

8           (E) has implemented, or will immediately  
9           begin to implement, open, consensus-based,  
10          risk-informed cybersecurity best practices, in-  
11          cluding the cybersecurity framework developed  
12          by the National Institute of Standards and  
13          Technology.

14          (f) REIMBURSEMENT MONEY DISTRIBUTION.—

15           (1) IN GENERAL.—The Commission shall make  
16           reasonable efforts to ensure that the reimbursement  
17           funds made available under this section are distrib-  
18           uted as equitably as possible among all applicants  
19           according to the needs of the applicants, as identi-  
20           fied in their applications.

21           (2) NOTIFICATION.—If at any time during the  
22           reimbursement process, the Commission determines,  
23           or has a reasonable belief, that the funds made  
24           available to the Commission under section 6 will not  
25           be sufficient to fully fund all approved reimburse-

1       ment applications under this section, the Commis-  
2       sion shall immediately notify—

3               (A) the Committee on Commerce, Science,  
4               and Transportation and the Committee on Ap-  
5               propriations of the Senate; and

6               (B) the Committee on Energy and Com-  
7               merce and the Committee on Appropriations of  
8               the House of Representatives.

9       (g) REMOVAL AND REPLACEMENT TERM.—

10           (1) IN GENERAL.—The removal and replace-  
11           ment of any communications equipment or services  
12           obtained from a covered company identified in an  
13           application under this section shall be completed not  
14           later than 1 year after the date on which the Com-  
15           mission approves the application.

16           (2) EXTENSION.—

17               (A) PETITION.—A communications pro-  
18               vider that receives a reimbursement under this  
19               section may petition the Commission for an ex-  
20               tension of the deadline under paragraph (1).

21               (B) GRANT.—

22                   (i) IN GENERAL.—The Commission  
23                   may grant a petition filed under subpara-  
24                   graph (A) if the Commission finds that  
25                   due to no fault of the recipient, the recipi-

1           ent is unable to complete the work con-  
2           templated under the terms of the reim-  
3           bursement.

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

7           (C) BLANKET EXTENSION.—The Commis-  
8           sion may grant a blanket extension of the dead-  
9           line under paragraph (1) for 6 months to all  
10          communications providers that have received a  
11          reimbursement under this section if the Com-  
12          mission—

13           (i) finds that the supply of replace-  
14           ment communications equipment and serv-  
15           ices needed by recipients to achieve the  
16           purposes of the reimbursement program is  
17           inadequate to meet the needs of the recipi-  
18           ents; and

19           (ii) provides notice and a detailed jus-  
20           tification for granting the blanket exten-  
21           sion to—

22           (I) the Committee on Commerce,  
23           Science, and Transportation of the  
24           Senate; and

1 (II) the Committee on Energy  
2 and Commerce of the House of Rep-  
3 resentatives.

4 (h) STATUS UPDATES.—

5 (1) IN GENERAL.—Not less frequently than  
6 once every 90 days beginning on the date on which  
7 the Commission approves an application under this  
8 section, the recipient of the reimbursement shall  
9 submit to the Commission a status update on the re-  
10 cipient's work to achieve the purposes of the reim-  
11 bursement.

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

15 (3) REPORTS TO CONGRESS.—Not less than  
16 frequently than once every 180 days beginning on  
17 the date upon which the Commission first makes  
18 funds available to a reimbursement recipient under  
19 this section, the Commission shall prepare and sub-  
20 mit to the Committee on Commerce, Science, and  
21 Transportation of the Senate and the Committee on  
22 Energy and Commerce of the House of Representa-  
23 tives a report on—

24 (A) the work of the Commission on the re-  
25 imbursement program; and

1           (B) the work by reimbursement recipients  
2           to remove and replace communications equip-  
3           ment and services purchased from a covered  
4           company before August 14, 2018.

5           (i) AUDITS AND PENALTIES.—

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

11          (2) AUDITS.—

12           (A) SPENDING REPORTS.—The Commis-  
13           sion shall subject reimbursement recipients to  
14           regular reporting regarding how reimbursement  
15           funds have been spent, including detailed ac-  
16           counting of the equipment and services re-  
17           moved, and the replacement equipment and  
18           services purchased, using reimbursement funds.

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

21           (i) regular audits and reviews of reim-  
22           bursements issued under this section to  
23           confirm that reimbursement recipients are  
24           complying with this Act; and

1           (ii) random field investigations to en-  
2           sure that reimbursement recipients are ac-  
3           tually performing the work they are re-  
4           quired to perform under the terms of their  
5           reimbursement application, including the  
6           removal of equipment identified under sub-  
7           section (e)(4).

8           (3) FINAL CERTIFICATION.—

9           (A) IN GENERAL.—The Commission shall  
10          require a reimbursement recipient to file a cer-  
11          tification with the Commission, in a form and  
12          at an appropriate time to be determined by the  
13          Commission, stating that the recipient—

14               (i) has fully complied with all terms  
15               and conditions of the reimbursement pro-  
16               gram;

17               (ii) has fully complied with the com-  
18               mitments made in the reimbursement ap-  
19               plication of the recipient;

20               (iii) has removed from the commu-  
21               nications network of the recipient, and re-  
22               placed, all communications equipment and  
23               services purchased from a covered company  
24               before August 14, 2018; and

1 (iv) subject to subparagraph (B), has  
2 complied with, or is in the process of com-  
3 plying with, the timeline prepared by the  
4 recipient, along with all other require-  
5 ments, under subsection (e)(4).

6 (B) UPDATED CERTIFICATION.—If a re-  
7 cipient, upon submitting a certification under  
8 subparagraph (A), has not complied with the  
9 timeline described in clause (iv) of that sub-  
10 paragraph, the Commission shall require the re-  
11 cipient to file an updated certification when the  
12 recipient has completed the actions required to  
13 be taken within that timeline.

14 (4) VIOLATIONS AND PENALTIES.—

15 (A) VIOLATIONS.—A violation of this sec-  
16 tion shall be treated as a violation of the Com-  
17 munications Act of 1934 (47 U.S.C. 151 et  
18 seq.), and the Commission shall enforce this  
19 section in the same manner, by the same  
20 means, and with the same jurisdiction, powers,  
21 and duties as though all applicable terms and  
22 provisions of that Act were incorporated into  
23 and made a part of this section.

24 (B) PENALTIES.—



1           (i) IN GENERAL.—Any person or enti-  
2           ty that violates this section or the terms of  
3           the person's or entity's reimbursement ap-  
4           plication shall be subject to an appropriate  
5           penalty, as determined by the Commission,  
6           under—

7                   (I) the Communications Act of  
8                   1934 (47 U.S.C. 151 et seq.), includ-  
9                   ing section 501 of that Act (47 U.S.C.  
10                  501); and

11                  (II) the rules of the Commission.

12           (ii) ADDITIONAL PENALTIES.—In ad-  
13           dition to the penalties described in clause  
14           (i), a reimbursement recipient found to  
15           have violated this section—

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

19                   (II) shall be barred from further  
20                   participation in the program estab-  
21                   lished under this section;

22                   (III) shall be referred to all ap-  
23                   propriate law enforcement agencies or  
24                   officials for further action under ap-  
25                   plicable criminal and civil laws; and

1 (IV) may be barred from partici-  
2 pation in other programs of the Com-  
3 mission, including the universal serv-  
4 ice support programs established  
5 under section 254 of the Communica-  
6 tions Act of 1934 (47 U.S.C. 254).

7 (j) RULEMAKING.—

8 (1) COMMENCEMENT.—Not later than 60 days  
9 after the date of enactment of this Act, the Commis-  
10 sion shall commence a rulemaking to implement this  
11 section.

12 (2) COMPLETION.—The Commission shall—

13 (A) complete the rulemaking under para-  
14 graph (1) not later than 1 year after the date  
15 of enactment of this Act; and

16 (B) begin to accept reimbursement applica-  
17 tions not later than 15 months after the date  
18 of enactment of this Act.

19 (3) MODEL.—The Commission shall use the  
20 rules and processes developed by the Commission for  
21 the implementation of section 6403(b)(4) of the  
22 Middle Class Tax Relief and Job Creation Act of  
23 2012 (47 U.S.C. 1452(b)(4)), related to the reloca-  
24 tion costs for TV stations, as the model for imple-  
25 mentation of the program established under this sec-

1 tion, to the extent that such implementation is con-  
2 sistent with the requirements of this section.

3 (k) REPORTS ON EQUIPMENT AND SERVICES FROM  
4 A COVERED COMPANY.—

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

12 (2) JUSTIFICATION.—If a provider indicates as  
13 part of a report under paragraph (1) that the pro-  
14 vider has purchased, installed, or used equipment or  
15 services as described in that paragraph, the provider  
16 shall include in the report—

17 (A) a detailed justification for such action;

18 (B) information about whether the equip-  
19 ment or services have subsequently been re-  
20 moved and replaced pursuant to this section;  
21 and

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

25 (l) BORROWING AUTHORITY.—

1           (1) IN GENERAL.—Prior to the deposit of funds  
2 into the Supply Chain Security Trust Fund under  
3 section 6 of this Act, the Commission may borrow  
4 from the Treasury such sums as may be necessary,  
5 but not to exceed \$700,000,000, to implement this  
6 section.

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

12 **SEC. 6. SUPPLY CHAIN SECURITY TRUST FUND.**

13           (a) ESTABLISHMENT.—There is established in the  
14 Treasury of the United States a trust fund to be known  
15 as the “Supply Chain Security Trust Fund”.

16           (b) AVAILABILITY.—Amounts deposited in the Sup-  
17 ply Chain Security Trust Fund shall remain available  
18 through fiscal year 2030. Any amounts remaining in the  
19 Fund after the end of that fiscal year shall be deposited  
20 in the general fund of the Treasury.

21           (c) USE OF FUND.—As amounts are deposited into  
22 the Supply Chain Security Trust Fund, such amounts  
23 shall be used to make the following deposits or payments:

24           (1) REPAYMENT OF AMOUNT BORROWED FOR  
25 EQUIPMENT REPLACEMENT.—An amount not to ex-

1       ceed \$700,000,000 shall be available to the Commis-  
2       sion to reimburse the general fund of the Treasury  
3       for any amounts borrowed under section 5.

4           (2)           EQUIPMENT           REPLACEMENT.—  
5       \$700,000,000, reduced by the amount borrowed  
6       under section 5, shall be available to the Commission  
7       to carry out that section.

8       (d) INVESTMENT.—Amounts in the Supply Chain Se-  
9       curity Trust Fund shall be invested in accordance with  
10      section 9702 of title 31, United States Code, and any in-  
11      terest on, and proceeds from, any such investment shall  
12      be credited to, and become part of, the Fund.

13      (e) ADMINISTRATIVE COSTS.—The Commission may  
14      reserve not more than 2 percent of the funds made avail-  
15      able under this section to pay for the administrative costs  
16      associated with the reimbursement program established  
17      under section 5.

18      (f) DEPOSITS INTO FUND.—Section 309(j)(8) of the  
19      Communications Act of 1934 (47 U.S.C. 309(j)(8)) is  
20      amended—

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

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

25           (3) by adding at the end the following:

1           “(H) CERTAIN PROCEEDS DESIGNATED  
2           FOR SUPPLY CHAIN SECURITY TRUST FUND.—  
3           Notwithstanding subparagraph (A) and except  
4           as provided in subparagraph (B), the proceeds  
5           (including deposits and upfront payments from  
6           successful bidders), not to exceed  
7           \$700,000,000, from the use of a system of com-  
8           petitive bidding under this subsection shall be  
9           deposited in the Supply Chain Security Trust  
10          Fund established under section 6 of the United  
11          States 5G Leadership Act of 2019.”.

12   **SEC. 7. REPORT ON DEPLOYMENT AND AVAILABILITY OF**  
13           **5G NETWORKS.**

14          Not later than 180 days after the date of enactment  
15   of this Act, and biennially thereafter, the Assistant Sec-  
16   retary of Commerce for Communications and Information,  
17   in consultation with the Secretary of Homeland Security,  
18   the Chairman of the Commission, the Secretary of De-  
19   fense, and the Director of National Intelligence, and after  
20   providing notice and an opportunity for public comment,  
21   shall submit to the appropriate congressional committees  
22   a report that identifies—

23           (1) steps to ensure the deployment and avail-  
24   ability of secure 5G networks, with a particular

1 focus on the threat posed by equipment and services  
2 produced or provided by covered companies; and

3 (2) any additional statutory authority required  
4 to ensure the security of 5G networks in the United  
5 States.

6 **SEC. 8. INFORMATION SHARING WITH COMMUNICATIONS**

7 **PROVIDERS AND TRUSTED SUPPLIERS.**

8 (a) **ESTABLISHMENT OF JOINT PROGRAM.**—Not  
9 later than 90 days after the date of enactment of this Act,  
10 the Secretary of Homeland Security, in consultation with  
11 the Director of National Intelligence, the Director of the  
12 Federal Bureau of Investigation, the Secretary of Com-  
13 merce, and the Chairman of the Commission, shall estab-  
14 lish a joint program to share information regarding secu-  
15 rity risks, and vulnerabilities related to communications  
16 networks and related equipment and services with United  
17 States communication providers and trusted suppliers.

18 (b) **DUTIES OF PROGRAM.**—The program established  
19 under subsection (a) shall—

20 (1) conduct regular briefings and other events  
21 to share information with United States communica-  
22 tions providers and trusted suppliers regarding secu-  
23 rity risks, and vulnerabilities related to communica-  
24 tions networks and related equipment and services;

1           (2) prioritize engagement with United States  
2           communications providers that—

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

6                   (B) primarily serve rural areas;

7           (3) as determined appropriate and necessary by  
8           the Secretary of Homeland Security, facilitate infor-  
9           mation sharing with United States communications  
10          providers and trusted suppliers by providing tem-  
11          porary, security clearances to selected citizens of the  
12          United States, limited solely to the information  
13          under this section;

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

18          (5) as determined appropriate by the Commis-  
19          sion, in consultation with the Assistant Secretary of  
20          Commerce for Communications and Information,  
21          convene a working group of United States commu-  
22          nications providers to engage in discussions and in-  
23          formation sharing regarding specific national secu-  
24          rity risks posed to communications networks.



1 (c) VOLUNTARY AND CONFIDENTIAL NATURE OF  
2 RECOMMENDATIONS.—

3 (1) IN GENERAL.—Recommendations developed  
4 and provided to communications providers shall be  
5 entirely advisory and shall create no obligation on or  
6 expectation of communications providers or other  
7 non-Federal entities to take any action or abstain  
8 from any action.

9 (2) EXEMPT FROM DISCLOSURE.—Rec-  
10 ommendations and briefings created by the joint  
11 program created under this section shall be exempt  
12 from public disclosure.

13 (d) AUTHORIZATION TO SHARE.—Notwithstanding  
14 any other provision of law, a non-Federal entity partici-  
15 pating in the program established under subsection (a)  
16 may share with, or receive from, any other non-Federal  
17 entity or the Federal Government information regarding  
18 security, risks, and vulnerabilities related to communica-  
19 tions networks and supply chains.

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

23 (1) deemed voluntarily shared information and  
24 exempt from disclosure under section 552 of title 5,  
25 United States Code, and any State, Tribal, or local

1 provision of law requiring disclosure of information  
2 or records;

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

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

17 (f) **LAWFUL RESTRICTION ON USE.—**

18 (1) **IN GENERAL.—**A non-Federal entity receiv-  
19 ing information regarding security, risks, and  
20 vulnerabilities from another non-Federal entity or a  
21 Federal entity shall comply with otherwise lawful re-  
22 strictions placed on the sharing or use of such by  
23 the sharing non-Federal entity or Federal entity.

24 (2) **PERMITTED USE.—**A Federal entity receiv-  
25 ing information regarding security, risks, and

1 vulnerabilities from non-Federal entities partici-  
2 pating in the program established under this section  
3 shall only use that information for the purposes es-  
4 tablished under this section and in furtherance of  
5 the goals of the joint program, and may not release  
6 or share the information with other government offi-  
7 cials or agencies that are not part of the joint pro-  
8 gram.

9 (g) ANTITRUST EXEMPTION.—It shall not be consid-  
10 ered a violation of any provision of antitrust laws for 2  
11 or more non-Federal entities to exchange or provide infor-  
12 mation regarding security, risks, and vulnerabilities under  
13 the program established under this section.

14 (h) PROTECTION FROM LIABILITY.—No cause of ac-  
15 tion shall lie or be maintained in any court against any  
16 private entity, and such action shall be promptly dis-  
17 missed, for the sharing or receipt of information regarding  
18 security, risks, and vulnerabilities under the program es-  
19 tablished under this section.

20 (i) NO RIGHT, BENEFIT, OR DUTY.—

21 (1) IN GENERAL.—The sharing of information  
22 regarding security, risks, and vulnerabilities with a  
23 non-Federal entity in the program established under  
24 this section shall not create a right or benefit to

1 similar information by such non-Federal entity or  
2 any other non-Federal entity.

3 (2) RECOMMENDATIONS.—The creation of rec-  
4 ommendations by the joint program is not intended  
5 to confer any benefits or rights in any party, nor is  
6 it intended to create any obligation or duty on any  
7 non-Federal entity to take any action or refrain  
8 from taking any action.

9 **SEC. 9. PROMOTING UNITED STATES LEADERSHIP IN COM-**  
10 **MUNICATIONS STANDARDS-SETTING BODIES.**

11 (a) IN GENERAL.—The Secretary of State, the Sec-  
12 retary of Commerce, and the Chairman of the Commission  
13 shall take steps to promote and enhance representation  
14 of the United States from a wide variety of relevant stake-  
15 holders at international forums that set standards for 5G  
16 networks and for future generations of wireless commu-  
17 nications networks, including—

18 (1) the International Telecommunication Union  
19 (commonly known as “ITU”);

20 (2) the International Organization for Stand-  
21 ardization (commonly known as “ISO”); and

22 (3) the voluntary standards organizations that  
23 develop protocols for wireless networks, devices, and  
24 other equipment, such as the 3GPP and the Insti-  
25 tute of Electrical and Electronics Engineers.

1 (b) SPECIFIC ACTIONS.—

2 (1) IN GENERAL.—As part of their responsibil-  
3 ities under this section, the entities identified in sub-  
4 section (a) shall look for ways for the Federal Gov-  
5 ernment to defray the costs of domestic entities par-  
6 ticipating in the international forums identified in  
7 subsection (a).

8 (2) REPORT.—Not later than 60 days after the  
9 date of enactment of this Act, the Secretary of  
10 State, the Secretary of Commerce, and the Chair-  
11 man of the Commission shall prepare a joint public  
12 report on the ways the Federal Government could  
13 help domestic entities defray the costs of partici-  
14 pating in the international forums identified in sub-  
15 section (a), as well as plans to request additional  
16 funding in future fiscal years to accomplish such  
17 goal.

18 (c) BRIEFING.—Not later than 60 days after the date  
19 of enactment of this Act, the Secretary of State, the Sec-  
20 retary of Commerce, and the Chairman of the Commission  
21 shall brief the Committee on Commerce, Science, and  
22 Transportation of the Senate, the Select Committee on In-  
23 telligence of the Senate, the Committee on Energy and  
24 Commerce of the House of Representatives, and the Per-

- 1 permanent Select Committee on Intelligence of the House of
- 2 Representatives on a strategy to carry out subsection (a).