

118TH CONGRESS
2D SESSION

S. 4207

To reauthorize the spectrum auction authority of the Federal Communications Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2024

Ms. CANTWELL (for herself and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To reauthorize the spectrum auction authority of the Federal Communications Commission, 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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Spectrum and National Security Act of 2024”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Sense of Congress.
- Sec. 3. Definitions.

TITLE I—DEVELOPMENT OF SPECTRUM MAXIMIZING
TECHNOLOGIES

- Sec. 101. National Spectrum Research and Development Plan.
- Sec. 102. Common sharing platform; incumbent informing capability.

TITLE II—EXERTING UNITED STATES SPECTRUM LEADERSHIP

- Sec. 201. Empowering Federal agencies in the management of their spectrum.
- Sec. 202. Under Secretary of Commerce for Communications and Information.

TITLE III—CREATION OF A SPECTRUM PIPELINE

- Sec. 301. Creation of a spectrum pipeline.
- Sec. 302. Spectrum auctions.

TITLE IV—EXTENSION OF FCC AUCTION AUTHORITY

- Sec. 401. Extension of FCC auction authority.

TITLE V—WORKFORCE DEVELOPMENT

Subtitle A—Improving Minority Participation

- Sec. 501. Short title.
- Sec. 502. Definitions.
- Sec. 503. Program.

Subtitle B—National Spectrum Workforce Plan

- Sec. 511. National spectrum workforce plan.

TITLE VI—SPECTRUM AUCTION TRUST FUND

- Sec. 601. Definition.
- Sec. 602. Spectrum Auction Trust Fund.

TITLE VII—SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM

- Sec. 701. Increase in limitation on expenditure.

TITLE VIII—NEXT GENERATION 9–1–1

- Sec. 801. Further deployment and coordination of Next Generation 9–1–1.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

- 3 (1) electromagnetic spectrum is a scarce, valu-
- 4 able resource that fuels the technological leadership
- 5 of the United States globally, which supports the na-
- 6 tional security and critical operations of the United
- 7 States;

1 (2) because spectrum is a finite and limited re-
2 source, the United States must invest in advanced
3 spectrum technologies, such as dynamic spectrum
4 sharing, to make the best use of spectrum to pro-
5 mote private sector innovation, and protect and fur-
6 ther the mission of Federal agencies;

7 (3) to retain the global technology leadership of
8 the United States, the United States must have an
9 accurate assessment of the current and future de-
10 mand for spectrum, and the tools to meet that de-
11 mand;

12 (4) ensuring a clear and fair process for Fed-
13 eral agencies to assess how to meet the demand for
14 spectrum and reauthorizing the spectrum auction
15 authority of the Commission will provide the tools
16 described in paragraph (3);

17 (5) as agreed to by both the Department of De-
18 fense and the National Telecommunications and In-
19 formation Administration in the National Spectrum
20 Strategy, an assessment of future spectrum demand,
21 the promotion of research and development on dy-
22 namic spectrum sharing and other new and emerg-
23 ing spectrum technologies, and support for a work-
24 force to support an advanced spectrum ecosystem
25 are critical for expanding the overall capacity,

1 usability, and efficiency of spectrum to enhance the
2 competitiveness and national security of the United
3 States; and

4 (6) a unified, forward-looking domestic spec-
5 trum policy is vital for enabling the United States
6 to advocate effectively for its interests on the global
7 stage, including at the International Telecommuni-
8 cation Union, against the competing spectrum poli-
9 cies advanced by foreign adversaries.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) COMMISSION.—The term “Commission”
13 means the Federal Communications Commission.

14 (2) DYNAMIC SPECTRUM SHARING.—The term
15 “dynamic spectrum sharing” means a technique that
16 enables multiple electromagnetic spectrum users to
17 operate on the same frequencies in the same geo-
18 graphic area without causing harmful interference to
19 other users by using capabilities that can adjust and
20 optimize electromagnetic spectrum usage in real
21 time or near-real time, consistent with defined regu-
22 lations and policies for a particular spectrum band.

23 (3) SPECTRUM ADVISORY COUNCIL.—The term
24 “Spectrum Advisory Council” has the meaning given
25 the term in section 106(a) of the National Tele-

1 communications and Information Administration Or-
 2 ganization Act, as added by section 201 of this Act.

3 (4) UNDER SECRETARY.—The term “Under
 4 Secretary” means the Under Secretary of Commerce
 5 for Communications and Information, as so des-
 6 ignated by the amendment made by section 202(a).

7 **TITLE I—DEVELOPMENT OF**
 8 **SPECTRUM MAXIMIZING**
 9 **TECHNOLOGIES**

10 **SEC. 101. NATIONAL SPECTRUM RESEARCH AND DEVELOP-**
 11 **MENT PLAN.**

12 (a) DEFINITION.—In this section, the term “Federal
 13 entity” has the meaning given the term in section 113(l)
 14 of the National Telecommunications and Information Ad-
 15 ministration Organization Act (47 U.S.C. 923(l)).

16 (b) DYNAMIC SPECTRUM SHARING.—

17 (1) NATIONAL TESTBED.—Not later than 18
 18 months after the date of enactment of this Act, the
 19 Under Secretary shall establish, or coordinate with
 20 other Federal entities to establish or identify, a na-
 21 tional testbed for dynamic spectrum sharing that—

22 (A) enables the identification of bands of
 23 Federal and non-Federal spectrum that can be
 24 accessed on a short-term basis for experimen-
 25 tation;

1 (B) considers specific areas for testing and
2 measurement to improve future study efforts
3 across spectrum bands, including researching
4 and developing solutions that can be applied
5 across a range of spectrum bands;

6 (C) is focused on developing technologically
7 neutral approaches;

8 (D) enables Federal entities to work coop-
9 eratively with non-Federal entities, including in-
10 dustry entities, academic institutions, and re-
11 search organizations, to objectively examine new
12 technologies to improve spectrum management;
13 and

14 (E) minimizes duplication of effort by syn-
15 chronizing, to the extent practicable, with other
16 relevant research and engineering activities un-
17 derway across the Federal Government in areas
18 including artificial intelligence, machine learn-
19 ing, zero-trust networks, data-source manage-
20 ment, autonomy and autonomous systems, and
21 advanced radar technologies.

22 (2) FUNDING.—The Under Secretary may use
23 the funding provided under section 602(c)(1)(E) of
24 this Act to establish the national testbed for dy-
25 namic spectrum sharing under paragraph (1).

1 (c) RESEARCH AND DEVELOPMENT PLAN.—The Of-
2 fice of Science and Technology Policy, in coordination with
3 each member agency of the Spectrum Advisory Council,
4 shall develop a National Spectrum Research and Develop-
5 ment Plan that—

6 (1) identifies the key innovation areas for spec-
7 trum research and development, including dynamic
8 spectrum sharing, artificial intelligence and machine
9 learning techniques, and other emerging technologies
10 for improving spectrum efficiency and innovation;

11 (2) establishes a process to refine and enhance
12 the innovation areas identified under paragraph (1)
13 on an ongoing basis;

14 (3) considers recommendations developed
15 through the collaborative framework established
16 under subsection (d)(1); and

17 (4) will encourage Federal entities to conduct
18 spectrum-related testing and research in cooperation
19 with the Institute for Telecommunication Sciences of
20 the National Telecommunications and Information
21 Administration.

22 (d) PUBLIC AND PRIVATE SECTOR COLLABORATIVE
23 FRAMEWORK.—

24 (1) ESTABLISHMENT.—The Under Secretary,
25 in coordination with the Commission, as appropriate,

1 shall establish a collaborative framework for coordi-
2 nation, technical exchange, and information sharing
3 between Federal entities and non-Federal entities for
4 purposes of short-term and long-term spectrum
5 planning and management.

6 (2) REQUIREMENTS.—The collaborative frame-
7 work established under paragraph (1) shall con-
8 sider—

9 (A) leveraging Federal and non-Federal
10 advisory groups that advise the Federal Govern-
11 ment on spectrum planning or management, as
12 appropriate;

13 (B) identifying new advisory groups that
14 could be established to aid long-term spectrum
15 planning;

16 (C) defining the interactions among the
17 groups described in subparagraphs (A) and (B),
18 including their roles and responsibilities and de-
19 sired outputs;

20 (D) adhering to applicable interagency
21 memoranda of understanding on spectrum plan-
22 ning or management;

23 (E) engaging with a variety of stake-
24 holders, including unserved and historically un-

1 derserved populations, Tribal Nations, and the
2 Native Hawaiian community; and

3 (F) establishing a standardized submission
4 process for Federal entities and non-Federal en-
5 tities to provide information, on an ongoing
6 basis, regarding their current and projected fu-
7 ture spectrum needs.

8 (3) EVIDENCE-BASED SPECTRUM DECISION-
9 MAKING.—The Under Secretary shall use the col-
10 laborative framework established under paragraph
11 (1) to develop best practices for conducting technical
12 and economic analyses that are—

13 (A) data-driven;

14 (B) science-based;

15 (C) peer-reviewed; and

16 (D) publicly available in an easily acces-
17 sible electronic format, to the extent prac-
18 ticable, with appropriate redactions for classi-
19 fied information, or other information reflecting
20 technical, procedural, or policy concerns that
21 are exempt from disclosure under section 552
22 of title 5, United States Code (commonly known
23 as the “Freedom of Information Act”).

24 (e) PROMOTION OF ADVANCED SPECTRUM-SHARING
25 TECHNOLOGIES.—The Under Secretary shall help pro-

1 mote the development of advanced spectrum-sharing tech-
2 nologies, including dynamic spectrum sharing, by identi-
3 fying, in coordination with the Commission—

4 (1) incentives for non-Federal development and
5 use of such technologies; and

6 (2) mechanisms to incentivize non-Federal
7 users to adopt such technologies.

8 **SEC. 102. COMMON SHARING PLATFORM; INCUMBENT IN-**
9 **FORMING CAPABILITY.**

10 (a) IN GENERAL.—Part B of the National Tele-
11 communications and Information Administration Organi-
12 zation Act (47 U.S.C. 921 et seq.) is amended by adding
13 at the end the following:

14 **“SEC. 120. INCUMBENT INFORMING CAPABILITY.**

15 “(a) IN GENERAL.—The Under Secretary shall—

16 “(1) not later than 120 days after the date of
17 enactment of this section, begin to amend the De-
18 partment of Commerce spectrum management docu-
19 ment entitled ‘Manual of Regulations and Proce-
20 dures for Federal Radio Frequency Management’ so
21 as to incorporate an incumbent informing capability;
22 and

23 “(2) not later than 90 days after the date of
24 enactment of this section, begin to implement such

1 capability, including initiating the development and
2 testing of such capability.

3 “(b) ESTABLISHMENT OF THE INCUMBENT INFORM-
4 ING CAPABILITY.—

5 “(1) IN GENERAL.—The incumbent informing
6 capability required by subsection (a) shall include a
7 system to enable sharing, including time-based shar-
8 ing and coordination, to securely manage spectrum
9 access to mitigate the risk of harmful interference
10 between non-Federal users and incumbent Federal
11 entities sharing a band of covered spectrum and be-
12 tween Federal entities sharing a band of covered
13 spectrum.

14 “(2) REQUIREMENTS.—The system required by
15 paragraph (1) shall contain, at a minimum, the fol-
16 lowing:

17 “(A) One or more mechanisms (that shall
18 include interfaces to commerce sharing systems,
19 as appropriate) to allow non-Federal use in cov-
20 ered spectrum, as authorized by the rules of the
21 Commission.

22 “(B) One or more mechanisms to facilitate
23 Federal-to-Federal sharing, as authorized by
24 the NTIA.

1 “(C) One or more mechanisms to prevent,
2 eliminate, or mitigate harmful interference to
3 and from incumbent Federal entities, including
4 one or more of the following functions:

5 “(i) Sensing.

6 “(ii) Identification.

7 “(iii) Reporting.

8 “(iv) Analysis.

9 “(v) Resolution.

10 “(D) Dynamic coordination area analysis,
11 definition, and control, if appropriate for a
12 band.

13 “(3) COMPLIANCE WITH COMMISSION RULES.—
14 The incumbent informing capability required by sub-
15 section (a) shall ensure that use of covered spectrum
16 is in accordance with the applicable rules of the
17 Commission.

18 “(4) INPUT OF INFORMATION.—Each incum-
19 bent Federal entity sharing a band of covered spec-
20 trum shall—

21 “(A) input into the system required by
22 paragraph (1) such information as the Under
23 Secretary may require, including the frequency,
24 time, and location of the use of the band by the
25 Federal entity; and

1 “(B) to the extent practicable, input the
2 information into the system on an automated
3 basis.

4 “(5) PROTECTION OF CLASSIFIED INFORMA-
5 TION AND CONTROLLED UNCLASSIFIED INFORMA-
6 TION.—

7 “(A) IN GENERAL.—The system required
8 by paragraph (1) shall contain appropriate
9 measures to protect classified information and
10 controlled unclassified information, including
11 any such classified information or controlled
12 unclassified information that relates to Federal
13 operations.

14 “(B) MECHANISM.—The Under Secretary
15 shall develop a mechanism—

16 “(i) for information sharing between
17 classified and unclassified databases; and

18 “(ii) to address issues of aggregate
19 classification challenges.

20 “(6) CONSULTATION.—

21 “(A) FEDERAL AGENCIES.—The Under
22 Secretary shall consult with the heads of other
23 relevant Federal agencies on the development,
24 testing, and implementation of the incumbent
25 informing capability to ensure consideration of

1 the operational and mission requirements of
2 those Federal agencies.

3 “(B) STAKEHOLDER FEEDBACK.—The
4 Under Secretary shall solicit stakeholder feed-
5 back from Federal and non-Federal users of the
6 incumbent informing capability, including on—

7 “(i) how best to mitigate risks to in-
8 cumbent Federal users and missions;

9 “(ii) which mitigation measures could
10 enable secondary access by non-Federal
11 users to avoid operational impact; and

12 “(iii) a process for incumbent Federal
13 users to share complaints or report harm-
14 ful interference and mission impact, in-
15 cluding how the impact to Federal mis-
16 sions would be assessed.

17 “(c) BRIEFING.—Not later than December 16, 2024,
18 and annually thereafter, the Under Secretary shall provide
19 a briefing on the implementation and operation of the in-
20 cumbent informing capability to—

21 “(1) the Committee on Commerce, Science, and
22 Transportation of the Senate; and

23 “(2) the Committee on Energy and Commerce
24 of the House of Representatives.

1 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to alter or expand the authority
3 of the NTIA as described in section 113(j)(1).

4 “(e) DEFINITIONS.—In this section:

5 “(1) COVERED SPECTRUM.—The term ‘covered
6 spectrum’ means—

7 “(A) electromagnetic spectrum for which
8 usage rights are assigned to or authorized for
9 (including before the date on which the incum-
10 bent informing capability required by subsection
11 (a) is implemented) a non-Federal user or class
12 of non-Federal users for use on a shared basis
13 with an incumbent Federal entity in accordance
14 with the rules of the Commission; and

15 “(B) electromagnetic spectrum allocated
16 on a primary or co-primary basis for Federal
17 use that is shared among Federal entities.

18 “(2) FEDERAL ENTITY.—The term ‘Federal en-
19 tity’ has the meaning given the term in section
20 113(l).

21 “(3) INCUMBENT INFORMING CAPABILITY.—
22 The term ‘incumbent informing capability’ means a
23 capability to facilitate the sharing of covered spec-
24 trum.”.

1 (b) FUNDING.—On the date of enactment of this Act,
 2 the Director of the Office of Management and Budget
 3 shall transfer \$120,000,000 from the Spectrum Relocation
 4 Fund established under section 118 of the National Tele-
 5 communications and Information Administration Organi-
 6 zation Act (47 U.S.C. 928) to the National Telecommuni-
 7 cations and Information Administration for the purpose
 8 of establishing the incumbent informing capability under
 9 section 120 of that Act, as added by subsection (a).

10 **TITLE II—EXERTING UNITED**
 11 **STATES SPECTRUM LEADERSHIP**

12 **SEC. 201. EMPOWERING FEDERAL AGENCIES IN THE MAN-**
 13 **AGEMENT OF THEIR SPECTRUM.**

14 Part A of the National Telecommunications and In-
 15 formation Administration Organization Act (47 U.S.C.
 16 901 et seq.) is amended by adding at the end the fol-
 17 lowing:

18 **“SEC. 106. IMPROVING SPECTRUM MANAGEMENT.**

19 “(a) DEFINITIONS.—In this section:

20 “(1) CHAIR.—The term ‘Chair’ means the
 21 Chair of the Commission.

22 “(2) COMMISSION.—The term ‘Commission’
 23 means the Federal Communications Commission.

24 “(3) MEMORANDUM.—The term ‘Memorandum’
 25 means the Memorandum of Understanding between

1 the Commission and the National Telecommuni-
2 cations and Information Administration (relating to
3 increased coordination between Federal spectrum
4 management agencies to promote the efficient use of
5 the radio spectrum in the public interest), signed on
6 August 1, 2022, or any successor memorandum.

7 “(4) SPECTRUM ACTION.—The term ‘spectrum
8 action’ means any proposed action by the Commis-
9 sion to reallocate radio frequency spectrum that—

10 “(A) is anticipated to result in—

11 “(i) a system of competitive bidding
12 conducted under section 309(j) of the
13 Communications Act of 1934 (47 U.S.C.
14 309(j)); or

15 “(ii) some other form of licensing; and

16 “(B) could potentially impact the spectrum
17 operations of a Federal entity.

18 “(5) SPECTRUM ADVISORY COUNCIL.—The
19 term ‘Spectrum Advisory Council’ means the inter-
20 agency advisory body established under the memo-
21 randum of the President entitled ‘Memorandum on
22 Modernizing United States Spectrum Policy and Es-
23 tablishing a National Spectrum Strategy’, issued on
24 November 13, 2023, or any successor interagency
25 advisory body.

1 “(b) FEDERAL COORDINATION PROCEDURES.—

2 “(1) RESPONSIBILITIES OF NTIA.—The Under
3 Secretary shall—

4 “(A) ensure, in coordination with the Spec-
5 trum Advisory Council and, as appropriate, the
6 Interdepartment Radio Advisory Committee,
7 that the views of the executive branch on spec-
8 trum matters are properly—

9 “(i) developed;

10 “(ii) documented; and

11 “(iii) presented, as necessary, to the
12 Commission and, as appropriate and in co-
13 ordination with the Director of the Office
14 of Management and Budget, to Congress,
15 as required by sections 102(b)(6) and
16 103(b)(2)(J);

17 “(B) adhere to the terms of the Memo-
18 randum;

19 “(C) solicit views of affected Federal enti-
20 ties and provide those Federal entities with suf-
21 ficient time and procedures to present their
22 views and supporting technical information to
23 the NTIA;

24 “(D) provide affected Federal entities with
25 timely written feedback explaining why and how

1 their views will be taken into account in the po-
2 sition that the NTIA communicates to the
3 Commission;

4 “(E) facilitate the presentation by affected
5 Federal entities of classified or otherwise sen-
6 sitive views to the Commission;

7 “(F) develop the position of the executive
8 branch on issues related to spectrum, including
9 any supporting technical and operational infor-
10 mation to facilitate decision-making by the
11 Commission;

12 “(G) provide the position described in sub-
13 paragraph (F) to the Commission; and

14 “(H) provide the position described in sub-
15 paragraph (F) within the applicable timelines
16 established by the Commission or, as needed,
17 request additional time from the Commission.

18 “(2) PROCESS FOR ADDRESSING NON-CON-
19 SENSUS VIEWS.—If a Federal entity and the Under
20 Secretary are unable to reach consensus on the
21 views concerning Federal spectrum matters to be
22 presented to the Commission, the Under Secretary
23 shall—

1 “(A) notify the Commission of the lack of
2 consensus and the anticipated next steps and
3 timing to resolve the dispute;

4 “(B) request the joint assistance of the
5 Secretary and the head of the Federal entity
6 objecting to the proposed submission to the
7 Commission to find a mutually agreeable reso-
8 lution; and

9 “(C) keep the Commission informed, as
10 appropriate, regarding anticipated next steps
11 and the timing of resolution.

12 “(3) SECONDARY PROCESS FOR ADDRESSING
13 NON-CONSENSUS.—If a Federal entity and the
14 Under Secretary are unable to reach a mutually
15 agreeable resolution under the process under para-
16 graph (2)—

17 “(A) not later than 90 days after com-
18 pleting the process, the Under Secretary or the
19 Federal entity may submit the dispute to the
20 Assistant to the President for National Security
21 Affairs and the Assistant to the President for
22 Economic Policy;

23 “(B) the Assistant to the President for
24 National Security Affairs and the Assistant to
25 the President for Economic Policy, in consulta-

1 tion with the Director of the Office and Tech-
2 nology Policy and, if appropriate, the National
3 Space Council, shall resolve the dispute through
4 the interagency process described in the na-
5 tional security memorandum of the President
6 entitled ‘Memorandum on Renewing the Na-
7 tional Security Council System’, issued on Feb-
8 ruary 4, 2021; and

9 “(C) the Under Secretary shall advise the
10 Commission on the executive branch position
11 following the adjudication and decision under
12 the process described in this paragraph.

13 “(4) POST-COMMISSION ACTION PROCE-
14 DURES.—If the Commission takes a spectrum action
15 to make spectrum available for non-Federal use and
16 an affected Federal entity has knowledge, unforeseen
17 before the Commission took the spectrum action,
18 that the non-Federal use is causing or potentially
19 will cause harmful interference to existing Federal
20 operations or non-Federal operations that are regu-
21 lated by the Federal entity—

22 “(A) not later than 45 days after the date
23 on which the affected Federal entity learns of
24 the unforeseen risk of harmful interference, the
25 Federal entity may formally request that the

1 Under Secretary address the issue with the
2 Commission for an appropriate remedy, which
3 request shall—

4 “(i) clearly indicate the manner in
5 which the public interest will be implicated
6 or harmed or in which the mission of the
7 Federal entity will be adversely affected;

8 “(ii) present evidence to the Under
9 Secretary that the non-Federal use is caus-
10 ing or potentially will cause harmful inter-
11 ference or potential harm to the public in-
12 terest, including any technical or scientific
13 data that supports that position; and

14 “(iii) explain why the Federal entity
15 cannot take steps to ensure mission con-
16 tinuity that are consistent with the spec-
17 trum action of the Commission;

18 “(B) if the Under Secretary believes that
19 the affected Federal entity has produced suffi-
20 cient evidence under subparagraph (A) that the
21 non-Federal use will risk harmful interference
22 that cannot be reasonably mitigated without
23 Commission action, the Under Secretary, not
24 later than 60 days after receiving the request
25 from the Federal entity, shall address the Com-

1 mission under established processes under the
2 Memorandum and, as applicable, the Practice
3 and Procedure of the Commission under part 1
4 of title 47, Code of Federal Regulations, or any
5 successor regulations, for seeking appropriate
6 relief; and

7 “(C) if the Under Secretary concludes that
8 there is not sufficient evidence to seek relief
9 from the Commission, the affected Federal enti-
10 ty may follow the processes established under
11 paragraphs (2) and (3) of this subsection.

12 “(5) RULE OF CONSTRUCTION.—Nothing in
13 this subsection may be construed to require the dis-
14 closure of classified information, or other informa-
15 tion reflecting technical, procedural, or policy con-
16 cerns that are exempt from disclosure under section
17 552 of title 5, United States Code (commonly known
18 as the ‘Freedom of Information Act’).

19 “(c) FEDERAL SPECTRUM COORDINATION RESPON-
20 SIBILITIES.—

21 “(1) IN GENERAL.—Not later than 90 days
22 after the date of enactment of this section, the
23 Under Secretary shall establish a charter for the
24 Spectrum Advisory Council.

1 “(2) SPECTRUM ADVISORY COUNCIL REP-
2 REPRESENTATIVE.—

3 “(A) IN GENERAL.—The head of each
4 Federal entity that is reflected in the member-
5 ship of the Spectrum Advisory Council, as iden-
6 tified in the charter established under para-
7 graph (1), shall appoint a senior-level employee
8 (or an individual occupying a Senior Executive
9 Service position, as defined in section 3132(a)
10 of title 5, United States Code) who is eligible
11 to receive a security clearance that allows for
12 access to sensitive compartmented information
13 to serve as the representative of the Federal en-
14 tity to the Spectrum Advisory Council.

15 “(B) SECURITY CLEARANCE REQUIRE-
16 MENT.—If an individual appointed under sub-
17 paragraph (A) is not eligible to receive a secu-
18 rity clearance described in that subparagraph—

19 “(i) the appointment shall be invalid;

20 and

21 “(ii) the head of the Federal entity
22 making the appointment shall appoint an-
23 other individual who satisfies the require-
24 ments of that subparagraph, including the

1 requirement that the individual is eligible
2 to receive such a security clearance.

3 “(3) DUTIES.—An individual appointed under
4 paragraph (2) shall—

5 “(A) oversee the spectrum coordination
6 policies and procedures of the applicable Fed-
7 eral entity;

8 “(B) be responsible for timely notification
9 of technical or procedural concerns of the appli-
10 cable Federal entity to the Spectrum Advisory
11 Council;

12 “(C) work closely with the representative
13 of the applicable Federal entity to the Inter-
14 department Radio Advisory Committee;

15 “(D) respond to a request from the NTIA
16 for, and to the extent feasible, share with the
17 NTIA, any technical and operational informa-
18 tion needed to facilitate spectrum coordination
19 not later than—

20 “(i) the applicable reasonable deadline
21 established by the NTIA, at the discretion
22 of the NTIA, pursuant to section IV(3) of
23 the Memorandum, or any successor provi-
24 sion; or

1 “(ii) 45 days after the date of the re-
2 quest, in the case of a request to which
3 clause (i) does not apply;

4 “(E) furnish the NTIA with all relevant
5 information to be considered for filing with the
6 Commission;

7 “(F) coordinate with the NTIA on a sig-
8 nificant regulatory action to be taken by the ap-
9 plicable Federal entity pursuant to its regu-
10 latory authority directly relating to spectrum
11 before the Federal entity submits the regulatory
12 action to the Office of Information and Regu-
13 latory Affairs in accordance with Executive
14 Order 12866 (5 U.S.C. 601 note; relating to
15 regulatory planning and review); and

16 “(G) collaborate with the NTIA on spec-
17 trum planning.

18 “(d) COORDINATION BETWEEN FEDERAL AGENCIES
19 AND THE NTIA.—

20 “(1) UPDATES.—Not later than 3 years after
21 the date of enactment of this section, and every 4
22 years thereafter (or more frequently, as appro-
23 priate), the Commission and the NTIA shall reassess
24 the Memorandum and, based on such a reassess-
25 ment, update the Memorandum, as necessary.

1 “(2) NATURE OF UPDATE.—Any update to the
2 Memorandum under paragraph (1) shall reflect
3 changing technological, procedural, and policy cir-
4 cumstances, as determined necessary and appro-
5 priate by the Commission and the NTIA.

6 “(e) ANNUAL REPORT TO CONGRESS.—Not later
7 than 1 year after the date of enactment of this section,
8 and annually thereafter, the Chair and the Under Sec-
9 retary shall submit to Congress a report on joint spectrum
10 planning activities conducted by the Chair and the Under
11 Secretary under this section.

12 “(f) TESTING.—A Federal entity shall coordinate and
13 reach agreement with the NTIA before carrying out any
14 electromagnetic compatibility study or testing plan that
15 the Federal entity seeks to be considered in formulating
16 the views of the executive branch regarding spectrum reg-
17 ulatory matters.

18 “(g) REPORT ON SPECTRUM MANAGEMENT PRIN-
19 CIPLES AND METHODS.—Not later than May 14, 2025,
20 the Under Secretary, in coordination with the Spectrum
21 Advisory Council, shall publish a report that identifies—

22 “(1) spectrum management principles and
23 methods to guide the Federal Government in spec-
24 trum studies and science;

1 “(2) coordination guidelines for spectrum stud-
2 ies; and

3 “(3) processes for determining types of studies,
4 criteria, assumptions, and timelines that shall be ac-
5 ceptable in decision-making involving the use of Fed-
6 eral spectrum and the use of non-Federal spectrum
7 by Federal entities.”.

8 **SEC. 202. UNDER SECRETARY OF COMMERCE FOR COMMU-**
9 **UNICATIONS AND INFORMATION.**

10 (a) **IN GENERAL.**—Section 103(a)(2) of the National
11 Telecommunications and Information Administration Or-
12 ganization Act (47 U.S.C. 902(a)(2)) is amended by strik-
13 ing “Assistant Secretary of Commerce for Communica-
14 tions and Information” and inserting “Under Secretary
15 of Commerce for Communications and Information”.

16 (b) **PAY.**—Subchapter II of chapter 53 of title 5,
17 United States Code, is amended—

18 (1) in section 5314, by striking “and Under
19 Secretary of Commerce for Minority Business Devel-
20 opment” and inserting “Under Secretary of Com-
21 merce for Minority Business Development, and
22 Under Secretary of Commerce for Communications
23 and Information”; and

1 (2) in section 5315, by striking “(11)” after
2 “Assistant Secretaries of Commerce” and inserting
3 “(10)”.

4 (c) DEPUTY UNDER SECRETARY.—

5 (1) IN GENERAL.—Section 103(a) of the Na-
6 tional Telecommunications and Information Admin-
7 istration Organization Act (47 U.S.C. 902(a)), as
8 amended by subsection (a) of this section, is amend-
9 ed by adding at the end the following:

10 “(3) DEPUTY UNDER SECRETARY.—The Dep-
11 uty Under Secretary of Commerce for Communica-
12 tions and Information shall—

13 “(A) be the principal policy advisor of the
14 Under Secretary;

15 “(B) perform such other functions as the
16 Under Secretary shall from time to time assign
17 or delegate; and

18 “(C) act as Under Secretary during the
19 absence or disability of the Under Secretary or
20 in the event of a vacancy in the office of the
21 Under Secretary.”.

22 (2) TECHNICAL AND CONFORMING AMEND-
23 MENT.—Section 106(c) of the Public Telecommuni-
24 cations Financing Act of 1978 (5 U.S.C. 5316 note;
25 Public Law 95–567) is amended by striking “The

1 position of Deputy Assistant Secretary of Commerce
2 for Communications and Information, established in
3 Department of Commerce Organization Order Num-
4 bered 10–10 (effective March 26, 1978),” and in-
5 serting “The position of Deputy Under Secretary of
6 Commerce for Communications and Information, es-
7 tablished under section 103(a) of the National Tele-
8 communications and Information Administration Or-
9 ganization Act (47 U.S.C. 902(a)),”.

10 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

11 (1) COMMUNICATIONS ACT OF 1934.—Section
12 344(d)(2) of the Communications Act of 1934 (as
13 added by section 60602(a) of the Infrastructure In-
14 vestment and Jobs Act (Public Law 117–58)) is
15 amended by striking “Assistant Secretary” and in-
16 serting “Under Secretary”.

17 (2) NATIONAL TELECOMMUNICATIONS AND IN-
18 FORMATION ADMINISTRATION ORGANIZATION ACT.—
19 The National Telecommunications and Information
20 Administration Organization Act (47 U.S.C. 901 et
21 seq.) is amended by striking “Assistant Secretary”
22 each place the term appears and inserting “Under
23 Secretary”.

24 (3) HOMELAND SECURITY ACT OF 2002.—Sec-
25 tion 1805(d)(2) of the Homeland Security Act of

1 2002 (6 U.S.C. 575(d)(2)) is amended by striking
2 “Assistant Secretary for Communications and Infor-
3 mation of the Department of Commerce” and insert-
4 ing “Under Secretary of Commerce for Communica-
5 tions and Information”.

6 (4) AGRICULTURE IMPROVEMENT ACT OF
7 2018.—Section 6212 of the Agriculture Improvement
8 Act of 2018 (7 U.S.C. 950bb–6) is amended—

9 (A) in subsection (d)(1), in the heading, by
10 striking “ASSISTANT SECRETARY” and inserting
11 “UNDER SECRETARY”; and

12 (B) by striking “Assistant Secretary” each
13 place the term appears and inserting “Under
14 Secretary”.

15 (5) REAL ID ACT OF 2005.—Section 303 of the
16 REAL ID Act of 2005 (8 U.S.C. 1721 note; Public
17 Law 109–13) is repealed.

18 (6) BROADBAND DATA IMPROVEMENT ACT.—
19 Section 214 of the Broadband Data Improvement
20 Act (15 U.S.C. 6554) is amended—

21 (A) in subsection (a), in the matter pre-
22 ceding paragraph (1), by striking “Assistant
23 Secretary” and inserting “Under Secretary”;

24 (B) by striking subsection (b); and

1 (C) by redesignating subsection (c) as sub-
2 section (b).

3 (7) ELECTRONIC SIGNATURES IN GLOBAL AND
4 NATIONAL COMMERCE ACT.—Section 103(c) of the
5 Electronic Signatures in Global and National Com-
6 merce Act (15 U.S.C. 7003(c)) is amended—

7 (A) by striking “Exceptions” and all that
8 follows through “DETERMINATIONS.—If” and
9 inserting “EXCEPTIONS.—If”; and

10 (B) by striking “such exceptions” and in-
11 sserting “of the exceptions in subsections (a)
12 and (b)”.

13 (8) TITLE 17, UNITED STATES CODE.—Section
14 1201 of title 17, United States Code, is amended—

15 (A) in subsection (a)(1)(C), in the matter
16 preceding clause (i), by striking “Assistant Sec-
17 retary for Communications and Information of
18 the Department of Commerce” and inserting
19 “Under Secretary of Commerce for Commu-
20 nications and Information”; and

21 (B) in subsection (g), by striking para-
22 graph (5).

23 (9) UNLOCKING CONSUMER CHOICE AND WIRE-
24 LESS COMPETITION ACT.—Section 2(b) of the
25 Unlocking Consumer Choice and Wireless Competi-

1 tion Act (17 U.S.C. 1201 note; Public Law 113–
2 144) is amended by striking “Assistant Secretary
3 for Communications and Information of the Depart-
4 ment of Commerce” and inserting “Under Secretary
5 of Commerce for Communications and Information”.

6 (10) IMPLEMENTING RECOMMENDATIONS OF
7 THE 9/11 COMMISSION ACT OF 2007.—Section
8 2201(d) of the Implementing Recommendations of
9 the 9/11 Commission Act of 2007 (42 U.S.C. 247d–
10 3a note; Public Law 110–53) is repealed.

11 (11) COMMUNICATIONS SATELLITE ACT OF
12 1962.—Section 625(a)(1) of the Communications
13 Satellite Act of 1962 (47 U.S.C. 763d(a)(1)) is
14 amended, in the matter preceding subparagraph (A),
15 by striking “Assistant Secretary” and inserting
16 “Under Secretary of Commerce”.

17 (12) SPECTRUM PIPELINE ACT OF 2015.—The
18 Spectrum Pipeline Act of 2015 (47 U.S.C. 921 note;
19 title X of Public Law 114–74) is amended—

20 (A) in section 1002(1), in the heading, by
21 striking “ASSISTANT SECRETARY” and inserting
22 “UNDER SECRETARY”; and

23 (B) by striking “Assistant Secretary” each
24 place the term appears and inserting “Under
25 Secretary”.

1 (13) WARNING, ALERT, AND RESPONSE NET-
2 WORK ACT.—Section 606 of the Warning, Alert, and
3 Response Network Act (47 U.S.C. 1205) is amend-
4 ed—

5 (A) in subsection (b), in the first sentence,
6 by striking “Assistant Secretary of Commerce
7 for Communications and Information” and in-
8 serting “Under Secretary of Commerce for
9 Communications and Information”; and

10 (B) by striking “Assistant Secretary” each
11 place the term appears and inserting “Under
12 Secretary”.

13 (14) AMERICAN RECOVERY AND REINVESTMENT
14 ACT OF 2009.—Section 6001 of the American Recov-
15 ery and Reinvestment Act of 2009 (47 U.S.C. 1305)
16 is amended by striking “Assistant Secretary” each
17 place the term appears and inserting “Under Sec-
18 retary”.

19 (15) MIDDLE CLASS TAX RELIEF AND JOB CRE-
20 ATION ACT OF 2012.—Title VI of the Middle Class
21 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
22 1401 et seq.) is amended—

23 (A) in section 6001 (47 U.S.C. 1401)—

24 (i) by striking paragraph (4);

1 (ii) by redesignating paragraphs (5)
2 through (31) as paragraphs (4) through
3 (30), respectively; and

4 (iii) by inserting after paragraph (30),
5 as so redesignated, the following:

6 “(31) UNDER SECRETARY.—The term ‘Under
7 Secretary’ means the Under Secretary of Commerce
8 for Communications and Information.”;

9 (B) in subtitle D (47 U.S.C. 1451 et
10 seq.)—

11 (i) in section 6406 (47 U.S.C.
12 1453)—

13 (I) by striking subsections (b)
14 and (c); and

15 (II) by inserting after subsection
16 (a) the following:

17 “(b) DEFINITION.—In this section, the term ‘5350
18 –5470 MHz band’ means the portion of the electro-
19 magnetic spectrum between the frequencies from 5350
20 megahertz to 5470 megahertz.”; and

21 (ii) by striking section 6408; and

22 (C) by striking “Assistant Secretary” each
23 place the term appears and inserting “Under
24 Secretary”.

1 (16) RAY BAUM’S ACT OF 2018.—The RAY
2 BAUM’S Act of 2018 (division P of Public Law
3 115–141; 132 Stat. 348) is amended by striking
4 “Assistant Secretary” each place the term appears
5 and inserting “Under Secretary”.

6 (17) SECURE AND TRUSTED COMMUNICATIONS
7 NETWORKS ACT OF 2019.—Section 8 of the Secure
8 and Trusted Communications Networks Act of 2019
9 (47 U.S.C. 1607) is amended—

10 (A) in subsection (c)(1), in the heading, by
11 striking “ASSISTANT SECRETARY” and inserting
12 “UNDER SECRETARY”; and

13 (B) by striking “Assistant Secretary” each
14 place the term appears and inserting “Under
15 Secretary”.

16 (18) TITLE 51, UNITED STATES CODE.—Section
17 50112(3) of title 51, United States Code, is amend-
18 ed, in the matter preceding subparagraph (A), by
19 striking “Assistant Secretary” each place the term
20 appears and inserting “Under Secretary”.

21 (19) CONSOLIDATED APPROPRIATIONS ACT,
22 2021.—The Consolidated Appropriations Act, 2021
23 (Public Law 116–260; 134 Stat. 1182) is amend-
24 ed—

25 (A) in title IX of division N—

1 (i) in section 902(a)(2) (47 U.S.C.
2 1306(a)(2)), in the heading, by striking
3 “ASSISTANT SECRETARY” and inserting
4 “UNDER SECRETARY”;

5 (ii) in section 905 (47 U.S.C. 1705)—

6 (I) in subsection (a)(1), in the
7 heading, by striking “ASSISTANT SEC-
8 RETARY” and inserting “UNDER SEC-
9 RETARY”;

10 (II) in subsection (c)(3)(B), in
11 the heading, by striking “ASSISTANT
12 SECRETARY” and inserting “UNDER
13 SECRETARY”; and

14 (III) in subsection (d)(2)(B), in
15 the heading, by striking “ASSISTANT
16 SECRETARY” and inserting “UNDER
17 SECRETARY”; and

18 (iii) by striking “Assistant Secretary”
19 each place the term appears and inserting
20 “Under Secretary”; and

21 (B) in title IX of division FF—

22 (i) in section 903(g)(2), in the head-
23 ing, by striking “ASSISTANT SECRETARY”
24 and inserting “UNDER SECRETARY”; and

1 (ii) by striking “Assistant Secretary”
2 each place the term appears and inserting
3 “Under Secretary”.

4 (20) INFRASTRUCTURE INVESTMENT AND JOBS
5 ACT.—The Infrastructure Investment and Jobs Act
6 (Public Law 117–58; 135 Stat. 429) is amended—

7 (A) in section 27003, by striking “Assist-
8 ant Secretary” each place the term appears and
9 inserting “Under Secretary”;

10 (B) in division F—

11 (i) in section 60102 (47 U.S.C.
12 1702)—

13 (I) in subsection (a)(2)(A), by
14 striking “ASSISTANT SECRETARY” and
15 inserting “UNDER SECRETARY”;

16 (II) in subsection (d)(1), by
17 striking “ASSISTANT SECRETARY” and
18 inserting “UNDER SECRETARY”; and

19 (III) in subsection (h)—

20 (aa) in paragraph (1)(B), by
21 striking “ASSISTANT SEC-
22 RETARY” and inserting “UNDER
23 SECRETARY”; and

24 (bb) in paragraph
25 (5)(B)(iii), by striking “ASSIST-

1 ANT SECRETARY” and inserting
2 “UNDER SECRETARY”;

3 (ii) in title III—

4 (I) in section 60302(5) (47
5 U.S.C. 1721(5)), by striking “ASSIST-
6 ANT SECRETARY” and inserting
7 “UNDER SECRETARY”; and

8 (II) in section 60305(d)(2)(B)(ii)
9 (47 U.S.C. 1724(d)(2)(B)(ii)), by
10 striking “ASSISTANT SECRETARY” and
11 inserting “UNDER SECRETARY”;

12 (iii) in section 60401(a)(2) (47 U.S.C.
13 1741(a)(2)), by striking “ASSISTANT SEC-
14 RETARY” and inserting “UNDER SEC-
15 RETARY”; and

16 (iv) by striking “Assistant Secretary”
17 each place the term appears and inserting
18 “Under Secretary”;

19 (C) in section 90008(b)(3) (47 U.S.C. 921
20 note), by striking “Assistant Secretary” and in-
21 serting “Under Secretary”; and

22 (D) in division J, in title I, in the matter
23 under the heading “DISTANCE LEARNING,
24 TELEMEDICINE, AND BROADBAND PROGRAM”
25 under the heading “RURAL UTILITIES SERV-

1 ICE” under the heading “RURAL DEVELOP-
2 MENT PROGRAMS”, by striking “Assistant
3 Secretary” and inserting “Under Secretary”.

4 (e) CONTINUATION IN OFFICE.—The individual serv-
5 ing as the Assistant Secretary of Commerce for Commu-
6 nications and Information and the individual serving as
7 the Deputy Assistant Secretary of Commerce for Commu-
8 nications and Information on the day before the date of
9 enactment of this Act may serve as the Under Secretary
10 of Commerce for Communications and Information and
11 the Deputy Under Secretary of Commerce for Commu-
12 nications and Information, respectively, on and after that
13 date without the need for renomination or reappointment.

14 (f) REFERENCES.—Any reference in any other Fed-
15 eral law, Executive order, rule, regulation, or delegation
16 of authority, or any document of or pertaining to the As-
17 sistant Secretary of Commerce for Communications and
18 Information is deemed to refer to the Under Secretary of
19 Commerce for Communications and Information.

20 (g) SAVINGS PROVISIONS.—

21 (1) LEGAL DOCUMENTS.—All orders, deter-
22 minations, rules, regulations, permits, grants, loans,
23 contracts, agreements, certificates, licenses, and
24 privileges—

1 (A) that have been issued, made, granted,
2 or allowed to become effective by the Assistant
3 Secretary of Commerce for Communications
4 and Information, any officer or employee of the
5 National Telecommunications and Information
6 Administration, or any other Government offi-
7 cial, or by a court of competent jurisdiction;
8 and

9 (B) that are in effect on the date of enact-
10 ment of this Act (or become effective after that
11 date pursuant to their terms as in effect on
12 that date),

13 shall continue in effect according to their terms until
14 modified, terminated, superseded, set aside, or re-
15 voked in accordance with law by the President, any
16 other authorized official, a court of competent juris-
17 diction, or operation of law.

18 (2) NONABATEMENT OF ACTIONS.—No suit, ac-
19 tion, or other proceeding commenced by or against
20 the Assistant Secretary of Commerce for Commu-
21 nications and Information shall abate by reason of
22 the enactment of this title and the amendments
23 made by this title.

24 (3) PROCEEDINGS.—This title, and the amend-
25 ments made by this title, shall not affect any pro-

1 proceedings or any application for any benefits, service,
2 license, permit, certificate, or financial assistance
3 pending on the date of enactment of this Act before
4 the National Telecommunications and Information
5 Administration, but those proceedings and applica-
6 tions shall be continued. Orders shall be issued in
7 such proceedings, appeals shall be taken therefrom,
8 and payments shall be made pursuant to such or-
9 ders, as if this title had not been enacted, and orders
10 issued in any such proceeding shall continue in ef-
11 fect until modified, terminated, superseded, or re-
12 voked by a duly authorized official, by a court of
13 competent jurisdiction, or by operation of law. Noth-
14 ing in this paragraph shall be considered to prohibit
15 the discontinuance or modification of any such pro-
16 ceeding under the same terms and conditions and to
17 the same extent that the proceeding could have been
18 discontinued or modified if this title had not been
19 enacted.

20 (4) SUITS.—This title, and the amendments
21 made by this title, shall not affect suits commenced
22 before the date of enactment of this Act, and in all
23 such suits, proceeding shall be had, appeals taken,
24 and judgments rendered in the same manner and

1 with the same effect as if this title, and the amend-
2 ments made by this title, had not been enacted.

3 **TITLE III—CREATION OF A** 4 **SPECTRUM PIPELINE**

5 **SEC. 301. CREATION OF A SPECTRUM PIPELINE.**

6 (a) DEFINITIONS.—In this section:

7 (1) AFFECTED FEDERAL ENTITY.—The term
8 “affected Federal entity” means a Federal entity—

9 (A) with operations in any band of fre-
10 quencies described in subsection (b)(1); and

11 (B) that the Under Secretary determines
12 might be affected by a reallocation in a band
13 described in subparagraph (A).

14 (2) CO-LEAD.—The term “co-lead” means an
15 official who—

16 (A) is the head of a Federal entity—

17 (i) with operations in a band of fre-
18 quencies described in subsection (b)(1)(A);

19 and

20 (ii) that the Under Secretary deter-
21 mines might be affected by a reallocation
22 in a band of frequencies described in sub-
23 section (b)(1)(A); and

24 (B) elects to serve as a co-lead of the feasi-
25 bility assessment required under subsection (b).

1 (3) FEDERAL ENTITY.—The term “Federal en-
2 tity” has the meaning given the term in section
3 113(l) of the National Telecommunications and In-
4 formation Administration Organization Act (47
5 U.S.C. 923(l)).

6 (b) FEASIBILITY ASSESSMENT.—

7 (1) COMPLETION OF ASSESSMENT.—The Sec-
8 retary of Commerce, acting through the Under Sec-
9 retary, with the assistance of the co-leads, shall com-
10 plete a feasibility assessment of making spectrum
11 available for—

12 (A) non-Federal use, shared Federal and
13 non-Federal use, or a combination thereof, in
14 the bands of frequencies between 7125 and
15 8500 megahertz, inclusive; and

16 (B) shared Federal and non-Federal use in
17 the bands of frequencies between 37000 and
18 37600 megahertz, inclusive.

19 (2) OTHER REQUIREMENTS.—In conducting the
20 feasibility assessment required under paragraph (1),
21 the Under Secretary, with the assistance of the co-
22 leads, shall—

23 (A) coordinate directly with each affected
24 Federal entity with respect to frequencies allo-
25 cated to, and used by, that affected Federal en-

1 tity in the bands described in that paragraph
2 and in affected adjacent or near adjacent
3 bands;

4 (B) ensure that each affected Federal enti-
5 ty leads that portion of the feasibility assess-
6 ment that is relevant to individual mission re-
7 quirements of the affected Federal entity for
8 the systems supported by the incumbent spec-
9 trum assignments in an applicable band of fre-
10 quencies;

11 (C) consider dynamic spectrum sharing,
12 such as an incumbent informing capability, as
13 required under section 120 of the National
14 Telecommunications and Information Adminis-
15 tration Organization Act, as added by section
16 102 of this Act, and, for the bands of fre-
17 quencies described in paragraph (1)(A), reloca-
18 tion of systems, compression or re-packing of
19 systems, consolidation of systems, and any
20 other re-purposing options the Under Secretary,
21 with the assistance of the co-leads, determines
22 will enable the most efficient and effective use
23 of frequencies considered under that paragraph;
24 and

1 (D) comply with the requirements of sec-
2 tion 113(j) of the National Telecommunications
3 and Information Administration Organization
4 Act (47 U.S.C. 923(j)).

5 (3) ASSISTANCE FROM AFFECTED FEDERAL EN-
6 TITIES.—Each affected Federal entity shall provide
7 any assistance that the Under Secretary and the co-
8 leads determine necessary in order to carry out the
9 assessment required under this subsection.

10 (4) DEADLINE FOR COMPLETION OF ASSESS-
11 MENT.—The Under Secretary and the co-leads shall
12 complete the assessment required under this sub-
13 section—

14 (A) if affected Federal entities submit re-
15 quests for funding under subsection (c)(1), not
16 later than 2 years after the date on which all
17 such requests for funding have been approved
18 or denied; and

19 (B) if no affected Federal entity submits a
20 request for funding under subsection (c)(1), not
21 later than 850 days after the date of enactment
22 of this Act.

23 (c) FUNDING OF ACTIVITIES TO ASSIST IN CON-
24 DUCTING FEASIBILITY ASSESSMENT.—

1 (1) IN GENERAL.—If an affected Federal entity
2 determines that the affected Federal entity requires
3 funding to conduct activities described in section
4 118(g) of the National Telecommunications and In-
5 formation Administration Organization Act (47
6 U.S.C. 928(g)) that are necessary to assist the
7 Under Secretary and the co-leads in carrying out the
8 assessment required under subsection (b), the af-
9 fected Federal entity shall, not later than 120 days
10 after the date of enactment of this Act, submit a re-
11 quest for payment pursuant to such section 118(g).

12 (2) EXEMPTION.—Section 118(g)(2)(D)(ii) of
13 the National Telecommunications and Information
14 Administration Organization Act (47 U.S.C.
15 928(g)(2)(D)(ii)) shall not apply with respect to a
16 payment requested under paragraph (1).

17 (d) REPORT TO THE COMMISSION AND CONGRESS.—

18 (1) IN GENERAL.—Not later than 30 days after
19 the date on which the Under Secretary and the co-
20 leads complete the feasibility assessment required
21 under subsection (b), and subject to the other re-
22 quirements of this subsection, the Under Secretary
23 shall submit to the Commission and Congress a re-
24 port regarding that assessment.

1 (2) CONTENTS.—The report submitted under
2 paragraph (1) shall include—

3 (A) which Federal entities are affected
4 Federal entities and the contributions of those
5 affected Federal entities to the feasibility as-
6 sessment required under subsection (b);

7 (B) the necessary steps to make the bands
8 of frequencies considered under subsection
9 (b)(1)(A) available for non-Federal use, shared
10 Federal and non-Federal use, or a combination
11 thereof, including—

12 (i) the technical requirements nec-
13 essary to make those bands of frequencies
14 available for—

15 (I) exclusive non-Federal use;

16 and

17 (II) shared Federal and non-Fed-
18 eral use; and

19 (ii) an estimate of the cost to affected
20 Federal entities to make the bands of fre-
21 quencies considered under subsection
22 (b)(1)(A) available for—

23 (I) exclusive non-Federal use;

24 and

1 (II) shared Federal and non-Fed-
2 eral use;

3 (C) the necessary steps to make the bands
4 of frequencies considered under subsection
5 (b)(1)(B) available for shared Federal and non-
6 Federal use, including the technical require-
7 ments necessary to make those bands so avail-
8 able and an estimate of the cost to affected
9 Federal entities to make those bands so avail-
10 able;

11 (D) an assessment of the likelihood that
12 authorizing mobile or fixed terrestrial oper-
13 ations in any of the frequencies considered
14 under subsection (b)(1)(B) would result in
15 harmful interference to an affected Federal en-
16 tity; and

17 (E) an assessment of the potential impact
18 that authorizing mobile or fixed terrestrial wire-
19 less operations, including advanced mobile serv-
20 ices operations, in any of the frequencies con-
21 sidered under subsection (b) could have on the
22 mission of an affected Federal entity.

23 (3) PUBLIC AVAILABILITY.—The Under Sec-
24 retary shall ensure that all information in the report
25 submitted under this subsection that is permitted to

1 be released to the public is made available on the
2 public website of the National Telecommunications
3 and Information Administration.

4 (4) CLASSIFIED INFORMATION.—If there is
5 classified material in the report submitted under this
6 subsection, the Under Secretary shall—

7 (A) provide the Committee on Commerce,
8 Science, and Transportation of the Senate, the
9 Committee on Energy and Commerce of the
10 House of Representatives, and each other com-
11 mittee of Congress with jurisdiction over af-
12 fected Federal entities with operations in the
13 applicable bands of frequencies with a briefing
14 on the classified components of that report; and

15 (B) transmit at least 1 copy of both the
16 classified report and the classified annexes to
17 the sensitive compartmented information facili-
18 ties of the Senate and House of Representa-
19 tives.

20 (5) PREPARATION OF REPORT.—Before final-
21 izing the report required under this subsection with
22 respect to the feasibility assessment required under
23 subsection (b), the Under Secretary shall—

24 (A) submit the report for review by the
25 Spectrum Advisory Council; and

1 (B) resolve any disputes regarding the fea-
2 sibility assessment through the interagency
3 process described in the national security
4 memorandum of the President entitled “Memo-
5 randum on Renewing the National Security
6 Council System”, issued on February 4, 2021.

7 (6) RULE OF CONSTRUCTION.—Nothing in this
8 subsection may be construed to require the disclo-
9 sure of classified information, law enforcement sen-
10 sitive information, or other information reflecting
11 technical, procedural, or policy concerns subject to
12 protection under section 552 of title 5, United
13 States Code.

14 (e) REPORTS ON FUTURE FEASIBILITY ASSESS-
15 MENTS.—

16 (1) IN GENERAL.—Not later than 30 days after
17 the date on which the Under Secretary completes
18 any feasibility assessment with respect to bands of
19 electromagnetic spectrum (other than the assessment
20 required under subsection (b)), the Under Secretary
21 shall submit to the Commission and Congress a re-
22 port regarding that assessment.

23 (2) CONTENTS.—Each report required under
24 paragraph (1) shall include, with respect to the ap-

1 plicable feasibility assessment described in that para-
2 graph—

3 (A) the Federal entities identified by the
4 Assistant Secretary with equities in the bands
5 with respect to frequencies allocated to, and
6 used by, those Federal entities and the con-
7 tributions of those Federal entities to that fea-
8 sibility assessment;

9 (B) the necessary steps to make the bands
10 of frequencies considered under that feasibility
11 assessment available for non-Federal use,
12 shared Federal and non-Federal use, or a com-
13 bination thereof, including—

14 (i) the technical requirements nec-
15 essary to make bands in the frequencies
16 considered under that feasibility assess-
17 ment available for—

18 (I) exclusive non-Federal use;

19 and

20 (II) shared Federal and non-Fed-
21 eral use; and

22 (ii) an estimate of the cost to Federal
23 entities affected by making bands in the
24 frequencies considered under that feasi-
25 bility assessment available for—

1 (I) exclusive non-Federal use;
2 and

3 (II) shared Federal and non-Fed-
4 eral use;

5 (C) an assessment of the likelihood that
6 authorizing mobile or fixed terrestrial oper-
7 ations in any of the frequencies considered
8 under that feasibility assessment would result
9 in harmful interference to a Federal entity; and

10 (D) an assessment of the potential impact
11 that authorizing mobile or fixed terrestrial wire-
12 less operations, including advanced mobile serv-
13 ices operations, in any of the frequencies con-
14 sidered under that feasibility assessment could
15 have on the mission of a Federal entity.

16 (3) PUBLIC AVAILABILITY.—The Under Sec-
17 retary shall ensure that all information in a report
18 submitted under this subsection that may be re-
19 leased to the public is made available on the public
20 website of the National Telecommunications and In-
21 formation Administration.

22 (4) CLASSIFIED INFORMATION.—If there is
23 classified material in a report submitted under this
24 subsection, the Under Secretary shall—

1 (A) provide the Committee on Commerce,
2 Science, and Transportation of the Senate, the
3 Committee on Energy and Commerce of the
4 House of Representatives, and each other com-
5 mittee of Congress with jurisdiction over Fed-
6 eral entities with equities in the applicable
7 bands of frequencies with a briefing on the clas-
8 sified components of that report; and

9 (B) transmit at least 1 copy of both the
10 classified report and the classified annexes to
11 the sensitive compartmented information facili-
12 ties of the Senate and House of Representa-
13 tives.

14 (5) RULE OF CONSTRUCTION.—Nothing in this
15 subsection may be construed to require the dislo-
16 sure of classified information, law enforcement sen-
17 sitive information, or other information reflecting
18 technical, procedural, or policy concerns subject to
19 protection under section 552 of title 5, United
20 States Code.

21 **SEC. 302. SPECTRUM AUCTIONS.**

22 Not later than December 30, 2027, the Commission
23 shall complete a system of competitive bidding under sec-
24 tion 309(j) of the Communications Act of 1934 (47 U.S.C.
25 309(j)) to grant new licenses for the band of frequencies

1 between 12700 megahertz and 13250 megahertz, inclu-
2 sive.

3 **TITLE IV—EXTENSION OF FCC**
4 **AUCTION AUTHORITY**

5 **SEC. 401. EXTENSION OF FCC AUCTION AUTHORITY.**

6 Section 309(j)(11) of the Communications Act of
7 1934 (47 U.S.C. 309(j)(11)) is amended by striking
8 “March 9, 2023” and inserting “September 30, 2029”.

9 **TITLE V—WORKFORCE**
10 **DEVELOPMENT**
11 **Subtitle A—Improving Minority**
12 **Participation**

13 **SEC. 501. SHORT TITLE.**

14 This subtitle may be cited as the “Improving Minor-
15 ity Participation And Careers in Telecommunications Act”
16 or the “IMPACT Act”.

17 **SEC. 502. DEFINITIONS.**

18 (a) **DEFINITIONS.**—In this subtitle:

19 (1) **COVERED GRANT.**—The term “covered
20 grant” means a grant awarded under section 503.

21 (2) **ELIGIBLE ENTITY.**—The term “eligible enti-
22 ty” means a historically Black college or university,
23 a Tribal College or University, or any other minor-
24 ity-serving institution, or a consortium of those enti-

1 ties, that forms a partnership with 1 or more of the
2 following entities to carry out a training program:

3 (A) A member of the telecommunications
4 industry, such as a company or industry asso-
5 ciation.

6 (B) A labor or labor-management organi-
7 zation with experience working in the tele-
8 communications industry, the electromagnetic
9 spectrum industry, or a similar industry.

10 (C) The Telecommunications Industry
11 Registered Apprenticeship Program.

12 (D) A nonprofit organization dedicated to
13 helping individuals gain employment in the tele-
14 communications or electromagnetic spectrum
15 industry.

16 (E) A community or technical college with
17 experience in providing workforce development
18 for individuals seeking employment in the tele-
19 communications industry, electromagnetic spec-
20 trum industry, or a similar industry.

21 (F) A Federal agency laboratory special-
22 izing in telecommunications or electromagnetic
23 spectrum technology that is located within the
24 National Telecommunications and Information
25 Administration.

1 (3) GRANT PROGRAM.—The term “Grant Pro-
2 gram” means the Telecommunications Workforce
3 Training Grant Program established under section
4 503.

5 (4) HISPANIC-SERVING INSTITUTION.—The
6 term “Hispanic-serving institution” has the meaning
7 given the term in section 502(a) of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1101a(a)).

9 (5) HISTORICALLY BLACK COLLEGE OR UNI-
10 VERSITY.—The term “historically Black college or
11 university” has the meaning given the term “part B
12 institution” in section 322 of the Higher Education
13 Act of 1965 (20 U.S.C. 1061).

14 (6) IMPROPER PAYMENT.—The term “improper
15 payment” has the meaning given the term in section
16 2(d) of the Improper Payments Information Act of
17 2002 (Public Law 107–300; 116 Stat. 2351).

18 (7) INDUSTRY FIELD ACTIVITY.—The term “in-
19 dustry field activity” means an activity at an active
20 telecommunications, cable, or broadband network
21 worksite, such as a tower, construction site, or net-
22 work management hub.

23 (8) INDUSTRY PARTNER.—The term “industry
24 partner” means an entity described in any of sub-
25 paragraphs (A) through (F) of paragraph (2) with

1 which an eligible entity forms a partnership to carry
2 out a training program.

3 (9) MINORITY-SERVING INSTITUTION.—The
4 term “minority-serving institution” means an eligi-
5 ble institution described in section 371(a) of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1067q(a)).

8 (10) REGISTERED APPRENTICESHIP PRO-
9 GRAM.—The term “registered apprenticeship pro-
10 gram” means an apprenticeship registered under the
11 Act of August 16, 1937 (commonly known as the
12 “National Apprenticeship Act”; 50 Stat. 664, chap-
13 ter 663).

14 (11) TRAINING PROGRAM.—The term “training
15 program” means a credit or non-credit program de-
16 veloped by an eligible entity, in partnership with an
17 industry partner, that—

18 (A) is designed to educate and train stu-
19 dents to participate in the telecommunications
20 or electromagnetic spectrum workforce; and

21 (B) includes a curriculum and apprentice-
22 ship or internship opportunity that can also be
23 paired with—

24 (i) a degree program; or

1 (ii) stacked credentialing toward a de-
2 gree.

3 (12) TRIBAL COLLEGE OR UNIVERSITY.—The
4 term “Tribal College or University” has the meaning
5 given the term in section 316(b) of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1059e(b)).

7 **SEC. 503. PROGRAM.**

8 (a) PROGRAM.—The Under Secretary, acting through
9 the Director of the Office of Minority Broadband Initia-
10 tives established under section 902(b)(1) of division N of
11 the Consolidated Appropriations Act, 2021 (47 U.S.C.
12 1306), shall establish a program, to be known as the
13 “Telecommunications Workforce Training Grant Pro-
14 gram”, under which the Under Secretary shall award
15 grants to eligible entities to develop training programs.

16 (b) APPLICATION.—

17 (1) IN GENERAL.—An eligible entity desiring a
18 covered grant shall submit to the Under Secretary
19 an application at such time, in such manner, and
20 containing such information as the Under Secretary
21 may require.

22 (2) CONTENTS.—An eligible entity shall include
23 in an application submitted under paragraph (1)—

24 (A) a commitment from the industry part-
25 ner of the eligible entity to collaborate with the

1 eligible entity to develop a training program, in-
2 cluding curricula and internships or apprentice-
3 ships;

4 (B) a description of how the eligible entity
5 plans to use the covered grant funds, including
6 the type of training program the eligible entity
7 plans to develop;

8 (C) a plan for recruitment of students and
9 potential students to participate in the applica-
10 ble training program;

11 (D) a plan to increase female student par-
12 ticipation in the applicable training program;

13 (E) a description of potential jobs to be se-
14 cured through the applicable training program,
15 including jobs in the communities surrounding
16 the eligible entity; and

17 (F) a description of how the eligible entity
18 will meet the short-term and long-term goals es-
19 tablished under subsection (e)(2) and perform-
20 ance metrics established under that subsection.

21 (c) USE OF FUNDS.—An eligible entity may use cov-
22 ered grant funds, with respect to the training program of
23 the eligible entity, to—

24 (1) hire faculty members to teach courses in the
25 applicable training program;

1 (2) train faculty members to prepare students
2 for employment in jobs related to the deployment of
3 next-generation wired and wireless communications
4 networks, including 5G networks, hybrid fiber-co-
5 axial networks, and fiber infrastructure, particularly
6 in—

7 (A) broadband, electromagnetic spectrum,
8 or wireless network engineering;

9 (B) network deployment and maintenance;
10 and

11 (C) industry field activities;

12 (3) design and develop curricula and other com-
13 ponents necessary for degrees, courses, or programs
14 of study, including certificate programs and
15 credentialing programs, that comprise the training
16 program;

17 (4) pay for costs associated with instruction
18 under the training program, including the costs of
19 equipment, telecommunications training towers, lab-
20 oratory space, classroom space, and instructional
21 field activities;

22 (5) fund scholarships, student internships, ap-
23 prenticeships, and pre-apprenticeship opportunities
24 in the areas described in paragraph (2);

1 (6) recruit students for the training program;
2 and

3 (7) support the enrollment in the training pro-
4 gram of individuals working in the telecommuni-
5 cations or electromagnetic spectrum industry in
6 order for those individuals to advance professionally
7 in the industry.

8 (d) GRANT AWARDS.—

9 (1) DEADLINE.—Not later than 2 years after
10 the date on which amounts are made available to
11 carry out this section, the Under Secretary shall
12 award all covered grants.

13 (2) MINIMUM ALLOCATION TO CERTAIN ENTI-
14 TIES.—Of the total amount of covered grants made
15 under this section, the Under Secretary shall award
16 not less than—

17 (A) 20 percent of covered grant amounts
18 to eligible entities that include historically
19 Black colleges or universities;

20 (B) 20 percent of covered grant amounts
21 to eligible entities that include Tribal Colleges
22 or Universities; and

23 (C) 20 percent of covered grant amounts
24 to eligible entities that include Hispanic-serving
25 institutions.

1 (3) COORDINATION.—The Under Secretary
2 shall ensure that covered grant amounts awarded
3 under paragraph (2) are coordinated with grant
4 amounts provided under section 902 of division N of
5 the Consolidated Appropriations Act, 2021 (47
6 U.S.C. 1306).

7 (4) CONSTRUCTION.—In awarding covered
8 grants for education relating to construction, the
9 Under Secretary may prioritize applications that
10 partner with registered apprenticeship programs, in-
11 dustry-led apprenticeship programs, pre-apprentice-
12 ship programs, other work-based learning opportuni-
13 ties, or public 2-year community or technical colleges
14 that have a written agreement with 1 or more reg-
15 istered apprenticeship programs, industry-led ap-
16 prenticeship programs, pre-apprenticeship programs,
17 or other work-based learning opportunities.

18 (e) RULES.—

19 (1) ISSUANCE.—Not later than 180 days after
20 the date of enactment of this Act, after providing
21 public notice and an opportunity to comment, the
22 Under Secretary, in consultation with the Secretary
23 of Labor and the Secretary of Education, shall issue
24 final rules governing the Grant Program.

1 (2) CONTENT OF RULES.—In the rules issued
2 under paragraph (1), the Under Secretary shall—

3 (A) establish short-term and long-term
4 goals for an eligible entity that receives a cov-
5 ered grant;

6 (B) establish performance metrics that
7 demonstrate whether the goals described in
8 paragraph (1) have been met by an eligible en-
9 tity;

10 (C) identify the steps the Under Secretary
11 will take to award covered grants through the
12 Grant Program if the demand for covered
13 grants exceeds the amount appropriated to
14 carry out the Grant Program; and

15 (D) develop criteria for evaluating applica-
16 tions for covered grants.

17 (f) TERM.—The Under Secretary shall establish the
18 term of a covered grant, which may not be less than 5
19 years.

20 (g) GRANTEE REPORTS.—During the term of a cov-
21 ered grant received by an eligible entity, the eligible entity
22 shall submit to the Under Secretary a semiannual report
23 that, with respect to the preceding 180-day period—

24 (1) describes how the eligible entity used the
25 covered grant amounts;

1 (2) describes the progress the eligible entity
2 made in developing and executing the applicable
3 training program;

4 (3) describes the number of faculty and stu-
5 dents participating in the applicable training pro-
6 gram;

7 (4) describes the partnership with the industry
8 partner of the eligible entity, including—

9 (A) the commitments and in-kind contribu-
10 tions made by the industry partner; and

11 (B) the role of the industry partner in cur-
12 riculum development, the degree program, and
13 internships and apprenticeships;

14 (5) includes data on internship, apprenticeship,
15 and employment opportunities and placements; and

16 (6) provides information determined necessary
17 by Under Secretary to—

18 (A) measure progress toward the goals es-
19 tablished under subsection (e)(2)(A); and

20 (B) assess whether the goals described in
21 subparagraph (A) are being met.

22 (h) OVERSIGHT.—

23 (1) AUDITS.—The Inspector General of the De-
24 partment of Commerce shall audit the Grant Pro-
25 gram in order to—

1 (A) ensure that eligible entities use covered
2 grant amounts in accordance with the require-
3 ments of this section, including the purposes for
4 which covered grants may be used, as described
5 in subsection (c); and

6 (B) prevent waste, fraud, abuse, and im-
7 proper payments in the operation of the Grant
8 Program.

9 (2) REVOCATION OF FUNDS.—The Under Sec-
10 retary shall revoke a covered grant awarded to an el-
11 igible entity if the eligible entity is not in compliance
12 with the requirements of this section, including if
13 the eligible entity uses the grant for a purpose that
14 is not in compliance with subsection (c).

15 (3) AUDIT FINDINGS.—Any finding by the In-
16 spector General of the Department of Commerce
17 under paragraph (1) of waste, fraud, or abuse in the
18 Grant Program, or that an improper payment has
19 been made with respect to the Grant Program, shall
20 identify the following:

21 (A) Any entity within the eligible entity
22 that committed the applicable act.

23 (B) The amount of funding made available
24 from the Grant Program to the eligible entity.

1 (C) The amount of funding determined to
2 be an improper payment to an eligible entity, if
3 applicable.

4 (4) NOTIFICATION OF AUDIT FINDINGS.—Not
5 later than 7 days after making a finding under para-
6 graph (1) of waste, fraud, or abuse in the Grant
7 Program, or that an improper payment has been
8 made with respect to the Grant Program, the In-
9 spector General of the Department of Commerce
10 shall concurrently notify the Under Secretary, the
11 Committee on Commerce, Science, and Transpor-
12 tation of the Senate, and the Committee on Energy
13 and Commerce of the House of Representatives of
14 that finding, which shall include the information
15 identified under paragraph (3) with respect to the
16 finding.

17 (5) FRAUD RISK MANAGEMENT.—The Under
18 Secretary shall, with respect to the Grant Pro-
19 gram—

20 (A) designate an entity within the Office of
21 Minority Broadband Initiatives to lead fraud
22 risk management activities;

23 (B) ensure that the entity designated
24 under subparagraph (A) has defined respon-

1 sibilities and the necessary authority to serve
2 the role of the entity;

3 (C) conduct risk-based monitoring and
4 evaluation of fraud risk management activities
5 with a focus on outcome measurement;

6 (D) collect and analyze data from report-
7 ing mechanisms and instances of detected fraud
8 for real-time monitoring of fraud trends;

9 (E) use the results of the monitoring, eval-
10 uations, and investigations to improve fraud
11 prevention, detection, and response;

12 (F) plan regular fraud risk assessments
13 and assess risks to determine a fraud risk pro-
14 file;

15 (G) develop, document, and communicate
16 an antifraud strategy, focusing on preventative
17 control activities;

18 (H) consider the benefits and costs of con-
19 trols to prevent and detect potential fraud and
20 develop a fraud response plan; and

21 (I) establish collaborative relationships
22 with stakeholders and create incentives to help
23 ensure effective implementation of the antifraud
24 strategy.

1 (i) ANNUAL REPORT TO CONGRESS.—Until the year
2 in which all covered grants have expired, the Under Sec-
3 retary shall submit to Congress an annual report that, for
4 the year covered by the report—

5 (1) identifies each eligible entity that received a
6 covered grant and the amount of the covered grant;

7 (2) describes the progress each eligible entity
8 described in paragraph (1) has made toward accom-
9 plishing the overall purpose of the Grant Program,
10 as described in subsection (c);

11 (3) summarizes the job placement status or ap-
12 prenticeship opportunities of students who have par-
13 ticipated in each training program;

14 (4) includes the findings of any audits con-
15 ducted by the Inspector General of the Department
16 of Commerce under subsection (h)(1) that were not
17 included in the previous report submitted under this
18 subsection; and

19 (5) includes information on—

20 (A) the progress of each eligible entity to-
21 wards the short-term and long-term goals es-
22 tablished under subsection (e)(2)(A); and

23 (B) the performance of each eligible entity
24 with respect to the performance metrics de-
25 scribed in subsection (e)(2)(B).

1 **Subtitle B—National Spectrum** 2 **Workforce Plan**

3 **SEC. 511. NATIONAL SPECTRUM WORKFORCE PLAN.**

4 (a) NATIONAL SPECTRUM WORKFORCE PLAN.—Not
5 later than 1 year after the date of enactment of this Act,
6 the Under Secretary, in coordination with the Executive
7 Office of the President, and in consultation with the heads
8 of the member agencies of the Spectrum Advisory Council
9 and the stakeholders described in subsection (b), shall de-
10 velop a National Spectrum Workforce Plan to—

11 (1) understand the spectrum workforce develop-
12 ment needs for the United States;

13 (2) prioritize the development of, and enhance-
14 ment to, the spectrum ecosystem workforce, includ-
15 ing the operational, technical, and policy positions
16 involved in spectrum-related activities; and

17 (3) consider strategies and methods to encour-
18 age the development of spectrum engineering train-
19 ing programs, work-study programs, and trade
20 school certification programs to strengthen the spec-
21 trum workforce ecosystem.

22 (b) STAKEHOLDER ENGAGEMENT.—The Under Sec-
23 retary, in coordination with the Executive Office of the
24 President, shall use the collaborative framework estab-
25 lished under section 101(d) to collect input from stake-

1 holders, including academia, Federal agencies, Tribal Na-
2 tions, and industry, to identify the education and training
3 programs necessary to equip the existing workforce, and
4 prepare the future workforce, to meet the evolving spec-
5 trum-related workforce demands.

6 (c) UPDATES.—Not later than 3 years after the date
7 of enactment of this Act, and once every 4 years thereafter
8 (or more frequently, as appropriate, as determined by the
9 Under Secretary), the Under Secretary, in coordination
10 with the Executive Office of the President, shall update
11 the National Spectrum Workforce Plan developed under
12 subsection (a).

13 (d) REPORT TO CONGRESS.—The Under Secretary
14 shall submit to Congress the National Spectrum Work-
15 force Plan established subsection (a) and any updates to
16 that Plan made under subsection (c).

17 **TITLE VI—SPECTRUM AUCTION** 18 **TRUST FUND**

19 **SEC. 601. DEFINITION.**

20 In this title, the term “covered auction” means a sys-
21 tem of competitive bidding—

22 (1) conducted under section 309(j) of the Com-
23 munications Act of 1934 (47 U.S.C. 309(j)), as
24 amended by this Act, that commences during the pe-

1 riod beginning on March 9, 2023, and ending on
2 September 30, 2029;

3 (2) conducted under section 309(j) of the Com-
4 munications Act of 1934 (47 U.S.C. 309(j)), as
5 amended by this Act, for the band of frequencies be-
6 tween 12700 megahertz and 13250 megahertz, in-
7 clusive, on or after the date of enactment of this
8 Act;

9 (3) that involves a band of frequencies de-
10 scribed in section 113(g)(2) of the National Tele-
11 communications and Information Administration Or-
12 ganization Act (47 U.S.C. 923(g)(2)) and is con-
13 ducted on or after the date of enactment of this Act;
14 or

15 (4) with respect to which the Commission
16 shares with a licensee a portion of the proceeds, as
17 described in paragraph (8)(G) of section 309(j) of
18 the Communications Act of 1934 (47 U.S.C. 309(j)),
19 as amended by this Act, and that is conducted on
20 or after the date of enactment of this Act.

21 **SEC. 602. SPECTRUM AUCTION TRUST FUND.**

22 (a) ESTABLISHMENT.—

23 (1) IN GENERAL.—There is established in the
24 Treasury of the United States a fund to be known
25 as the “Spectrum Auction Trust Fund” (referred to

1 in this section as the “Fund”) for the purposes de-
2 scribed in subparagraphs (A) through (I) of sub-
3 section (c)(1).

4 (2) AMOUNTS AVAILABLE UNTIL EXPENDED.—
5 Amounts deposited in the Fund shall remain avail-
6 able until expended.

7 (b) DEPOSIT OF PROCEEDS.—

8 (1) IN GENERAL.—Notwithstanding any other
9 provision of law, except section 309(j)(8)(B) of the
10 Communications Act of 1934 (47 U.S.C.
11 309(j)(8)(B)), the proceeds (including deposits and
12 upfront payments from successful bidders) from any
13 covered auction shall be deposited or available as fol-
14 lows:

15 (A) With respect to a covered auction de-
16 scribed in paragraph (3) or (4) of section 601,
17 the proceeds of the covered auction shall be de-
18 posited or available as follows:

19 (i) With respect to a covered auction
20 described in section 601(3)—

21 (I) such amount of those pro-
22 ceeds as is necessary to cover 110 per-
23 cent of the relocation or sharing costs
24 (as defined in subsection (g)(3) of sec-
25 tion 113 of the National Tele-

1 communications and Information Ad-
2 ministration Organization Act (47
3 U.S.C. 923)) of Federal entities (as
4 defined in subsection (l) of such sec-
5 tion 113) relocated from or sharing
6 such eligible frequencies shall be de-
7 posited in the Spectrum Relocation
8 Fund established under section 118 of
9 such Act (47 U.S.C. 928); and

10 (II) any remaining proceeds after
11 making the deposit described in sub-
12 clause (I) shall be deposited in accord-
13 ance with subsection (c).

14 (ii) With respect to a covered auction
15 described in section 601(4)—

16 (I) such amount of those pro-
17 ceeds as the Commission has agreed
18 to share with licensees under section
19 309(j)(8)(G) of the Communications
20 Act of 1934 (47 U.S.C. 309(j)(8)(G))
21 shall be shared with those licensees;
22 and

23 (II) any remaining proceeds after
24 sharing proceeds, as described in sub-

1 clause (I), shall be deposited in ac-
2 cordance with subsection (c).

3 (B) After carrying out subparagraph (A)
4 (if that subparagraph is applicable to the cov-
5 ered auction), \$2,000,000,000 of the proceeds
6 of the covered auction shall be deposited in the
7 general fund of the Treasury, where those pro-
8 ceeds shall be dedicated for the sole purpose of
9 deficit reduction.

10 (C) Any proceeds of the covered auction
11 that remain after carrying out subparagraphs
12 (A) and (B) shall be deposited in accordance
13 with subsection (c).

14 (2) PROCEEDS OF SPECTRUM PIPELINE ACT OF
15 2015 AUCTION.—Except as provided in section
16 309(j)(8)(B) of the Communications Act of 1934
17 (47 U.S.C. 309(j)(8)(B)), and notwithstanding any
18 other provision of law (including paragraph (1)), the
19 proceeds of the system of competitive bidding re-
20 quired under section 1004 of the Spectrum Pipeline
21 Act of 2015 (47 U.S.C. 921 note) shall be deposited
22 or available as follows:

23 (A) If that system of competitive bidding is
24 a covered auction described in paragraph (3) or
25 (4) of section 601, the proceeds of the system

1 of competitive bidding shall be deposited or
2 available as follows:

3 (i) With respect to a covered auction
4 described in section 601(3), such amount
5 of those proceeds as is necessary to cover
6 110 percent of the relocation or sharing
7 costs (as defined in subsection (g)(3) of
8 section 113 of the National Telecommuni-
9 cations and Information Administration
10 Organization Act (47 U.S.C. 923)) of Fed-
11 eral entities (as defined in subsection (l) of
12 such section 113) relocated from or shar-
13 ing such eligible frequencies shall be depos-
14 ited in the Spectrum Relocation Fund es-
15 tablished under section 118 of such Act
16 (47 U.S.C. 928).

17 (ii) With respect to a covered auction
18 described in section 601(4), such amount
19 of those proceeds as the Commission has
20 agreed to share with licensees under sec-
21 tion 309(j)(8)(G) of the Communications
22 Act of 1934 (47 U.S.C. 309(j)(8)(G)) shall
23 be shared with those licensees.

24 (B) After carrying out subparagraph (A)
25 (if that subparagraph is applicable to that sys-

1 tem of competitive bidding), \$300,000,000 of
2 the proceeds of that system of competitive bid-
3 ding shall be deposited in the general fund of
4 the Treasury, where those proceeds shall be
5 dedicated for the sole purpose of deficit reduc-
6 tion.

7 (C) Any proceeds of that system of com-
8 petitive bidding that remain after carrying out
9 subparagraphs (A) and (B) shall be deposited
10 in accordance with subsection (c).

11 (c) DEPOSIT OF FUNDS.—

12 (1) IN GENERAL.—Notwithstanding any other
13 provision of law (except for subsection (b)), an ag-
14 gregate total amount of \$20,605,000,000 of the pro-
15 ceeds of covered auctions that remain after carrying
16 out that subsection shall be deposited in the Fund
17 as follows:

18 (A) 12 percent of those remaining
19 amounts, but not more than \$3,080,000,000
20 cumulatively, shall be transferred to the general
21 fund of the Treasury to reimburse the amount
22 borrowed under subsection (d)(1)(A).

23 (B) 12 percent of those remaining
24 amounts, but not more than \$5,000,000,000
25 cumulatively, shall be transferred to the general

1 fund of the Treasury to reimburse the amount
2 borrowed under subsection (d)(1)(B).

3 (C) 12 percent of those remaining
4 amounts, but not more than \$2,000,000,000
5 cumulatively, shall be transferred to the general
6 fund of the Treasury to reimburse the amount
7 borrowed under subsection (e)(1)(A).

8 (D) 12 percent of those amounts, but not
9 more than \$3,000,000,000 cumulatively, shall
10 be transferred to the general fund of the Treas-
11 ury to reimburse the amount borrowed under
12 subsection (e)(1)(B).

13 (E) 12 percent of those remaining
14 amounts, but not more than \$2,000,000,000
15 cumulatively, shall be made available to the
16 Under Secretary, to remain available until ex-
17 pended, to carry out sections 159, 160, and 161
18 of the National Telecommunications and Infor-
19 mation Administration Organization Act, as
20 added by section 801 of this Act, except that
21 not more than 4 percent of the amount made
22 available under this subparagraph may be used
23 for administrative purposes (including carrying
24 out such sections 160 and 161).

1 (F) 12 percent of those remaining
2 amounts, but not more than \$3,300,000,000
3 cumulatively, shall be made available to the Di-
4 rector of the National Science Foundation to
5 carry out research and related activities, of
6 which—

7 (i) \$1,650,000,000 shall be for the
8 Directorate for Technology, Innovation,
9 and Partnerships established under section
10 10381 of the Research and Development,
11 Competition, and Innovation Act (42
12 U.S.C. 19101); and

13 (ii) \$1,650,000,000 shall be used to
14 carry out other research and related activi-
15 ties for which amounts are authorized to
16 be appropriated under section 10303 of the
17 Research and Development, Competition,
18 and Innovation Act (Public Law 117–167).

19 (G) 12 percent of those remaining
20 amounts, but not more than \$1,700,000,000
21 cumulatively, shall be made available to the
22 Under Secretary of Commerce for Standards
23 and Technology, of which—

24 (i) \$1,475,000,000 shall be used to
25 carry out scientific and technical research

1 and services laboratory activities under
2 subtitle B of title II of the Research and
3 Development, Competition, and Innovation
4 Act (42 U.S.C. 18931 et seq.); and

5 (ii) \$225,000,000 shall be used for
6 Safety, Capacity, Maintenance, and Major
7 Repairs for which amounts are authorized
8 to be appropriated under section 10211 of
9 the Research and Development, Competi-
10 tion, and Innovation Act (Public Law 117-
11 167).

12 (H) 12 percent of those remaining
13 amounts, but not more than \$500,000,000 cu-
14 mulatively, shall be made available to the Under
15 Secretary to carry out the Telecommunications
16 Workforce Training Grant Program established
17 under section 503.

18 (I) 4 percent of those remaining amounts,
19 but not more than \$25,000,000 cumulatively,
20 shall be made available to the Under Secretary
21 and the Secretary of Defense for the purpose of
22 research and development, engineering studies,
23 economic analyses, activities with respect to sys-
24 tems, or other planning activities to improve ef-

1 ficiency and effectiveness of spectrum use of the
2 Department of Defense.

3 (2) DISTRIBUTION.—If the maximum amount
4 permitted under any subparagraph of paragraph (1)
5 is reached, whether through covered auction pro-
6 ceeds or appropriations to the program specified in
7 that subparagraph, any remaining proceeds from the
8 amount of proceeds of covered auctions described in
9 that paragraph shall be deposited pro rata based on
10 the original distribution to all subparagraphs of
11 paragraph (1) for which the maximum amount per-
12 mitted has not been met.

13 (3) DEFICIT REDUCTION.—After the amounts
14 required to be made available by paragraphs (1) and
15 (2) are so made available, any remaining amounts
16 shall be deposited in the general fund of the Treas-
17 ury, where such amounts shall be dedicated for the
18 sole purpose of deficit reduction.

19 (d) FCC BORROWING AUTHORITY.—

20 (1) IN GENERAL.—Subject to the limitation
21 under paragraph (2), not later than 90 days after
22 the date of enactment of this Act, the Commission
23 may borrow from the Treasury of the United States
24 an amount not to exceed—

1 (A) \$3,080,000,000 to carry out the Se-
2 cure and Trusted Communications Networks
3 Act of 2019 (47 U.S.C. 1601 et seq.); and

4 (B) \$5,000,000,000 to carry out section
5 904 of division N of the Consolidated Appro-
6 priations Act, 2021 (47 U.S.C. 1752).

7 (2) LIMITATION.—The Commission may not
8 use any funds borrowed under this subsection in a
9 manner that may result in outlays on or after De-
10 cember 31, 2033.

11 (e) DEPARTMENT OF COMMERCE BORROWING AU-
12 THORITY.—

13 (1) IN GENERAL.—Subject to the limitation
14 under paragraph (2), not later than 90 days after
15 the date of enactment of this Act, the Secretary of
16 Commerce may borrow from the Treasury of the
17 United States an amount not to exceed—

18 (A) \$2,000,000,000 to carry out section 28
19 of the Stevenson-Wydler Technology Innovation
20 Act of 1980 (15 U.S.C. 3722a); and

21 (B) \$3,000,000,000 for the fund estab-
22 lished under section 102(a) of the CHIPS Act
23 of 2022 (15 U.S.C. 4651 note), which shall be
24 used to carry out section 9902 of the William
25 M. (Mac) Thornberry National Defense Author-

1 ization Act for Fiscal Year 2021 (15 U.S.C.
2 4652).

3 (2) LIMITATION.—The Secretary of Commerce
4 may not use any funds borrowed under this sub-
5 section in a manner that may result in outlays on
6 or after December 31, 2033.

7 (f) REPORTING REQUIREMENT.—Not later than 2
8 years after the date of enactment of this Act, and annually
9 thereafter until funds are fully expended, the heads of the
10 agencies to which funds are made available under each
11 subparagraph of subsection (c)(1) shall submit to the
12 Committee on Commerce, Science, and Transportation of
13 the Senate and the Committee on Energy and Commerce
14 of the House of Representatives a report on the amount
15 transferred or made available under the applicable sub-
16 paragraph.

17 **TITLE VII—SECURE AND TRUST-**
18 **ED COMMUNICATIONS NET-**
19 **WORKS REIMBURSEMENT**
20 **PROGRAM**

21 **SEC. 701. INCREASE IN LIMITATION ON EXPENDITURE.**

22 Section 4(k) of the Secure and Trusted Communica-
23 tions Networks Act of 2019 (47 U.S.C. 1603(k)) is
24 amended by striking “\$1,900,000,000” and inserting
25 “\$4,980,000,000”.

1 **TITLE VIII—NEXT GENERATION**

2 **9–1–1**

3 **SEC. 801. FURTHER DEPLOYMENT AND COORDINATION OF**
4 **NEXT GENERATION 9–1–1.**

5 Part C of the National Telecommunications and In-
6 formation Administration Organization Act is amended by
7 adding at the end the following:

8 **“SEC. 159. COORDINATION OF NEXT GENERATION 9–1–1 IM-**
9 **PLEMENTATION.**

10 “(a) DUTIES OF UNDER SECRETARY WITH RESPECT
11 TO NEXT GENERATION 9–1–1.—

12 “(1) IN GENERAL.—The Under Secretary, after
13 consulting with the Administrator, shall—

14 “(A) take actions, in coordination with
15 State points of contact described in subsection
16 (c)(3)(A)(ii) as applicable, to improve coordina-
17 tion and communication with respect to the im-
18 plementation of Next Generation 9–1–1;

19 “(B) develop, collect, and disseminate in-
20 formation concerning the practices, procedures,
21 and technology used in the implementation of
22 Next Generation 9–1–1;

23 “(C) advise and assist eligible entities in
24 the preparation of implementation plans re-
25 quired under subsection (c)(3)(A)(iii);

1 “(D) provide technical assistance to eligible
2 entities provided a grant under subsection (c) in
3 support of efforts to explore efficiencies related
4 to Next Generation 9–1–1;

5 “(E) review and approve or disapprove ap-
6 plications for grants under subsection (c); and

7 “(F) oversee the use of funds provided by
8 such grants in fulfilling such implementation
9 plans.

10 “(2) ANNUAL REPORTS.—Not later than Octo-
11 ber 1, 2025, and each year thereafter until funds
12 made available to make grants under subsection (c)
13 are no longer available to be expended, the Under
14 Secretary shall submit to Congress a report on the
15 activities conducted by the Under Secretary under
16 paragraph (1) in the year preceding the submission
17 of the report.

18 “(3) ASSISTANCE.—The Under Secretary may
19 seek the assistance of the Administrator in carrying
20 out the duties described in subparagraphs (A)
21 through (D) of paragraph (1) as the Under Sec-
22 retary determines necessary.

23 “(b) ADDITIONAL DUTIES.—

24 “(1) MANAGEMENT PLAN.—

1 “(A) DEVELOPMENT.—The Under Sec-
2 retary, after consulting with the Administrator,
3 shall develop a management plan for the grant
4 program established under this section, includ-
5 ing by developing—

6 “(i) plans related to the organiza-
7 tional structure of the grant program; and

8 “(ii) funding profiles for each fiscal
9 year of the duration of the grant program.

10 “(B) SUBMISSION TO CONGRESS.—Not
11 later than 180 days after the date of enactment
12 of this section, the Under Secretary shall—

13 “(i) submit the management plan de-
14 veloped under subparagraph (A) to—

15 “(I) the Committee on Com-
16 merce, Science, and Transportation
17 and the Committee on Appropriations
18 of the Senate; and

19 “(II) the Committee on Energy
20 and Commerce and the Committee on
21 Appropriations of the House of Rep-
22 resentatives;

23 “(ii) publish the management plan on
24 the website of the National Telecommuni-

1 cations and Information Administration;
2 and

3 “(iii) provide the management plan to
4 the Administrator for the purpose of pub-
5 lishing the management plan on the
6 website of the National Highway Traffic
7 Safety Administration.

8 “(2) MODIFICATION OF PLAN.—

9 “(A) MODIFICATION.—The Under Sec-
10 retary, after consulting with the Administrator,
11 may modify the management plan developed
12 under paragraph (1)(A).

13 “(B) SUBMISSION.—Not later than 90
14 days after the plan is modified under subpara-
15 graph (A), the Under Secretary shall—

16 “(i) submit the modified plan to—

17 “(I) the Committee on Com-
18 merce, Science, and Transportation
19 and the Committee on Appropriations
20 of the Senate; and

21 “(II) the Committee on Energy
22 and Commerce and the Committee on
23 Appropriations of the House of Rep-
24 resentatives;

1 “(ii) publish the modified plan on the
2 website of the National Telecommuni-
3 cations and Information Administration;
4 and

5 “(iii) provide the modified plan to the
6 Administrator for the purpose of pub-
7 lishing the modified plan on the website of
8 the National Highway Traffic and Safety
9 Administration.

10 “(c) NEXT GENERATION 9-1-1 IMPLEMENTATION
11 GRANTS.—

12 “(1) GRANTS.—The Under Secretary shall pro-
13 vide grants to eligible entities for—

14 “(A) implementing Next Generation 9-1-
15 1;

16 “(B) maintaining Next Generation 9-1-1;

17 “(C) training directly related to imple-
18 menting, maintaining, and operating Next Gen-
19 eration 9-1-1 if the cost related to the training
20 does not exceed—

21 “(i) 3 percent of the total grant
22 award for eligible entities that are not
23 Tribes; and

24 “(ii) 5 percent of the total grant
25 award for eligible entities that are Tribes;

1 “(D) public outreach and education on how
2 the public can best use Next Generation 9–1–
3 1 and the capabilities and usefulness of Next
4 Generation 9–1–1;

5 “(E) administrative costs associated with
6 planning of Next Generation 9–1–1, including
7 any cost related to planning for and preparing
8 an application and related materials as required
9 by this subsection, if—

10 “(i) the cost is fully documented in
11 materials submitted to the Under Sec-
12 retary; and

13 “(ii) the cost is reasonable and nec-
14 essary and does not exceed—

15 “(I) 1 percent of the total grant
16 award for eligible entities that are not
17 Tribes; and

18 “(II) 2 percent of the total grant
19 award for eligible entities that are
20 Tribes; and

21 “(F) costs associated with implementing
22 cybersecurity measures at emergency commu-
23 nications centers or with respect to Next Gen-
24 eration 9–1–1.

1 “(2) APPLICATION.—In providing grants under
2 paragraph (1), the Under Secretary, after consulting
3 with the Administrator, shall require an eligible enti-
4 ty to submit to the Under Secretary an application,
5 at the time and in the manner determined by the
6 Under Secretary, containing the certification re-
7 quired by paragraph (3).

8 “(3) COORDINATION REQUIRED.—An eligible
9 entity shall include in the application required by
10 paragraph (2) a certification that—

11 “(A) in the case of an eligible entity that
12 is a State, the entity—

13 “(i) has coordinated the application
14 with the emergency communications cen-
15 ters located within the jurisdiction of the
16 entity;

17 “(ii) has designated a single officer or
18 governmental body to serve as the State
19 point of contact to coordinate the imple-
20 mentation of Next Generation 9–1–1 for
21 the State, except that the designation need
22 not vest the officer or governmental body
23 with direct legal authority to implement
24 Next Generation 9–1–1 or to manage
25 emergency communications operations; and

1 “(iii) has developed and submitted a
2 plan for the coordination and implementa-
3 tion of Next Generation 9–1–1 that—

4 “(I) ensures interoperability by
5 requiring the use of commonly accept-
6 ed standards;

7 “(II) ensures reliability;

8 “(III) enables emergency commu-
9 nications centers to process, analyze,
10 and store multimedia, data, and other
11 information;

12 “(IV) incorporates cybersecurity
13 tools, including intrusion detection
14 and prevention measures;

15 “(V) includes strategies for co-
16 ordinating cybersecurity information
17 sharing between Federal, State, Trib-
18 al, and local government partners;

19 “(VI) uses open and competitive
20 request for proposal processes, includ-
21 ing through shared government pro-
22 curement vehicles, for deployment of
23 Next Generation 9–1–1;

24 “(VII) documents how input was
25 received and accounted for from rel-

1 evant rural and urban emergency
2 communications centers, regional au-
3 thorities, local authorities, and Tribal
4 authorities;

5 “(VIII) includes a governance
6 body or bodies, either by creation of
7 new, or use of existing, body or bod-
8 ies, for the development and deploy-
9 ment of Next Generation 9–1–1
10 that—

11 “(aa) ensures full notice and
12 opportunity for participation by
13 relevant stakeholders; and

14 “(bb) consults and coordi-
15 nates with the State point of con-
16 tact required by clause (ii);

17 “(IX) creates efficiencies related
18 to Next Generation 9–1–1 functions,
19 including cybersecurity and the
20 virtualization and sharing of infra-
21 structure, equipment, and services;
22 and

23 “(X) utilizes an effective, com-
24 petitive approach to establishing au-
25 thentication, credentialing, secure con-

1 nections, and access in deploying Next
2 Generation 9–1–1, including by—

3 “(aa) requiring certificate
4 authorities to be capable of cross-
5 certification with other authori-
6 ties;

7 “(bb) avoiding risk of a sin-
8 gle point of failure or vulner-
9 ability; and

10 “(cc) adhering to Federal
11 agency best practices such as
12 those promulgated by the Na-
13 tional Institute of Standards and
14 Technology; and

15 “(B) in the case of an eligible entity that
16 is a Tribe, the entity has complied with clauses
17 (i) and (iii) of subparagraph (A) (except for
18 subclause (VIII)(bb) of such clause (iii)).

19 “(4) CRITERIA.—

20 “(A) IN GENERAL.—Not later than 1 year
21 after the date of enactment of this section, the
22 Under Secretary, after consulting with the Ad-
23 ministrator, shall issue rules, after providing
24 the public with notice and an opportunity to

1 comment, establishing the criteria for selecting
2 eligible entities for grants under this subsection.

3 “(B) REQUIREMENTS.—The criteria estab-
4 lished under subparagraph (A) shall—

5 “(i) include performance requirements
6 and a schedule for completion of any
7 project to be financed by a grant under
8 this subsection; and

9 “(ii) specifically permit regional or
10 multi-State applications for funds.

11 “(C) UPDATES.—The Under Secretary
12 shall update the rules issued under subpara-
13 graph (A) as necessary.

14 “(5) GRANT CERTIFICATIONS.—An eligible enti-
15 ty shall certify to the Under Secretary at the time
16 of application for a grant under this subsection, and
17 an eligible entity that receives such a grant shall cer-
18 tify to the Under Secretary annually thereafter dur-
19 ing the period during which the funds from the
20 grant are available to the eligible entity, that—

21 “(A) beginning on the date that is 180
22 days before the date on which the application is
23 filed, no portion of any 9–1–1 fee or charge im-
24 posed by the eligible entity (or if the eligible en-
25 tity is not a State or Tribe, any State or taxing

1 jurisdiction within which the eligible entity will
2 carry out, or is carrying out, activities using
3 grant funds) is obligated or expended for a pur-
4 pose or function not designated as acceptable
5 under the rules issued under section 6(f)(3) of
6 the Wireless Communications and Public Safety
7 Act of 1999 (47 U.S.C. 615a–1(f)(3)) (as those
8 rules are in effect on the date on which the eli-
9 gible entity makes the certification);

10 “(B) any funds received by the eligible en-
11 tity will be used, consistent with paragraph (1),
12 to support the deployment of Next Generation
13 9–1–1 in a manner that ensures reliability and
14 interoperability by requiring the use of com-
15 monly accepted standards;

16 “(C) the eligible entity (or if the eligible
17 entity is not a State or Tribe, any State or tax-
18 ing jurisdiction within which the eligible entity
19 will carry out or is carrying out activities using
20 grant funds) has established, or has committed
21 to establish not later than 3 years after the
22 date on which the grant funds are distributed
23 to the eligible entity—

24 “(i) a sustainable funding mechanism
25 for Next Generation 9–1–1; and

1 “(ii) effective cybersecurity resources
2 for Next Generation 9–1–1;

3 “(D) the eligible entity will promote inter-
4 operability between emergency communications
5 centers deploying Next Generation 9–1–1 and
6 emergency response providers, including users
7 of the nationwide public safety broadband net-
8 work;

9 “(E) the eligible entity has taken or will
10 take steps to coordinate with adjoining States
11 and Tribes to establish and maintain Next Gen-
12 eration 9–1–1; and

13 “(F) the eligible entity has developed a
14 plan for public outreach and education on how
15 the public can best use Next Generation 9–1–
16 1 and on the capabilities and usefulness of Next
17 Generation 9–1–1.

18 “(6) CONDITION OF GRANT.—An eligible entity
19 shall agree, as a condition of receipt of a grant
20 under this subsection, that if any State or taxing ju-
21 risdiction within which the eligible entity will carry
22 out activities using grant funds fails to comply with
23 a certification required under paragraph (5), during
24 the period during which the funds from the grant
25 are available to the eligible entity, all of the funds

1 from the grant shall be returned to the Under Sec-
2 retary.

3 “(7) PENALTY FOR PROVIDING FALSE INFOR-
4 MATION.—An eligible entity that knowingly provides
5 false information in a certification under paragraph
6 (5)—

7 “(A) shall not be eligible to receive the
8 grant under this subsection;

9 “(B) shall return any grant awarded under
10 this subsection; and

11 “(C) shall not be eligible to receive any
12 subsequent grants under this subsection.

13 “(8) PROHIBITION.—Grant funds provided
14 under this subsection may not be used—

15 “(A) to support any activity of the First
16 Responder Network Authority; or

17 “(B) to make any payments to a person
18 who has been, for reasons of national security,
19 prohibited by any entity of the Federal Govern-
20 ment from bidding on a contract, participating
21 in an auction, or receiving a grant.

22 “(d) DEFINITIONS.—In this section and sections 160
23 and 161:

24 “(1) 9-1-1 FEE OR CHARGE.—The term ‘9-1-
25 1 fee or charge’ has the meaning given the term in

1 section 6(f)(3)(D) of the Wireless Communications
2 and Public Safety Act of 1999 (47 U.S.C. 615a-
3 1(f)(3)(D)).

4 “(2) 9-1-1 REQUEST FOR EMERGENCY ASSIST-
5 ANCE.—The term ‘9-1-1 request for emergency as-
6 sistance’ means a communication, such as voice,
7 text, picture, multimedia, or any other type of data,
8 that is sent to an emergency communications center
9 for the purpose of requesting emergency assistance.

10 “(3) ADMINISTRATOR.—The term ‘Adminis-
11 trator’ means the Administrator of the National
12 Highway Traffic Safety Administration.

13 “(4) COMMONLY ACCEPTED STANDARDS.—The
14 term ‘commonly accepted standards’ means the tech-
15 nical standards followed by the communications in-
16 dustry for network, device, and Internet Protocol
17 connectivity that—

18 “(A) enable interoperability; and

19 “(B) are—

20 “(i) developed and approved by a
21 standards development organization that is
22 accredited by an American standards body
23 (such as the American National Standards
24 Institute) or an equivalent international
25 standards body in a process—

1 “(I) that is open for participation
2 by any person; and

3 “(II) provides for a conflict reso-
4 lution process;

5 “(ii) subject to an open comment and
6 input process before being finalized by the
7 standards development organization;

8 “(iii) consensus-based; and

9 “(iv) made publicly available once ap-
10 proved.

11 “(5) COST RELATED TO THE TRAINING.—The
12 term ‘cost related to the training’ means—

13 “(A) actual wages incurred for travel and
14 attendance, including any necessary overtime
15 pay and backfill wage;

16 “(B) travel expenses;

17 “(C) instructor expenses; or

18 “(D) facility costs and training materials.

19 “(6) ELIGIBLE ENTITY.—The term ‘eligible en-
20 tity’—

21 “(A) means—

22 “(i) a State or a Tribe; or

23 “(ii) an entity, including a public au-
24 thority, board, or commission, established

1 by 1 or more entities described in clause
2 (i); and

3 “(B) does not include any entity that has
4 failed to submit the certifications required
5 under subsection (c)(5).

6 “(7) EMERGENCY COMMUNICATIONS CENTER.—

7 “(A) IN GENERAL.—The term ‘emergency
8 communications center’ means—

9 “(i) a facility that—

10 “(I) is designated to receive a 9–
11 1–1 request for emergency assistance;
12 and

13 “(II) performs 1 or more of the
14 functions described in subparagraph
15 (B); or

16 “(ii) a public safety answering point,
17 as defined in section 222 of the Commu-
18 nications Act of 1934 (47 U.S.C. 222).

19 “(B) FUNCTIONS DESCRIBED.—The func-
20 tions described in this subparagraph are the fol-
21 lowing:

22 “(i) Processing and analyzing 9–1–1
23 requests for emergency assistance and in-
24 formation and data related to such re-
25 quests.

1 “(ii) Dispatching appropriate emer-
2 gency response providers.

3 “(iii) Transferring or exchanging 9-
4 1-1 requests for emergency assistance and
5 information and data related to such re-
6 quests with 1 or more other emergency
7 communications centers and emergency re-
8 sponse providers.

9 “(iv) Analyzing any communications
10 received from emergency response pro-
11 viders.

12 “(v) Supporting incident command
13 functions.

14 “(8) EMERGENCY RESPONSE PROVIDER.—The
15 term ‘emergency response provider’ has the meaning
16 given that term in section 2 of the Homeland Secu-
17 rity Act of 2002 (6 U.S.C. 101).

18 “(9) FIRST RESPONDER NETWORK AUTHOR-
19 ITY.—The term ‘First Responder Network Author-
20 ity’ means the authority established under 6204 of
21 the Middle Class Tax Relief and Job Creation Act
22 of 2012 (47 U.S.C. 1424).

23 “(10) INTEROPERABILITY.—The term ‘inter-
24 operability’ means the capability of emergency com-
25 munications centers to receive 9-1-1 requests for

1 emergency assistance and information and data re-
2 lated to such requests, such as location information
3 and callback numbers from a person initiating the
4 request, then process and share the 9–1–1 requests
5 for emergency assistance and information and data
6 related to such requests with other emergency com-
7 munications centers and emergency response pro-
8 viders without the need for proprietary interfaces
9 and regardless of jurisdiction, equipment, device,
10 software, service provider, or other relevant factors.

11 “(11) NATIONWIDE PUBLIC SAFETY
12 BROADBAND NETWORK.—The term ‘nationwide pub-
13 lic safety broadband network’ has the meaning given
14 the term in section 6001 of the Middle Class Tax
15 Relief and Job Creation Act of 2012 (47 U.S.C.
16 1401).

17 “(12) NEXT GENERATION 9–1–1.—The term
18 ‘Next Generation 9–1–1’ means an Internet Pro-
19 tocol-based system that—

20 “(A) ensures interoperability;

21 “(B) is secure;

22 “(C) employs commonly accepted stand-
23 ards;

1 “(D) enables emergency communications
2 centers to receive, process, and analyze all types
3 of 9–1–1 requests for emergency assistance;

4 “(E) acquires and integrates additional in-
5 formation useful to handling 9–1–1 requests for
6 emergency assistance; and

7 “(F) supports sharing information related
8 to 9–1–1 requests for emergency assistance
9 among emergency communications centers and
10 emergency response providers.

11 “(13) RELIABILITY.—The term ‘reliability’
12 means the employment of sufficient measures to en-
13 sure the ongoing operation of Next Generation 9–1–
14 1, including through the use of geo-diverse, device-
15 and network-agnostic elements that provide more
16 than 1 route between end points with no common
17 points where a single failure at that point would
18 cause all routes to fail.

19 “(14) STATE.—The term ‘State’ means any
20 State of the United States, the District of Columbia,
21 Puerto Rico, American Samoa, Guam, the United
22 States Virgin Islands, the Northern Mariana Is-
23 lands, and any other territory or possession of the
24 United States.

1 “(15) SUSTAINABLE FUNDING MECHANISM.—
2 The term ‘sustainable funding mechanism’ means a
3 funding mechanism that provides adequate revenues
4 to cover ongoing expenses, including operations,
5 maintenance, and upgrades.

6 “(16) TRIBE.—The term ‘Tribe’ has the mean-
7 ing given to the term ‘Indian Tribe’ in section 4(e)
8 of the Indian Self-Determination and Education As-
9 sistance Act (25 U.S.C. 5304(e)).

10 **“SEC. 160. ESTABLISHMENT OF NATIONWIDE NEXT GEN-**
11 **ERATION 9-1-1 CYBERSECURITY CENTER.**

12 “The Under Secretary, after consulting with the Ad-
13 ministrator and the Director of the Cybersecurity and In-
14 frastructure Security Agency of the Department of Home-
15 land Security, shall establish a Next Generation 9-1-1 Cy-
16 bersecurity Center to coordinate with State, local, and re-
17 gional governments on the sharing of cybersecurity infor-
18 mation about, the analysis of cybersecurity threats to, and
19 guidelines for strategies to detect and prevent cybersecu-
20 rity intrusions relating to Next Generation 9-1-1.

21 **“SEC. 161. NEXT GENERATION 9-1-1 ADVISORY BOARD.**

22 “(a) NEXT GENERATION 9-1-1 ADVISORY BOARD.—
23 “(1) ESTABLISHMENT.—The Under Secretary
24 shall establish a Public Safety Next Generation 9-
25 1-1 Advisory Board (in this section referred to as

1 the ‘Board’) to provide recommendations to the
2 Under Secretary—

3 “(A) with respect to carrying out the du-
4 ties and responsibilities of the Under Secretary
5 in issuing the rules required under section
6 159(c)(4);

7 “(B) as required by paragraph (7) of this
8 subsection; and

9 “(C) upon request under paragraph (8) of
10 this subsection.

11 “(2) MEMBERSHIP.—

12 “(A) APPOINTMENT.—Not later than 150
13 days after the date of enactment of this section,
14 the Under Secretary shall appoint 16 members
15 to the Board, of which—

16 “(i) 4 members shall represent local
17 law enforcement officials;

18 “(ii) 4 members shall represent fire
19 and rescue officials;

20 “(iii) 4 members shall represent emer-
21 gency medical service officials; and

22 “(iv) 4 members shall represent 9–1–
23 1 professionals.

24 “(B) DIVERSITY OF MEMBERSHIP.—Mem-
25 bers of the Board shall be representatives of

1 States or Tribes and local governments, chosen
2 to reflect geographic and population density dif-
3 ferences, as well as public safety organizations
4 at the national level across the United States.

5 “(C) EXPERTISE.—Each member of the
6 Board shall have specific expertise necessary for
7 developing technical requirements under this
8 section, such as technical expertise, and exper-
9 tise related to public safety communications and
10 9–1–1 services.

11 “(D) RANK AND FILE MEMBERS.—In mak-
12 ing the appointments under subparagraph (A),
13 the Under Secretary shall appoint a rank and
14 file member from each of the public safety dis-
15 ciplines listed in clauses (i) through (iv) of that
16 subparagraph as a member of the Board and
17 shall select the member from an organization
18 that represents its public safety discipline at the
19 national level.

20 “(3) PERIOD OF APPOINTMENT.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), a member of the Board shall
23 serve for a 3-year term.

1 “(B) REMOVAL FOR CAUSE.—A member of
2 the Board may be removed for cause upon the
3 determination of the Under Secretary.

4 “(4) VACANCIES.—A vacancy in the Board shall
5 be filled in the same manner as the original appoint-
6 ment.

7 “(5) QUORUM.—A majority of the members of
8 the Board shall constitute a quorum.

9 “(6) CHAIRPERSON AND VICE CHAIRPERSON.—
10 The Board shall select a Chairperson and Vice
11 Chairperson from among the members of the Board.

12 “(7) DUTY OF BOARD TO SUBMIT REC-
13 COMMENDATIONS.—Not later than 120 days after all
14 members of the Board are appointed under para-
15 graph (2), the Board shall submit to the Under Sec-
16 retary recommendations for—

17 “(A) deploying Next Generation 9–1–1 in
18 rural and urban areas;

19 “(B) ensuring flexibility in guidance, rules,
20 and grant funding to allow for technology im-
21 provements;

22 “(C) creating efficiencies related to Next
23 Generation 9–1–1, including cybersecurity and
24 the virtualization and sharing of core infra-
25 structure;

1 “(D) enabling effective coordination among
2 State, local, Tribal, and territorial government
3 entities to ensure that the needs of emergency
4 communications centers in both rural and
5 urban areas are taken into account in each im-
6 plementation plan required under section
7 159(c)(3)(A)(iii); and

8 “(E) incorporating existing cybersecurity
9 resources into Next Generation 9–1–1 procure-
10 ment and deployment.

11 “(8) AUTHORITY TO PROVIDE ADDITIONAL REC-
12 COMMENDATIONS.—Except as provided in paragraphs
13 (1) and (7), the Board may provide recommenda-
14 tions to the Under Secretary only upon request of
15 the Under Secretary.

16 “(9) DURATION OF AUTHORITY.—The Board
17 shall terminate on the date on which funds made
18 available to make grants under section 159(c) are no
19 longer available to be expended.

20 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion may be construed as limiting the authority of the
22 Under Secretary to seek comment from stakeholders and
23 the public.”.

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