

117TH CONGRESS
2^D SESSION

H. R. 7624

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To make available additional frequencies in the 3.1–3.45 GHz band for non-Federal use, shared Federal and non-Federal use, or a combination thereof, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Spectrum Innovation Act of 2022”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SPECTRUM AUCTIONS AND INNOVATION

Sec. 101. Spectrum auctions and innovation.

TITLE II—SECURE AND TRUSTED COMMUNICATIONS NETWORKS
REIMBURSEMENT PROGRAM

Sec. 201. Increase in limitation on expenditure.

TITLE III—NEXT GENERATION 9–1–1

Sec. 301. Further deployment and coordination of Next Generation 9–1–1.

TITLE IV—INCUMBENT INFORMING CAPABILITY

Sec. 401. Incumbent informing capability.

TITLE V—EXTENSION OF FCC AUCTION AUTHORITY

Sec. 501. Extension of FCC auction authority.

TITLE VI—PUBLIC SAFETY AND SECURE NETWORKS FUND

Sec. 601. Public Safety and Secure Networks Fund.

TITLE VII—DETERMINATION OF BUDGETARY EFFECTS

Sec. 701. Determination of budgetary effects.

6 **TITLE I—SPECTRUM AUCTIONS**
7 **AND INNOVATION**

8 **SEC. 101. SPECTRUM AUCTIONS AND INNOVATION.**

9 (a) DEFINITIONS.—In this section:

10 (1) ASSISTANT SECRETARY.—The term “Assist-
11 ant Secretary” means the Assistant Secretary of
12 Commerce for Communications and Information.

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

3 (3) COVERED BAND.—The term “covered
4 band” means the band of frequencies between 3100
5 megahertz and 3450 megahertz, inclusive.

6 (4) FEDERAL ENTITY.—The term “Federal en-
7 tity” has the meaning given such term in section
8 113(l) of the National Telecommunications and In-
9 formation Administration Organization Act (47
10 U.S.C. 923(l)).

11 (5) RELEVANT CONGRESSIONAL COMMIT-
12 TEES.—The term “relevant congressional commit-
13 tees” means—

14 (A) the Committee on Energy and Com-
15 merce of the House of Representatives;

16 (B) the Committee on Commerce, Science,
17 and Transportation of the Senate;

18 (C) the Committee on Armed Services of
19 the House of Representatives; and

20 (D) the Committee on Armed Services of
21 the Senate.

22 (6) RELOCATION OR SHARING COSTS.—The
23 term “relocation or sharing costs” has the meaning
24 given such term in section 113(g)(3) of the National

1 Telecommunications and Information Administration
2 Organization Act (47 U.S.C. 923(g)(3)).

3 (7) SECRETARY.—The term “Secretary” means
4 the Secretary of Commerce.

5 (b) 3.1–3.45 GHz BAND.—

6 (1) PIPELINE FUNDING.—

7 (A) IN GENERAL.—A Federal entity with
8 operations in the covered band that the Assist-
9 ant Secretary determines might be affected by
10 reallocation of the covered band may request a
11 payment of up to \$25,000,000 under section
12 118(g)(2)(A) of the National Telecommuni-
13 cations and Information Administration Organi-
14 zation Act (47 U.S.C. 928(g)(2)(A)) in order to
15 make available the entire covered band for non-
16 Federal use, shared Federal and non-Federal
17 use, or a combination thereof.

18 (B) EXEMPTIONS.—Subparagraphs (C)(ii)
19 and (D)(ii) of section 118(g)(2) of the National
20 Telecommunications and Information Adminis-
21 tration Organization Act (47 U.S.C. 928(g)(2))
22 shall not apply with respect to a payment de-
23 scribed in subparagraph (A) of this paragraph.

24 (C) OVERSIGHT.—The Assistant Secretary
25 and the Executive Office of the President shall

1 continuously review and provide oversight of the
2 activities carried out using a payment described
3 in subparagraph (A) of this paragraph, the pay-
4 ment required by section 90008(b)(1)(A) of the
5 Infrastructure Investment and Jobs Act (Public
6 Law 117–58; 135 Stat. 1348; 47 U.S.C. 921
7 note), as such section was in effect on the day
8 before the date of the enactment of this Act, or
9 a combination of both such payments.

10 (D) REPORT TO SECRETARY OF COM-
11 MERCE AND CONGRESS.—Not later than 15
12 months after the date of the enactment of this
13 Act, for the purposes of aiding the Secretary in
14 making the identification under paragraph (2)
15 and informed by the activities carried out using
16 a payment described in subparagraph (A), the
17 payment required by section 90008(b)(1)(A) of
18 the Infrastructure Investment and Jobs Act
19 (Public Law 117–58; 135 Stat. 1348; 47
20 U.S.C. 921 note), as such section was in effect
21 on the day before the date of the enactment of
22 this Act, or a combination of both such pay-
23 ments, any Federal entity receiving such a pay-
24 ment or payments, in consultation with the As-
25 sistant Secretary and the Executive Office of

1 the President, shall submit to the Secretary and
2 the relevant congressional committees a report
3 that—

4 (i) contains the findings of the activi-
5 ties carried out using such payment or
6 payments; and

7 (ii) recommends frequencies in the
8 covered band for identification by the Sec-
9 retary under paragraph (2).

10 (2) IDENTIFICATION.—Not later than 21
11 months after the date of the enactment of this Act,
12 informed by the report required under paragraph
13 (1)(D), the Secretary, in consultation with the Sec-
14 retary of Defense, the Director of the Office of
15 Science and Technology Policy, and the Commission,
16 shall submit to the President, the Commission, and
17 the relevant congressional committees a report that
18 identifies for inclusion in a system of competitive
19 bidding under paragraph (3) 350 megahertz of fre-
20 quencies in the covered band for non-Federal use,
21 shared Federal and non-Federal use, or a combina-
22 tion thereof.

23 (3) AUCTION.—

24 (A) IN GENERAL.—Not later than 7 years
25 after the date of the enactment of this Act, the

1 Commission, in coordination with the Assistant
2 Secretary, shall commence a system of competi-
3 tive bidding under section 309(j) of the Com-
4 munications Act of 1934 (47 U.S.C. 309(j)), in
5 accordance with paragraph (2) of this sub-
6 section, of the frequencies identified under such
7 paragraph for a system of competitive bidding.

8 (B) PROHIBITION.—No entity that pro-
9 duces or provides any covered communications
10 equipment or service (as defined in section 9 of
11 the Secure and Trusted Communications Net-
12 works Act of 2019 (47 U.S.C. 1608)), or any
13 affiliate (as defined in section 3 of the Commu-
14 nications Act of 1934 (47 U.S.C. 153)) of such
15 an entity, may participate in the system of com-
16 petitive bidding required by subparagraph (A).

17 (C) SCOPE.—The Commission may not in-
18 clude in the system of competitive bidding re-
19 quired by subparagraph (A) any frequencies
20 that are not in the covered band.

21 (D) DEPOSIT OF PROCEEDS.—Notwith-
22 standing subparagraphs (A), (C)(i), and (D) of
23 section 309(j)(8) of the Communications Act of
24 1934 (47 U.S.C. 309(j)(8)) and except as pro-
25 vided in subparagraph (B) of such section, the

1 proceeds (including deposits and upfront pay-
2 ments from successful bidders) of the system of
3 competitive bidding required by subparagraph
4 (A) of this paragraph (in this subparagraph re-
5 ferred to as the “covered proceeds”) shall be
6 deposited or available as follows:

7 (i) Such amount of the covered pro-
8 ceeds as is necessary to cover 110 percent
9 of the relocation or sharing costs of Fed-
10 eral entities relocated from or sharing the
11 frequencies identified under paragraph (2)
12 of this subsection shall be deposited in the
13 Spectrum Relocation Fund established
14 under section 118 of the National Tele-
15 communications and Information Adminis-
16 tration Organization Act (47 U.S.C. 928).

17 (ii) After the amount required to be
18 deposited by clause (i) is so deposited, any
19 remainder of the covered proceeds shall be
20 deposited in the Public Safety and Secure
21 Networks Fund established by section 601.

22 (4) MODIFICATION OR WITHDRAWAL.—

23 (A) IN GENERAL.—The President shall
24 modify or withdraw any assignment to a Fed-
25 eral Government station of the frequencies iden-

1 tified under paragraph (2) to accommodate
2 non-Federal use, shared Federal and non-Fed-
3 eral use, or a combination thereof in accordance
4 with that paragraph.

5 (B) LIMITATIONS.—The President may not
6 modify or withdraw any assignment to a Fed-
7 eral Government station as described in sub-
8 paragraph (A)—

9 (i) unless the President determines
10 that such modification or withdrawal will
11 not compromise the primary mission of a
12 Federal entity operating in the covered
13 band; or

14 (ii) before November 30, 2024.

15 (5) AUCTION PROCEEDS TO COVER 110 PER-
16 CENT OF FEDERAL RELOCATION OR SHARING
17 COSTS.—Nothing in this subsection shall be con-
18 strued to relieve the Commission from the require-
19 ments under section 309(j)(16)(B) of the Commu-
20 nications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

21 (c) FCC AUCTION AUTHORITY.—

22 (1) TERMINATION.—Section 309(j)(11) of the
23 Communications Act of 1934 (47 U.S.C. 309(j)(11))
24 is amended by striking “2025” and all that follows
25 and inserting “2026, and with respect to the electro-

1 magnetic spectrum identified under section
2 101(b)(2) of the Spectrum Innovation Act of 2022,
3 such authority shall expire on the date that is 7
4 years after the date of the enactment of that Act.”.

5 (2) SPECTRUM PIPELINE ACT OF 2015.—Section
6 1004 of the Spectrum Pipeline Act of 2015 (Public
7 Law 114–74; 129 Stat. 621; 47 U.S.C. 921 note) is
8 amended—

9 (A) in subsection (a), by striking “2022”
10 and inserting “2024”;

11 (B) in subsection (b)(1), by striking
12 “2022” and inserting “2024”; and

13 (C) in subsection (c)(1)(B), by striking
14 “2024” and inserting “2026”.

15 (d) REPEAL.—Section 90008 of the Infrastructure
16 Investment and Jobs Act (Public Law 117–58; 135 Stat.
17 1348; 47 U.S.C. 921 note), and the item relating to such
18 section in the table of contents in section 1(b) of such Act,
19 are repealed.

20 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion, or the repeal made by subsection (d), may be con-
22 strued to alter or impede the activities authorized to be
23 conducted using the payment required by section
24 90008(b)(1)(A) of the Infrastructure Investment and Jobs
25 Act (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921

1 note), as such section was in effect on the day before the
 2 date of the enactment of this Act, if the Assistant Sec-
 3 retary determines that such activities are conducted in ac-
 4 cordance with subsection (b) of this section.

5 **TITLE II—SECURE AND TRUSTED**
 6 **COMMUNICATIONS NET-**
 7 **WORKS REIMBURSEMENT**
 8 **PROGRAM**

9 **SEC. 201. INCREASE IN LIMITATION ON EXPENDITURE.**

10 Section 4(k) of the Secure and Trusted Communica-
 11 tions Networks Act of 2019 (47 U.S.C. 1603(k)) is
 12 amended by striking “\$1,900,000,000” and inserting
 13 “\$4,980,000,000”.

14 **TITLE III—NEXT GENERATION 9–**
 15 **1–1**

16 **SEC. 301. FURTHER DEPLOYMENT AND COORDINATION OF**
 17 **NEXT GENERATION 9–1–1.**

18 (a) IN GENERAL.—Part C of the National Tele-
 19 communications and Information Administration Organi-
 20 zation Act is amended by adding at the end the following:

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

23 “(a) DUTIES OF ASSISTANT SECRETARY WITH RE-
 24 SPECT TO NEXT GENERATION 9–1–1.—

1 “(1) IN GENERAL.—The Assistant Secretary
2 shall—

3 “(A) take actions, in coordination with
4 State point of contacts described under sub-
5 section (c)(3)(A)(ii), to improve coordination
6 and communication with respect to the imple-
7 mentation of Next Generation 9–1–1;

8 “(B) develop, collect, and disseminate in-
9 formation concerning the practices, procedures,
10 and technology used in the implementation of
11 Next Generation 9–1–1;

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

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

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

21 “(F) oversee the use of funds provided by
22 such grants in fulfilling such implementation
23 plans.

24 “(2) ANNUAL REPORTS.—Not later than Octo-
25 ber 1, 2023, and each year thereafter until funds

1 made available to make grants under subsection (c)
2 are no longer available to be expended, the Assistant
3 Secretary shall submit to Congress a report on the
4 activities conducted by the Assistant Secretary under
5 paragraph (1) in the year preceding the submission
6 of the report.

7 “(b) ADDITIONAL DUTIES.—

8 “(1) MANAGEMENT PLAN.—

9 “(A) DEVELOPMENT.—The Assistant Sec-
10 retary shall develop a management plan for the
11 grant program established under this section,
12 including by developing—

13 “(i) plans related to the organiza-
14 tional structure of such program; and

15 “(ii) funding profiles for each fiscal
16 year of the duration of such program.

17 “(B) SUBMISSION TO CONGRESS.—Not
18 later than 180 days after the date of the enact-
19 ment of this section, the Assistant Secretary
20 shall—

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

23 “(I) the Committees on Com-
24 merce, Science, and Transportation
25 and Appropriations of the Senate; and

1 “(II) the Committees on Energy
2 and Commerce and Appropriations of
3 the House of Representatives; and

4 “(ii) publish the management plan de-
5 veloped under subparagraph (A) on the
6 website of the National Telecommuni-
7 cations and Information Administration.

8 “(2) MODIFICATION OF PLAN.—

9 “(A) MODIFICATION.—The Assistant Sec-
10 retary may modify the management plan devel-
11 oped under paragraph (1)(A).

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

15 “(i) submit the modified plan to—

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

19 “(II) the Committees on Energy
20 and Commerce and Appropriations of
21 the House of Representatives; and

22 “(ii) publish the modified plan on the
23 website of the National Telecommuni-
24 cations and Information Administration.

1 “(c) NEXT GENERATION 9–1–1 IMPLEMENTATION
2 GRANTS.—

3 “(1) GRANTS.—The Assistant Secretary shall
4 provide grants to eligible entities for—

5 “(A) implementing Next Generation 9–1–
6 1;

7 “(B) maintaining Next Generation 9–1–1;

8 “(C) training directly related to imple-
9 menting, maintaining, and operating Next Gen-
10 eration 9–1–1 if the cost related to the training
11 does not exceed 3 percent of the total grant
12 award;

13 “(D) public outreach and education on how
14 the public can best use Next Generation 9–1–
15 1 and the capabilities and usefulness of Next
16 Generation 9–1–1;

17 “(E) administrative costs associated with
18 planning of Next Generation 9–1–1, including
19 any cost related to planning for and preparing
20 an application and related materials as required
21 by this subsection, if—

22 “(i) the cost is fully documented in
23 materials submitted to the Assistant Sec-
24 retary; and

1 “(ii) the cost is reasonable, necessary,
2 and does not exceed 1 percent of the total
3 grant award; and

4 “(F) costs associated with implementing
5 cybersecurity measures at emergency commu-
6 nications centers or with respect to Next Gen-
7 eration 9–1–1.

8 “(2) APPLICATION.—In providing grants under
9 paragraph (1), the Assistant Secretary shall require
10 an eligible entity to submit to the Assistant Sec-
11 retary an application, at the time and in the manner
12 determined by the Assistant Secretary, and con-
13 taining the certification required by paragraph (3).

14 “(3) COORDINATION REQUIRED.—Each eligible
15 entity shall include in the application required by
16 paragraph (2) a certification that—

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

19 “(i) has coordinated the application
20 with the emergency communications cen-
21 ters located within the jurisdiction of the
22 entity;

23 “(ii) has designated a single officer or
24 governmental body to serve as the State
25 point of contact to coordinate the imple-

1 mentation of Next Generation 9–1–1 for
2 that State, except that such designation
3 need not vest such officer or governmental
4 body with direct legal authority to imple-
5 ment Next Generation 9–1–1 or to manage
6 emergency communications operations; and

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

10 “(I) ensures interoperability by
11 requiring the use of commonly accept-
12 ed standards;

13 “(II) ensures reliability;

14 “(III) enables emergency commu-
15 nications centers to process, analyze,
16 and store multimedia, data, and other
17 information;

18 “(IV) incorporates cybersecurity
19 tools, including intrusion detection
20 and prevention measures;

21 “(V) includes strategies for co-
22 ordinating cybersecurity information
23 sharing between Federal, State, Trib-
24 al, and local government partners;

1 “(VI) uses open and competitive
2 request for proposal processes, includ-
3 ing through shared government pro-
4 curement vehicles, for deployment of
5 Next Generation 9–1–1;

6 “(VII) documents how input was
7 received and accounted for from rel-
8 evant rural and urban emergency
9 communications centers, regional au-
10 thorities, local authorities, and Tribal
11 authorities;

12 “(VIII) includes a governance
13 body or bodies, either by creation of
14 new, or use of existing, body or bod-
15 ies, for the development and deploy-
16 ment of Next Generation 9–1–1
17 that—

18 “(aa) ensures full notice and
19 opportunity for participation by
20 relevant stakeholders; and

21 “(bb) consults and coordi-
22 nates with the State point of con-
23 tact required by clause (ii);

24 “(IX) creates efficiencies related
25 to Next Generation 9–1–1 functions,

1 including cybersecurity and the
2 virtualization and sharing of infra-
3 structure, equipment, and services;
4 and

5 “(X) utilizes an effective, com-
6 petitive approach to establishing au-
7 thentication, credentialing, secure con-
8 nections, and access in deploying Next
9 Generation 9–1–1, including by—

10 “(aa) requiring certificate
11 authorities to be capable of cross-
12 certification with other authori-
13 ties;

14 “(bb) avoiding risk of a sin-
15 gle point of failure or vulner-
16 ability; and

17 “(cc) adhering to Federal
18 agency best practices such as
19 those promulgated by the Na-
20 tional Institute of Standards and
21 Technology; and

22 “(B) in the case of an eligible entity that
23 is a Tribal Organization, the Tribal Organiza-
24 tion has complied with clauses (i) and (iii) of
25 subparagraph (A).

1 “(4) CRITERIA.—

2 “(A) IN GENERAL.—Not later than 1 year
3 after the date of the enactment of this section,
4 the Assistant Secretary shall issue regulations,
5 after providing the public with notice and an
6 opportunity to comment, prescribing the criteria
7 for selecting eligible entities for grants under
8 this subsection.

9 “(B) REQUIREMENTS.—The criteria
10 shall—

11 “(i) include performance requirements
12 and a schedule for completion of any
13 project to be financed by a grant under
14 this subsection; and

15 “(ii) specifically permit regional or
16 multi-State applications for funds.

17 “(C) UPDATES.—The Assistant Secretary
18 shall update such regulations as necessary.

19 “(5) GRANT CERTIFICATIONS.—Each eligible
20 entity shall certify to the Assistant Secretary at the
21 time of application for a grant under this subsection,
22 and each eligible entity that receives such a grant
23 shall certify to the Assistant Secretary annually
24 thereafter during any period of time the funds from
25 the grant are available to the eligible entity, that—

1 “(A) beginning on the date that is 180
2 days before the date on which the application is
3 filed, no portion of any 9–1–1 fee or charge im-
4 posed by the eligible entity (or in the case that
5 the eligible entity is not a State or Tribal orga-
6 nization, any State or taxing jurisdiction within
7 which the eligible entity will carry out, or is
8 carrying out, activities using grant funds) are
9 obligated or expended for a purpose or function
10 not designated under the rules issued pursuant
11 to section 6(f)(3) of the Wireless Communica-
12 tions and Public Safety Act of 1999 (47 U.S.C.
13 615a–1(f)(3)) (as such rules are in effect on the
14 date on which the eligible entity makes the cer-
15 tification) as acceptable;

16 “(B) any funds received by the eligible en-
17 tity will be used, consistent with paragraph (1),
18 to support the deployment of Next Generation
19 9–1–1 that ensures reliability and interoper-
20 ability, by requiring the use of commonly ac-
21 cepted standards;

22 “(C) the eligible entity (or in the case that
23 the eligible entity is not a State or Tribal orga-
24 nization, any State or taxing jurisdiction within
25 which the eligible entity will carry out or is car-

1 rying out activities using grant funds) has es-
2 tablished, or has committed to establish not
3 later than 3 years following the date on which
4 the grant funds are distributed to the eligible
5 entity—

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

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

10 “(D) the eligible entity will promote inter-
11 operability between emergency communications
12 centers deploying Next Generation 9–1–1 and
13 emergency response providers, including users
14 of the nationwide public safety broadband net-
15 work;

16 “(E) the eligible entity has or will take
17 steps to coordinate with adjoining States and
18 Tribes to establish and maintain Next Genera-
19 tion 9–1–1; and

20 “(F) the eligible entity has developed a
21 plan for public outreach and education on how
22 the public can best use Next Generation 9–1–
23 1 and on the capabilities and usefulness of Next
24 Generation 9–1–1.

1 “(6) CONDITION OF GRANT.—Each eligible en-
2 tity shall agree, as a condition of receipt of a grant
3 under this subsection, that if any State or taxing ju-
4 risdiction within which the eligible entity will carry
5 out activities using grant funds fails to comply with
6 a certification required under paragraph (5), during
7 any period of time during which the funds from the
8 grant are available to the eligible entity, all of the
9 funds from such grant shall be returned to the As-
10 sistant Secretary.

11 “(7) PENALTY FOR PROVIDING FALSE INFOR-
12 MATION.—Any eligible entity that provides a certifi-
13 cation under paragraph (5) knowing that the infor-
14 mation provided in the certification was false shall—

15 “(A) not be eligible to receive the grant
16 under this subsection;

17 “(B) return any grant awarded under this
18 subsection; and

19 “(C) not be eligible to receive any subse-
20 quent grants under this subsection.

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

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

1 “(B) to make any payments to a person
2 who has been, for reasons of national security,
3 prohibited by any entity of the Federal Govern-
4 ment from bidding on a contract, participating
5 in an auction, or receiving a grant.

6 “(d) DEFINITIONS.—In this section and sections 160
7 and 161:

8 “(1) 9–1–1 FEE OR CHARGE.—The term ‘9–1–
9 1 fee or charge’ has the meaning given such term in
10 section 6(f)(3)(D) of the Wireless Communications
11 and Public Safety Act of 1999 (47 U.S.C. 615a–
12 1(f)(3)(D)).

13 “(2) 9–1–1 REQUEST FOR EMERGENCY ASSIST-
14 ANCE.—The term ‘9–1–1 request for emergency as-
15 sistance’ means a communication, such as voice,
16 text, picture, multimedia, or any other type of data
17 that is sent to an emergency communications center
18 for the purpose of requesting emergency assistance.

19 “(3) COMMONLY ACCEPTED STANDARDS.—The
20 term ‘commonly accepted standards’ means the tech-
21 nical standards followed by the communications in-
22 dustry for network, device, and Internet Protocol
23 connectivity that—

24 “(A) enable interoperability; and

25 “(B) are—

1 “(i) developed and approved by a
2 standards development organization that is
3 accredited by an American standards body
4 (such as the American National Standards
5 Institute) or an equivalent international
6 standards body in a process—

7 “(I) that is open to the public,
8 including open for participation by
9 any person; and

10 “(II) provides for a conflict reso-
11 lution process;

12 “(ii) subject to an open comment and
13 input process before being finalized by the
14 standards development organization;

15 “(iii) consensus-based; and

16 “(iv) made publicly available once ap-
17 proved.

18 “(4) COST RELATED TO THE TRAINING.—The
19 term ‘cost related to the training’ means—

20 “(A) actual wages incurred for travel and
21 attendance, including any necessary overtime
22 pay and backfill wage;

23 “(B) travel expenses;

24 “(C) instructor expenses; or

25 “(D) facility costs and training materials.

1 “(5) ELIGIBLE ENTITY.—The term ‘eligible en-
2 tity’—

3 “(A) means—

4 “(i) a State or a Tribal organization
5 (as defined in section 4(l) of the Indian
6 Self-Determination and Education Assist-
7 ance Act (25 U.S.C. 5304(l))); or

8 “(ii) an entity, including a public au-
9 thority, board, or commission, established
10 by one or more entities described in clause
11 (i); and

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

15 “(6) EMERGENCY COMMUNICATIONS CENTER.—

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

18 “(i) a facility that—

19 “(I) is designated to receive a 9-
20 1-1 request for emergency assistance;
21 and

22 “(II) performs one or more of the
23 functions described in subparagraph
24 (B); or

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

4 “(B) FUNCTIONS DESCRIBED.—The func-
5 tions described in this subparagraph are the fol-
6 lowing:

7 “(i) Processing and analyzing 9–1–1
8 requests for emergency assistance and in-
9 formation and data related to such re-
10 quests.

11 “(ii) Dispatching appropriate emer-
12 gency response providers.

13 “(iii) Transferring or exchanging 9–
14 1–1 requests for emergency assistance and
15 information and data related to such re-
16 quests with one or more other emergency
17 communications centers and emergency re-
18 sponse providers.

19 “(iv) Analyzing any communications
20 received from emergency response pro-
21 viders.

22 “(v) Supporting incident command
23 functions.

24 “(7) EMERGENCY RESPONSE PROVIDER.—The
25 term ‘emergency response provider’ has the meaning

1 given that term under section 2 of the Homeland Se-
2 curity Act of 2002 (6 U.S.C. 101).

3 “(8) FIRST RESPONDER NETWORK AUTHOR-
4 ITY.—The term ‘First Responder Network Author-
5 ity’ means the authority established under 6204 of
6 the Middle Class Tax Relief and Job Creation Act
7 of 2012 (47 U.S.C. 1424).

8 “(9) INTEROPERABILITY.—The term ‘interoper-
9 ability’ means the capability of emergency commu-
10 nications centers to receive 9–1–1 requests for emer-
11 gency assistance and information and data related to
12 such requests, such as location information and call-
13 back numbers from a person initiating the request,
14 then process and share the 9–1–1 requests for emer-
15 gency assistance and information and data related to
16 such requests with other emergency communications
17 centers and emergency response providers without
18 the need for proprietary interfaces and regardless of
19 jurisdiction, equipment, device, software, service pro-
20 vider, or other relevant factors.

21 “(10) NATIONWIDE PUBLIC SAFETY
22 BROADBAND NETWORK.—The term ‘nationwide pub-
23 lic safety broadband network’ has the meaning given
24 the term in section 6001 of the Middle Class Tax

1 Relief and Job Creation Act of 2012 (47 U.S.C.
2 1401).

3 “(11) NEXT GENERATION 9–1–1.—The term
4 ‘Next Generation 9–1–1’ means an Internet Pro-
5 tocol-based system that—

6 “(A) ensures interoperability;

7 “(B) is secure;

8 “(C) employs commonly accepted stand-
9 ards;

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

13 “(E) acquires and integrates additional in-
14 formation useful to handling 9–1–1 requests for
15 emergency assistance; and

16 “(F) supports sharing information related
17 to 9–1–1 requests for emergency assistance
18 among emergency communications centers and
19 emergency response providers.

20 “(12) RELIABILITY.—The term ‘reliability’
21 means the employment of sufficient measures to en-
22 sure the ongoing operation of Next Generation 9–1–
23 1 including through the use of geo-diverse, device-
24 and network-agnostic elements that provide more
25 than one route between end points with no common

1 points where a single failure at that point would
2 cause all to fail.

3 “(13) STATE.—The term ‘State’ means any
4 State of the United States, the District of Columbia,
5 Puerto Rico, American Samoa, Guam, the United
6 States Virgin Islands, the Northern Mariana Is-
7 lands, and any other territory or possession of the
8 United States.

9 “(14) SUSTAINABLE FUNDING MECHANISM.—
10 The term ‘sustainable funding mechanism’ means a
11 funding mechanism that provides adequate revenues
12 to cover ongoing expenses, including operations,
13 maintenance, and upgrades.

14 **“SEC. 160. ESTABLISHMENT OF NATIONWIDE NEXT GEN-**
15 **ERATION 9–1–1 CYBERSECURITY CENTER.**

16 “The Assistant Secretary shall establish a Next Gen-
17 eration 9–1–1 Cybersecurity Center to coordinate with
18 State, local, and regional governments on the sharing of
19 cybersecurity information about, the analysis of cybersecu-
20 rity threats to, and guidelines for strategies to detect and
21 prevent cybersecurity intrusions relating to Next Genera-
22 tion 9–1–1.

23 **“SEC. 161. NEXT GENERATION 9–1–1 ADVISORY BOARD.**

24 “(a) NEXT GENERATION 9–1–1 ADVISORY BOARD.—

1 “(1) ESTABLISHMENT.—The Assistant Sec-
2 retary shall establish a ‘Public Safety Next Genera-
3 tion 9–1–1 Advisory Board’ (in this section referred
4 to as the ‘Board’) to provide recommendations to
5 the Assistant Secretary—

6 “(A) with respect to carrying out the du-
7 ties and responsibilities of the Assistant Sec-
8 retary in issuing the regulations required under
9 section 159(c);

10 “(B) as required by paragraph (7); and

11 “(C) upon request under paragraph (8).

12 “(2) MEMBERSHIP.—

13 “(A) VOTING MEMBERS.—Not later than
14 150 days after the date of the enactment of this
15 section, the Assistant Secretary shall appoint
16 16 public safety members to the Board, of
17 which—

18 “(i) 4 members shall represent local
19 law enforcement officials;

20 “(ii) 4 members shall represent fire
21 and rescue officials;

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

24 “(iv) 4 members shall represent 9–1–
25 1 professionals.

1 “(B) DIVERSITY OF MEMBERSHIP.—Mem-
2 bers shall be representatives of State or Tribes
3 and local governments, chosen to reflect geo-
4 graphic and population density differences as
5 well as public safety organizations at the na-
6 tional level across the United States.

7 “(C) EXPERTISE.—All members shall have
8 specific expertise necessary for developing tech-
9 nical requirements under this section, such as
10 technical expertise, and expertise related to
11 public safety communications and 9–1–1 serv-
12 ices.

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

22 “(3) PERIOD OF APPOINTMENT.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), members of the Board shall
25 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 Assistant Secretary.

4 “(4) VACANCIES.—Any vacancy in the Board
5 shall be filled in the same manner as the original ap-
6 pointment.

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 voting members of the
12 Board.

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

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

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

23 “(C) creating efficiencies related to Next
24 Generation 9–1–1, including cybersecurity and

1 the virtualization and sharing of core infra-
2 structure;

3 “(D) enabling effective coordination among
4 State, local, Tribal, and territorial government
5 entities to ensure that the needs of emergency
6 communications centers in both rural and
7 urban areas are taken into account in each im-
8 plementation plan required under section
9 159(c)(3)(A)(iii); and

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

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

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

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

1 (b) PRESERVATION OF CERTAIN DEFINITIONS.—Sec-
2 tion 158(d)(2) of the National Telecommunications and
3 Information Administration Organization Act (47 U.S.C.
4 942(d)(2)) is amended by striking “section” each place it
5 appears and inserting “section (except for subsection
6 (e))”.

7 TITLE IV—INCUMBENT 8 INFORMING CAPABILITY

9 SEC. 401. INCUMBENT INFORMING CAPABILITY.

10 Part B of the National Telecommunications and In-
11 formation Administration Organization Act (47 U.S.C.
12 921 et seq.) is amended by adding at the end the fol-
13 lowing:

14 “SEC. 120. INCUMBENT INFORMING CAPABILITY.

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

16 “(1) not later than 120 days after the date of
17 the enactment of this section, begin to amend the
18 Department of Commerce spectrum management
19 document entitled ‘Manual of Regulations and Pro-
20 cedures for Federal Radio Frequency Management’
21 so as to incorporate an incumbent informing capa-
22 bility; and

23 “(2) not later than the date on which the total
24 amount of funds required to be made available from
25 the Public Safety and Secure Networks Fund under

1 section 601(c)(3) of the Spectrum Innovation Act of
2 2022 is so made available, begin to implement such
3 capability, including the development and testing of
4 such capability.

5 “(b) ESTABLISHMENT OF THE INCUMBENT INFORM-
6 ING CAPABILITY.—

7 “(1) IN GENERAL.—The incumbent informing
8 capability required by subsection (a) shall include a
9 system to enable sharing, including time-based shar-
10 ing and coordination, to securely manage harmful
11 interference between non-Federal users and incum-
12 bent Federal entities sharing a band of covered spec-
13 trum and between Federal entities sharing a band of
14 covered spectrum.

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

18 “(A) One or more mechanisms to allow
19 non-Federal use in covered spectrum, as au-
20 thorized by the rules of the Commission. Such
21 mechanism or mechanisms shall include inter-
22 faces to commercial sharing systems, as appro-
23 priate.

1 “(B) One or more mechanisms to facilitate
2 Federal-to-Federal sharing, as authorized by
3 the NTIA.

4 “(C) One or more mechanisms to prevent,
5 eliminate, or mitigate harmful interference to
6 incumbent Federal entities, including one or
7 more of the following functions:

8 “(i) Sensing.

9 “(ii) Identification.

10 “(iii) Reporting.

11 “(iv) Analysis.

12 “(v) Resolution.

13 “(D) Dynamic coordination area analysis,
14 definition, and control, if appropriate for a
15 band.

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

21 “(4) INPUT OF INFORMATION.—Each incum-
22 bent Federal entity sharing a band of covered spec-
23 trum shall—

24 “(A) input into the system required by
25 paragraph (1) such information as the Assist-

1 ant Secretary may require, including the fre-
2 quency, time, and location of the use of the
3 band by such Federal entity; and

4 “(B) to the extent practicable, input such
5 information into such system on an automated
6 basis.

7 “(5) PROTECTION OF CLASSIFIED INFORMA-
8 TION AND CONTROLLED UNCLASSIFIED INFORMA-
9 TION.—The system required by paragraph (1) shall
10 contain appropriate measures to protect classified
11 information and controlled unclassified information,
12 including any such classified information or con-
13 trolled unclassified information that relates to mili-
14 tary operations.

15 “(c) BRIEFING.—Not later than 1 year after the date
16 on which the total amount of funds required to be made
17 available from the Public Safety and Secure Networks
18 Fund under section 601(c)(3) of the Spectrum Innovation
19 Act of 2022 is so made available, the Assistant Secretary
20 shall provide a briefing on the implementation of this sec-
21 tion to the Committee on Energy and Commerce of the
22 House of Representatives and the Committee on Com-
23 merce, Science, and Transportation of the Senate.

24 “(d) DEFINITIONS.—In this section:

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

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

11 “(B) electromagnetic spectrum allocated
12 on a primary or co-primary basis for Federal
13 use that is shared among Federal entities.

14 “(2) FEDERAL ENTITY.—The term ‘Federal en-
15 tity’ has the meaning given such term in section
16 113(l).

17 “(3) INCUMBENT INFORMING CAPABILITY.—
18 The term ‘incumbent informing capability’ means a
19 capability to facilitate the sharing of covered spec-
20 trum.

21 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to alter or expand the authority
23 of the NTIA as described in section 113(j)(1).”.

1 **TITLE V—EXTENSION OF FCC**
2 **AUCTION AUTHORITY**

3 **SEC. 501. EXTENSION OF FCC AUCTION AUTHORITY.**

4 (a) IN GENERAL.—Section 309(j)(11) of the Commu-
5 nications Act of 1934 (47 U.S.C. 309(j)(11)) is amended
6 by striking “September 30, 2022” and inserting “March
7 31, 2024”.

8 (b) DEPOSIT OF PROCEEDS.—

9 (1) IN GENERAL.—Notwithstanding subpara-
10 graphs (A), (C)(i), (D), and (G)(iii) of section
11 309(j)(8) of the Communications Act of 1934 (47
12 U.S.C. 309(j)(8)) and except as provided in sub-
13 paragraph (B) of such section, the proceeds (includ-
14 ing deposits and upfront payments from successful
15 bidders) of any system of competitive bidding de-
16 scribed in paragraph (2) (in this paragraph referred
17 to as the “covered proceeds”) shall be deposited as
18 follows:

19 (A) In the case of covered proceeds attrib-
20 utable to eligible frequencies described in sub-
21 section (g)(2) of section 113 of the National
22 Telecommunications and Information Adminis-
23 tration Organization Act (47 U.S.C. 923), such
24 amount of such proceeds as is necessary to
25 cover the relocation or sharing costs (as defined

1 in subsection (g)(3) of such section) of Federal
2 entities (as defined in subsection (l) of such sec-
3 tion) relocated from or sharing such eligible fre-
4 quencies shall be deposited in the Spectrum Re-
5 location Fund established under section 118 of
6 such Act (47 U.S.C. 928). Any remainder of
7 such proceeds shall be deposited in the Public
8 Safety and Secure Networks Fund established
9 by section 601 of this Act.

10 (B) In the case of covered proceeds attrib-
11 utable to spectrum usage rights made available
12 through an incentive auction under subpara-
13 graph (G) of section 309(j)(8) of the Commu-
14 nications Act of 1934 (47 U.S.C. 309(j)(8)),
15 such amount of such proceeds as the Federal
16 Communications Commission has agreed to
17 share with licensees under such subparagraph
18 shall be shared with such licensees. Any remain-
19 der of such proceeds shall be deposited in the
20 Public Safety and Secure Networks Fund es-
21 tablished by section 601 of this Act.

22 (C) Any other covered proceeds shall be
23 deposited in the Public Safety and Secure Net-
24 works Fund established by section 601 of this
25 Act.

1 (2) SYSTEM OF COMPETITIVE BIDDING DE-
2 DESCRIBED.—A system of competitive bidding de-
3 scribed in this paragraph is any system of competi-
4 tive bidding under section 309(j) of the Communica-
5 tions Act of 1934 (47 U.S.C. 309(j)) that is con-
6 cluded during the period beginning on July 1, 2022,
7 and ending on March 31, 2024, except for the sys-
8 tem of competitive bidding required by section
9 101(b)(3)(A) of this Act.

10 **TITLE VI—PUBLIC SAFETY AND**
11 **SECURE NETWORKS FUND**

12 **SEC. 601. PUBLIC SAFETY AND SECURE NETWORKS FUND.**

13 (a) ESTABLISHMENT.—There is established in the
14 Treasury of the United States a fund to be known as the
15 “Public Safety and Secure Networks Fund” (in this sec-
16 tion referred to as the “Fund”).

17 (b) ACCOUNTING FOR FEDERAL BUDGET BASE-
18 LINE.—

19 (1) PROCEEDS OF AUCTION OF 2496–2690 MHZ
20 BAND.—In the case of the proceeds of any system of
21 competitive bidding under section 309(j) of the Com-
22 munications Act of 1934 (47 U.S.C. 309(j)) with re-
23 spect to the frequencies between 2496 megahertz
24 and 2690 megahertz, inclusive, that are deposited in
25 the Fund as required by section 501(b) of this Act,

1 the first \$1,800,000,000 of such proceeds shall be
2 deposited in the general fund of the Treasury, where
3 such amounts shall be dedicated for the sole purpose
4 of deficit reduction. The remainder of such proceeds
5 shall be available or deposited under subsection (c).

6 (2) PROCEEDS OF REQUIRED AUCTION OF 3.1–
7 3.45 GHZ BAND.—In the case of the proceeds of the
8 system of competitive bidding required by subpara-
9 graph (A) of section 101(b)(3) that are deposited in
10 the Fund as required by subparagraph (D) of such
11 section, the first \$17,300,000,000 of such proceeds
12 shall be deposited in the general fund of the Treas-
13 ury, where such amounts shall be dedicated for the
14 sole purpose of deficit reduction. The remainder of
15 such proceeds shall be available or deposited under
16 subsection (c).

17 (c) USE OF FUNDS.—Except as provided in sub-
18 section (b), as amounts are deposited in the Fund, such
19 amounts shall be available or deposited as follows:

20 (1) \$3,080,000,000 shall be available to the
21 Federal Communications Commission until expended
22 to carry out the program established under section
23 4 of the Secure and Trusted Communications Net-
24 works Act of 2019 (47 U.S.C. 1603).

1 (2) After the amount required to be made avail-
2 able by paragraph (1) is so made available,
3 \$10,000,000,000 shall be available to the Assistant
4 Secretary of Commerce for Communications and In-
5 formation until expended to carry out sections 159,
6 160, and 161 of the National Telecommunications
7 and Information Administration Organization Act,
8 as added by section 301(a) of this Act, except that
9 not more than 4 percent of the amount made avail-
10 able by this paragraph may be used for administra-
11 tive purposes (including carrying out such sections
12 160 and 161).

13 (3) After the amount required to be made avail-
14 able by paragraph (2) is so made available,
15 \$117,400,000 shall be available to the Assistant Sec-
16 retary of Commerce for Communications and Infor-
17 mation until expended to carry out section 120 of
18 the National Telecommunications and Information
19 Administration Organization Act, as added by sec-
20 tion 401 of this Act.

21 (4) After the amount required to be made avail-
22 able by paragraph (3) is so made available, any re-
23 maining amounts deposited in the Fund shall be de-
24 posited in the general fund of the Treasury, where

1 such amounts shall be dedicated for the sole purpose
2 of deficit reduction.

3 **TITLE VII—DETERMINATION OF**
4 **BUDGETARY EFFECTS**

5 **SEC. 701. DETERMINATION OF BUDGETARY EFFECTS.**

6 The budgetary effects of this Act, for the purpose of
7 complying with the Statutory Pay-As-You-Go Act of 2010,
8 shall be determined by reference to the latest statement
9 titled “Budgetary Effects of PAYGO Legislation” for this
10 Act, submitted for printing in the Congressional Record
11 by the Chairman of the House Budget Committee, pro-
12 vided that such statement has been submitted prior to the
13 vote on passage.

Passed the House of Representatives July 27, 2022.

Attest: CHERYL L. JOHNSON,
Clerk.