

Union Calendar No. 335

117TH CONGRESS
2D SESSION

H. R. 7624

[Report No. 117-429]

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2022

Mr. MICHAEL F. DOYLE of Pennsylvania (for himself, Mr. LATTA, Ms. MATSUI, Mr. BILIRAKIS, Ms. ESHOO, Mr. CARTER of Georgia, Mr. O'HALLERAN, Mr. DUNCAN, Ms. SCHRIER, Mr. UPTON, Mr. McEACHIN, Mr. HUDSON, Mr. WELCH, Mr. GUTHRIE, Ms. SCHAKOWSKY, Mr. LONG, Ms. DEGETTE, Mr. KINZINGER, Ms. KUSTER, Mr. WALBERG, and Mr. MCNERNEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

JULY 22, 2022

Additional sponsors: Mr. PENCE, Mr. JOYCE of Pennsylvania, Mr. RUSH, Mr. VEASEY, Ms. CLARKE of New York, Mr. TONKO, Mr. BALDERSON, and Mr. CLEAVER

JULY 22, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 28, 2022]

A BILL

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,*

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

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

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *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.

Sec. 302. Transfer to NTIA of sole responsibility for certain 9–1–1 implementa-
tion coordination functions.

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.

8 **TITLE I—SPECTRUM AUCTIONS**
 9 **AND INNOVATION**

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

11 (a) *DEFINITIONS.*—*In this section:*

12 (1) *ASSISTANT SECRETARY.*—*The term “Assist-*
 13 *ant Secretary” means the Assistant Secretary of Com-*
 14 *merce for Communications and Information.*

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

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

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

10 (5) *RELEVANT CONGRESSIONAL COMMITTEES.*—
11 *The term “relevant congressional committees”*
12 *means—*

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

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

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

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

21 (6) *RELOCATION OR SHARING COSTS.*—*The term*
22 *“relocation or sharing costs” has the meaning given*
23 *such term in section 113(g)(3) of the National Tele-*
24 *communications and Information Administration Or-*
25 *ganization Act (47 U.S.C. 923(g)(3)).*

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

(b) *3.1–3.45 GHz BAND*.—

(1) *PIPELINE FUNDING*.—

(A) *IN GENERAL*.—Federal entities with operations in the covered band that the Assistant Secretary determines might be affected by reallocation of the covered band may request funding to carry out activities as described under subparagraph (A) of subsection (g)(2) of section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) in order to make available the entire covered band for non-Federal use, shared Federal and non-Federal use, or a combination thereof, including by making available—

(i) frequencies in the covered band for identification by the Secretary under paragraph (2)(A); and

(ii) frequencies in the covered band for identification by the Secretary under paragraph (2)(B).

(B) *PLAN*.—Federal entities with operations in the covered band that the Assistant Secretary determines might be affected by reallocation of

1 *the covered band shall submit a plan in accord-*
2 *ance with subparagraph (E) of subsection (g)(2)*
3 *of section 118 of the National Telecommuni-*
4 *cations and Information Administration Organi-*
5 *zation Act (47 U.S.C. 928) to request funding.*

6 (C) *EXEMPTION.—Section 118(g)(2)(D)(ii)*
7 *of the National Telecommunications and Infor-*
8 *mation Administration Organization Act (47*
9 *U.S.C. 928(g)(2)(D)(ii)) shall not apply with re-*
10 *spect to the payment required under subpara-*
11 *graph (A).*

12 (D) *OVERSIGHT.—The Assistant Secretary*
13 *and the Executive Office of the President shall*
14 *continuously review and provide oversight of the*
15 *activities carried out using a payment under*
16 *subparagraph (A) and a payment pursuant to*
17 *section 90008 of the Infrastructure Investment*
18 *and Jobs Act (Public Law 117–58; 135 Stat.*
19 *1348; 47 U.S.C. 921 note).*

20 (E) *REPORT TO SECRETARY OF COMMERCE*
21 *AND CONGRESS.—Not later than 15 months after*
22 *the date of enactment of this Act, for the pur-*
23 *poses of aiding the Secretary in making the*
24 *identification under paragraph (2) and informed*
25 *by the activities carried out using a payment*

1 under subparagraph (A) or a payment pursuant
2 to section 90008 of the Infrastructure Investment
3 and Jobs Act (Public Law 117–58; 135 Stat.
4 1348; 47 U.S.C. 921 note), any Federal entity
5 receiving such a payment, in consultation with
6 the Assistant Secretary and the Executive Office
7 of the President, shall submit to the Secretary
8 and the relevant congressional committees a re-
9 port that—

10 (i) contains the findings of the activi-
11 ties carried out using such payment; and

12 (ii) recommends—

13 (I) frequencies in the covered band
14 for identification by the Secretary
15 under paragraph (2)(A); and

16 (II) frequencies in the covered
17 band for identification by the Sec-
18 retary under paragraph (2)(B).

19 (2) IDENTIFICATION.—Not later than 21 months
20 after the date of enactment of this Act, informed by
21 the activities carried out using a payment under
22 paragraph (1)(A) and the report required under
23 paragraph (1)(E), the Secretary, in consultation with
24 the Secretary of Defense, the Director of the Office of
25 Science and Technology Policy, and the Commission,

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

3 *(A) identifies for inclusion in a system of*
4 *competitive bidding under paragraph (3) at least*
5 *200 megahertz of frequencies in the covered band*
6 *for non-Federal use, shared Federal and non-*
7 *Federal use, or a combination thereof; and*

8 *(B) identifies additional frequencies in the*
9 *covered band that could be made available for*
10 *non-Federal use, shared Federal and non-Federal*
11 *use, or a combination thereof.*

12 *(3) AUCTION.—*

13 *(A) IN GENERAL.—Not later than 7 years*
14 *after the date of enactment of this Act, the Com-*
15 *mission, in coordination with the Assistant Sec-*
16 *retary, shall commence a system of competitive*
17 *bidding under section 309(j) of the Communica-*
18 *tions Act of 1934 (47 U.S.C. 309(j)), in accord-*
19 *ance with paragraph (2) of this subsection, of the*
20 *frequencies identified under subparagraph (A) of*
21 *that paragraph.*

22 *(B) PROHIBITION.—No entity that is on the*
23 *list required by section 2 of the Secure and*
24 *Trusted Communications Networks Act of 2019*
25 *(47 U.S.C. 1601) may participate in the system*

1 *of competitive bidding required by subparagraph*
2 *(A).*

3 *(C) SCOPE.—The Commission may not in-*
4 *clude in the system of competitive bidding re-*
5 *quired by subparagraph (A) any frequencies that*
6 *are not in the covered band.*

7 *(D) DEPOSIT OF PROCEEDS.—Notwith-*
8 *standing subparagraphs (A), (C)(i), and (D) of*
9 *section 309(j)(8) of the Communications Act of*
10 *1934 (47 U.S.C. 309(j)(8)) and except as pro-*
11 *vided in subparagraph (B) of such section, the*
12 *proceeds (including deposits and upfront pay-*
13 *ments from successful bidders) of the system of*
14 *competitive bidding required by subparagraph*
15 *(A) of this paragraph (in this subparagraph re-*
16 *ferred to as the “covered proceeds”) shall be de-*
17 *posited or available as follows:*

18 *(i) Such amount of the covered pro-*
19 *ceeds as is necessary to cover the relocation*
20 *or sharing costs of Federal entities relocated*
21 *from or sharing the frequencies identified*
22 *under paragraph (2)(A) of this subsection*
23 *shall be deposited in the Spectrum Reloca-*
24 *tion Fund established under section 118 of*
25 *the National Telecommunications and In-*

1 *formation Administration Organization Act*
2 *(47 U.S.C. 928).*

3 *(ii) After the amount required to be de-*
4 *posited by clause (i) is so deposited, any re-*
5 *mainder of the covered proceeds shall be de-*
6 *posited in the Public Safety and Secure*
7 *Networks Fund established by section 601.*

8 *(4) MODIFICATION OR WITHDRAWAL.—*

9 *(A) IN GENERAL.—The President shall mod-*
10 *ify or withdraw any assignment to a Federal*
11 *Government station of the frequencies identified*
12 *under paragraph (2)(A) to accommodate non-*
13 *Federal use, shared Federal and non-Federal use,*
14 *or a combination thereof in accordance with that*
15 *paragraph.*

16 *(B) LIMITATIONS.—The President may not*
17 *modify or withdraw any assignment to a Fed-*
18 *eral Government station as described in subpara-*
19 *graph (A)—*

20 *(i) unless the President determines that*
21 *such modification or withdrawal will not*
22 *compromise the primary mission of a Fed-*
23 *eral entity operating in the covered band; or*
24 *(ii) before November 30, 2024.*

1 (5) *AUCTION PROCEEDS TO COVER 110 PERCENT*
 2 *OF FEDERAL RELOCATION OR SHARING COSTS.*—*Noth-*
 3 *ing in this subsection shall be construed to relieve the*
 4 *Commission from the requirements under section*
 5 *309(j)(16)(B) of the Communications Act of 1934 (47*
 6 *U.S.C. 309(j)(16)(B)).*

7 (6) *RULES AUTHORIZING ADDITIONAL USE OF*
 8 *SPECTRUM IN COVERED BAND.*—*Not later than 4*
 9 *years after the date of enactment of this Act, the Com-*
 10 *mission, in coordination with the Assistant Secretary,*
 11 *shall adopt rules that authorize the use of spectrum*
 12 *in the covered band identified under paragraph*
 13 *(2)(B) for non-Federal use, shared Federal and non-*
 14 *Federal use, or a combination thereof.*

15 (c) *FCC AUCTION AUTHORITY.*—

16 (1) *TERMINATION.*—*Section 309(j)(11) of the*
 17 *Communications Act of 1934 (47 U.S.C. 309(j)(11))*
 18 *is amended by striking “2025” and all that follows*
 19 *and inserting “2026, and with respect to the electro-*
 20 *magnetic spectrum identified under section*
 21 *101(b)(2)(A) of the Spectrum Innovation Act of 2022,*
 22 *such authority shall expire on the date that is 7 years*
 23 *after the date of enactment of that Act.”.*

24 (2) *SPECTRUM PIPELINE ACT OF 2015.*—*Section*
 25 *1004 of the Spectrum Pipeline Act of 2015 (Public*

1 *Law 114–74; 129 Stat. 621; 47 U.S.C. 921 note) is*
2 *amended—*

3 *(A) in subsection (a), by striking “2022”*
4 *and inserting “2024”;*

5 *(B) in subsection (b)(1), by striking “2022”*
6 *and inserting “2024”; and*

7 *(C) in subsection (c)(1)(B), by striking*
8 *“2024” and inserting “2026”.*

9 *(d) REPEAL.—Section 90008 of the Infrastructure In-*
10 *vestment and Jobs Act (Public Law 117–58; 135 Stat. 1348;*
11 *47 U.S.C. 921 note), and the item relating to such section*
12 *in the table of contents in section 1(b) of such Act, are re-*
13 *pealed.*

14 *(e) RULE OF CONSTRUCTION.—Nothing in this section*
15 *shall be construed to alter or impede the activities pre-*
16 *viously authorized by subsection (b)(1)(A) of section 90008*
17 *of the Infrastructure Investment and Jobs Act (Public Law*
18 *117–58; 135 Stat. 1348; 47 U.S.C. 921 note) so long as such*
19 *efforts are in accordance with subsection (b) of this section.*

1 **TITLE II—SECURE AND TRUSTED**
 2 **COMMUNICATIONS NET-**
 3 **WORKS REIMBURSEMENT**
 4 **PROGRAM**

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

6 *Section 4(k) of the Secure and Trusted Communica-*
 7 *tions Networks Act of 2019 (47 U.S.C. 1603(k)) is amended*
 8 *by striking “\$1,900,000,000” and inserting*
 9 *“\$5,300,000,000”.*

10 **TITLE III—NEXT GENERATION 9–**
 11 **1–1**

12 **SEC. 301. FURTHER DEPLOYMENT AND COORDINATION OF**
 13 **NEXT GENERATION 9–1–1.**

14 *(a) ADDITIONAL DUTIES OF THE 9–1–1 IMPLEMENTA-*
 15 *TION COORDINATION OFFICE WITH RESPECT TO NEXT*
 16 *GENERATION 9–1–1.—Section 158 of the National Tele-*
 17 *communications and Information Administration Organi-*
 18 *zation Act (47 U.S.C. 942) is amended—*

19 *(1) in subsection (a)—*

20 *(A) in paragraph (1)(B), by inserting “and*
 21 *section 159” after “section”; and*

22 *(B) by adding at the end the following:*

23 *“(4) ADDITIONAL DUTIES OF THE OFFICE WITH*
 24 *RESPECT TO NEXT GENERATION 9–1–1.—*

1 “(A) *ADDITIONAL DUTIES.*—*The Office*
2 *shall—*

3 “(i) *take actions, in concert with the*
4 *coordinators designated in accordance with*
5 *section 159(b)(3)(A)(ii), to improve coordi-*
6 *nation and communication with respect to*
7 *the implementation of Next Generation 9–*
8 *1–1;*

9 “(ii) *develop, collect, and disseminate*
10 *information concerning the practices, proce-*
11 *dures, and technology used in the imple-*
12 *mentation of Next Generation 9–1–1;*

13 “(iii) *advise and assist eligible entities*
14 *in the preparation of implementation plans*
15 *required under section 159(b)(2)(A)(iii);*

16 “(iv) *provide technical assistance to el-*
17 *igible entities provided a grant under sec-*
18 *tion 159(b) in support of efforts to explore*
19 *efficiencies related to Next Generation 9–1–*
20 *1;*

21 “(v) *receive, review, and recommend to*
22 *the Assistant Secretary and the Adminis-*
23 *trator the approval or disapproval of appli-*
24 *cations for grants under section 159(b); and*

1 “(vi) oversee the use of funds provided
2 by such grants in fulfilling such implemen-
3 tation plans.

4 “(B) ANNUAL REPORTS.—Not later than
5 October 1, 2023, and each year thereafter until
6 funds made available to make grants under sec-
7 tion 159(b) are no longer available to be ex-
8 pended, the Assistant Secretary and the Admin-
9 istrator shall submit to Congress a report on the
10 activities conducted by the Office under subpara-
11 graph (A) in the year preceding the submission
12 of the report.”; and

13 (2) in subsection (d)(2), by striking “section”
14 each place it appears and inserting “section (except
15 for paragraphs (1) and (4) of subsection (a) and for
16 subsection (e))”.

17 (b) COORDINATION OF NEXT GENERATION 9–1–1 IM-
18 PLEMENTATION.—Part C of the National Telecommuni-
19 cations and Information Administration Organization Act
20 (47 U.S.C. 901 et seq.) is amended by adding at the end
21 the following:

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

24 “(a) ADDITIONAL FUNCTIONS OF 9–1–1 IMPLEMENTA-
25 TION COORDINATION OFFICE.—

1 “(1) *MANAGEMENT PLAN.*—

2 “(A) *DEVELOPMENT.*—*The Assistant Sec-*
3 *retary and the Administrator shall develop a*
4 *management plan for the grant program estab-*
5 *lished under this section, including by devel-*
6 *oping—*

7 “(i) *plans related to the organizational*
8 *structure of such program; and*

9 “(ii) *funding profiles for each fiscal*
10 *year of the duration of such program.*

11 “(B) *SUBMISSION TO CONGRESS.*—*Not later*
12 *than 180 days after the date of the enactment of*
13 *this section, the Assistant Secretary and the Ad-*
14 *ministrator shall—*

15 “(i) *submit the management plan de-*
16 *veloped under subparagraph (A) to—*

17 “(I) *the Committees on Commerce,*
18 *Science, and Transportation and Ap-*
19 *propriations of the Senate; and*

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

23 “(ii) *publish the management plan de-*
24 *veloped under subparagraph (A) on the*

1 *website of the National Telecommunications*
 2 *and Information Administration.*

3 “(2) *MODIFICATION OF PLAN.*—

4 “(A) *MODIFICATION.*—*The Assistant Sec-*
 5 *retary and the Administrator may modify the*
 6 *management plan developed under paragraph*
 7 *(1)(A).*

8 “(B) *SUBMISSION.*—*Not later than 90 days*
 9 *after the plan is modified under subparagraph*
 10 *(A), the Assistant Secretary and the Adminis-*
 11 *trator shall—*

12 “(i) *submit the modified plan to—*

13 “(I) *the Committees on Commerce,*
 14 *Science, and Transportation and Ap-*
 15 *propriations of the Senate; and*

16 “(II) *the Committees on Energy*
 17 *and Commerce and Appropriations of*
 18 *the House of Representatives; and*

19 “(ii) *publish the modified plan on the*
 20 *website of the National Telecommunications*
 21 *and Information Administration.*

22 “(b) *NEXT GENERATION 9–1–1 IMPLEMENTATION*
 23 *GRANTS.*—

1 “(1) *GRANTS.*—*The Assistant Secretary and the*
2 *Administrator, acting through the Office, shall pro-*
3 *vide grants to eligible entities for—*

4 “(A) *implementing Next Generation 9–1–1;*

5 “(B) *maintaining Next Generation 9–1–1;*

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

11 “(D) *public outreach and education on how*
12 *the public can best use Next Generation 9–1–1*
13 *and the capabilities and usefulness of Next Gen-*
14 *eration 9–1–1;*

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

20 “(i) *the cost is fully documented in*
21 *materials submitted to the Office; and*

22 “(ii) *the cost is reasonable, necessary,*
23 *and does not exceed 1 percent of the total*
24 *grant award; and*

1 “(F) costs associated with implementing cy-
2 bersecurity measures at emergency communica-
3 tions centers or with respect to Next Generation
4 9–1–1.

5 “(2) APPLICATION.—In providing grants under
6 paragraph (1), the Assistant Secretary and the Ad-
7 ministrator, acting through the Office, shall require
8 an eligible entity to submit to the Office an applica-
9 tion, at the time and in the manner determined by
10 the Assistant Secretary and the Administrator, and
11 containing the certification required by paragraph
12 (3).

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

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

18 “(i) has coordinated the application
19 with the emergency communications centers
20 located within the jurisdiction of the entity;

21 “(ii) has designated a single officer or
22 governmental body to serve as the State
23 point of contact to coordinate the implemen-
24 tation of Next Generation 9–1–1 for that
25 State, except that such designation need not

1 *vest such officer or governmental body with*
2 *direct legal authority to implement Next*
3 *Generation 9–1–1 or to manage emergency*
4 *communications operations; and*

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

8 *“(I) ensures interoperability by*
9 *requiring the use of commonly accepted*
10 *standards;*

11 *“(II) ensures reliable operations;*

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

16 *“(IV) incorporates cybersecurity*
17 *tools, including intrusion detection and*
18 *prevention measures;*

19 *“(V) includes strategies for coordi-*
20 *nating cybersecurity information shar-*
21 *ing between Federal, State, Tribal, and*
22 *local government partners;*

23 *“(VI) uses open and competitive*
24 *request for proposal processes, includ-*
25 *ing through shared government pro-*

1 *curement vehicles, for deployment of*
2 *Next Generation 9–1–1;*

3 “(VII) documents how input was
4 received and accounted for from rel-
5 evant rural and urban emergency com-
6 munications centers, regional authori-
7 ties, local authorities, and Tribal au-
8 thorities;

9 “(VIII) includes a governance
10 body or bodies, either by creation of
11 new, or use of existing, body or bodies,
12 for the development and deployment of
13 Next Generation 9–1–1 that—

14 “(aa) ensures full notice and
15 opportunity for participation by
16 relevant stakeholders; and

17 “(bb) consults and coordi-
18 nates with the State point of con-
19 tact required by clause (ii);

20 “(IX) creates efficiencies related to
21 Next Generation 9–1–1 functions, in-
22 cluding cybersecurity and the
23 virtualization and sharing of infra-
24 structure, equipment, and services; and

1 “(X) utilizes an effective, competi-
2 tive approach to establishing authen-
3 tication, credentialing, secure connec-
4 tions, and access in deploying Next
5 Generation 9–1–1, including by—

6 “(aa) requiring certificate
7 authorities to be capable of cross-
8 certification with other authori-
9 ties;

10 “(bb) avoiding risk of a sin-
11 gle point of failure or vulner-
12 ability; and

13 “(cc) adhering to Federal
14 agency best practices such as those
15 promulgated by the National In-
16 stitute of Standards and Tech-
17 nology; and

18 “(B) in the case of an eligible entity that is
19 a Tribal Organization, the Tribal Organization
20 has complied with clauses (i) and (iii) of sub-
21 paragraph (A).

22 “(4) CRITERIA.—

23 “(A) IN GENERAL.—Not later than 1 year
24 after the date of the enactment of this section, the
25 Assistant Secretary and the Administrator shall

1 *issue regulations, after providing the public with*
 2 *notice and an opportunity to comment, pre-*
 3 *scribing the criteria for selection for grants*
 4 *under this subsection.*

5 *“(B) REQUIREMENTS.—The criteria shall—*

6 *“(i) include performance requirements*
 7 *and a schedule for completion of any project*
 8 *to be financed by a grant under this sub-*
 9 *section; and*

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

12 *“(C) UPDATES.—The Assistant Secretary*
 13 *and the Administrator shall update such regula-*
 14 *tions as necessary.*

15 *“(5) GRANT CERTIFICATIONS.—Each eligible en-*
 16 *tity shall certify to the Assistant Secretary and the*
 17 *Administrator at the time of application, and each el-*
 18 *igible entity that receives such a grant shall certify to*
 19 *the Assistant Secretary and the Administrator annu-*
 20 *ally thereafter during any period of time the funds*
 21 *from the grant are available to the eligible entity,*
 22 *that—*

23 *“(A) beginning on the date that is 180 days*
 24 *before the date on which the application is filed,*
 25 *no portion of any 9–1–1 fee or charge imposed*

1 *by the eligible entity (or in the case that the eli-*
2 *gible entity is not a State or Tribal organiza-*
3 *tion, any State or taxing jurisdiction within*
4 *which the eligible entity will carry out, or is car-*
5 *rying out, activities using grant funds) are obli-*
6 *gated or expended for a purpose or function not*
7 *designated under the rules issued pursuant to*
8 *section 6(f)(3) of the Wireless Communications*
9 *and Public Safety Act of 1999 (47 U.S.C. 615a–*
10 *1(f)(3)) (as such rules are in effect on the date*
11 *on which the eligible entity makes the certifi-*
12 *cation) as acceptable;*

13 *“(B) any funds received by the eligible enti-*
14 *ty will be used consistent with subsection (b)(1)*
15 *to support the deployment of Next Generation 9–*
16 *1–1 that ensures reliability and interoperability,*
17 *by requiring the use of commonly accepted*
18 *standards;*

19 *“(C) the eligible entity (or in the case that*
20 *the eligible entity is not a State or Tribal orga-*
21 *nization, any State or taxing jurisdiction within*
22 *which the eligible entity will carry out or is car-*
23 *rying out activities using grant funds) has estab-*
24 *lished, or has committed to establish not later*
25 *than 3 years following the date on which the*

1 *grant funds are distributed to the eligible enti-*
2 *ty—*

3 *“(i) a sustainable funding mechanism*
4 *for Next Generation 9–1–1; and*

5 *“(ii) effective cybersecurity resources*
6 *for Next Generation 9–1–1;*

7 *“(D) the eligible entity will promote inter-*
8 *operability between emergency communications*
9 *centers deploying Next Generation 9–1–1 and*
10 *emergency response providers, including users of*
11 *the nationwide public safety broadband network;*

12 *“(E) the eligible entity has or will take*
13 *steps to coordinate with adjoining States and*
14 *Tribes to establish and maintain Next Genera-*
15 *tion 9–1–1; and*

16 *“(F) the eligible entity has developed a plan*
17 *for public outreach and education on how the*
18 *public can best use Next Generation 9–1–1 and*
19 *on the capabilities and usefulness of Next Gen-*
20 *eration 9–1–1.*

21 *“(6) CONDITION OF GRANT.—Each eligible entity*
22 *shall agree, as a condition of receipt of a grant made*
23 *under this subsection, that if any State or taxing ju-*
24 *risdiction within which the eligible entity will carry*
25 *out activities using grant funds, during any period of*

time during which the funds from the grant are available to the eligible entity, fails to comply a certification required under paragraph (5), all of the funds from such grant shall be returned to the Office.

“(7) *PENALTY FOR PROVIDING FALSE INFORMATION.*—Any eligible entity that provides a certification under paragraph (5) knowing that the information provided in the certification was false shall—

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

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

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

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

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

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

“(c) *DEFINITIONS.*—In this section and sections 160 and 161:

1 “(1) 9–1–1 FEE OR CHARGE.—The term ‘9–1–
 2 1 fee or charge’ has the meaning given such term in
 3 section 6(f)(3)(D) of the Wireless Communications
 4 and Public Safety Act of 1999 (47 U.S.C. 615a–
 5 1(f)(3)(D)), as such rules are in effect as of the date
 6 of the certification.

7 “(2) 9–1–1 REQUEST FOR EMERGENCY ASSIST-
 8 ANCE.—The term ‘9–1–1 request for emergency assist-
 9 ance’ means a communication, such as voice, text,
 10 picture, multimedia, or any other type of data that
 11 is sent to a facility for the purpose of requesting
 12 emergency assistance.

13 “(3) ADMINISTRATOR.—The term ‘Adminis-
 14 trator’ means the Administrator of the National
 15 Highway Traffic Safety Administration.

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

21 “(A) enable interoperability; and

22 “(B) are—

23 “(i) developed and approved by a
 24 standards development organization that is
 25 accredited by an American or international

standards body (such as the American National Standards Institute or International Code Council) in a process—

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

“(II) provides for a conflict resolution process;

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

“(iii) consensus-based; and

“(iv) made publicly available once approved.

“(5) *COST RELATED TO TRAINING.*—The term ‘cost related to training’ means—

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

“(B) travel expenses;

“(C) instructor expenses; or

“(D) facility costs and training materials.

“(6) *ELIGIBLE ENTITY.*—The term ‘eligible entity’—

1 “(A) means a State or a Tribal organiza-
2 tion (as defined in section 4(l) of the Indian
3 Self-Determination and Education Assistance
4 Act (25 U.S.C. 5304));

5 “(B) may be an entity, including a public
6 authority, board, or commission, established by
7 one or more entities described in subparagraph
8 (A); and

9 “(C) does not include any entity that has
10 failed to submit the certifications required under
11 subsection (b)(5).

12 “(7) *EMERGENCY COMMUNICATIONS CENTER*.—
13 The term ‘emergency communications center’—

14 “(A) means a facility that—

15 “(i) is designated to receive a 9–1–1
16 request for emergency assistance; and

17 “(ii) performs one or more of the fol-
18 lowing functions—

19 “(I) process and analyze 9–1–1
20 requests for emergency assistance and
21 information and data related to such
22 requests;

23 “(II) dispatch appropriate emer-
24 gency response providers;

1 “(III) transfer or exchange 9–1–1
2 requests for emergency assistance and
3 information and data related to such
4 requests with one or more facilities de-
5 scribed under this paragraph and
6 emergency response providers;

7 “(IV) analyze any communica-
8 tions received from emergency response
9 providers; and

10 “(V) support incident command
11 functions; or

12 “(B) may be a public safety answering
13 point, as defined in section 222 of the Commu-
14 nications Act of 1934 (47 U.S.C. 222).

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

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

24 “(10) *INTEROPERABLE*.—The term ‘interoper-
25 able’ or ‘interoperability’ means the capability of

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

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

17 *“(12) NEXT GENERATION 9–1–1.—The term ‘Next*
 18 *Generation 9–1–1’ means an interoperable, secure,*
 19 *Internet Protocol-based system that—*

20 *“(A) employs commonly accepted standards;*

21 *“(B) enables emergency communications*
 22 *centers to receive, process, and analyze all types*
 23 *of 9–1–1 requests for emergency assistance;*

1 “(C) *acquires and integrates additional in-*
2 *formation useful to handling 9–1–1 requests for*
3 *emergency assistance; and*

4 “(D) *supports sharing information related*
5 *to 9–1–1 requests for emergency assistance*
6 *among emergency communications centers and*
7 *emergency response providers.*

8 “(13) *OFFICE.*—*The term ‘Office’ means the 9–*
9 *1–1 Implementation Coordination Office established*
10 *under section 158.*

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

19 “(15) *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 Islands,*
23 *and any other territory or possession of the United*
24 *States.*

1 “(16) *SUSTAINABLE FUNDING MECHANISM.*—*The*
 2 *term ‘sustainable funding mechanism’ means a fund-*
 3 *ing mechanism that provides adequate revenues to*
 4 *cover ongoing expenses, including operations, mainte-*
 5 *nance, and upgrades.*

6 “(d) *SAVINGS PROVISION.*—*Nothing in this title, or*
 7 *any amendment made by this title, shall affect any applica-*
 8 *tion pending or grant awarded under section 158 of the*
 9 *National Telecommunications and Information Adminis-*
 10 *tration Organization Act (47 U.S.C. 942) before the date*
 11 *of the enactment of this section.*

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

14 *“The Assistant Secretary and the Administrator shall*
 15 *establish a Next Generation 9–1–1 Cybersecurity Center to*
 16 *Coordinate with State, local, and regional governments on*
 17 *the sharing of cybersecurity information about, the analysis*
 18 *of cybersecurity threats to, and guidelines for strategies to*
 19 *detect and prevent cybersecurity intrusions relating to*
 20 *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 Assistant Secretary*
 24 *and the Administrator, acting through the Office,*
 25 *shall establish a ‘Public Safety Next Generation 9–1–*

1 1 *Advisory Board*’ (in this section referred to as the
2 ‘Board’) to provide recommendations to the Office—

3 “(A) with respect to carrying out the duties
4 and responsibilities of the Office in issuing the
5 regulations required under section 159(b);

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

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

8 “(2) *MEMBERSHIP*.—

9 “(A) *VOTING MEMBERS*.—Not later than
10 150 days after the date of enactment of this sec-
11 tion, the Assistant Secretary and the Adminis-
12 trator, acting through the Office, shall appoint
13 16 public safety members to the Board, of
14 which—

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

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

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

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

23 “(B) *DIVERSITY OF MEMBERSHIP*.—Mem-
24 bers shall be representatives of State or Tribes
25 and local governments, chosen to reflect geo-

1 *graphic and population density differences as*
2 *well as public safety organizations at the na-*
3 *tional level across the United States.*

4 “(C) *EXPERTISE.*—*All members shall have*
5 *specific expertise necessary for developing tech-*
6 *nical requirements under this section, such as*
7 *technical expertise, and expertise related to pub-*
8 *lic safety communications and 9–1–1 services.*

9 “(D) *RANK AND FILE MEMBERS.*—*A rank*
10 *and file member from each of the public safety*
11 *disciplines listed in clauses (i) through (iv) of*
12 *subparagraph (A) shall be appointed as a mem-*
13 *ber of the Board and shall be selected from an*
14 *organization that represents their public safety*
15 *discipline at the national level.*

16 “(3) *PERIOD OF APPOINTMENT.*—

17 “(A) *IN GENERAL.*—*Except as provided in*
18 *subparagraph (B), members of the Board shall*
19 *serve for a 3-year term.*

20 “(B) *REMOVAL FOR CAUSE.*—*A member of*
21 *the Board may be removed for cause upon the*
22 *determination of the Assistant Secretary and the*
23 *Administrator.*

1 “(4) *VACANCIES.*—*Any vacancy in the Board*
2 *shall be filled in the same manner as the original ap-*
3 *pointment.*

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

6 “(6) *CHAIRPERSON AND VICE CHAIRPERSON.*—
7 *The Board shall select a Chairperson and Vice Chair-*
8 *person from among the voting members of the Board.*

9 “(7) *DUTY OF BOARD TO SUBMIT RECOMMENDA-*
10 *TIONS.*—*Not later than 120 days after all members of*
11 *the Board are appointed under paragraph (2), the*
12 *Board shall submit to the Office recommendations for*
13 *the following—*

14 “(A) *deploying Next Generation 9–1–1 in*
15 *rural and urban areas;*

16 “(B) *ensuring flexibility in guidance, rules,*
17 *and grant funding to allow for technology im-*
18 *provements;*

19 “(C) *creating efficiencies related to Next*
20 *Generation 9–1–1, including cybersecurity and*
21 *the virtualization and sharing of core infrastruc-*
22 *ture;*

23 “(D) *enabling effective coordination among*
24 *State, local, Tribal, and territorial government*
25 *entities to ensure that the needs of emergency*

1 *communications centers in both rural and urban*
 2 *areas are taken into account in each implemen-*
 3 *tation plan required under section*
 4 *159(b)(2)(A)(iii); and*

5 *“(E) incorporating existing cybersecurity*
 6 *resources to Next Generation 9–1–1 procurement*
 7 *and deployment.*

8 *“(8) AUTHORITY TO PROVIDE ADDITIONAL REC-*
 9 *OMMENDATIONS.—Except as provided in paragraphs*
 10 *(1) and (7), the Board may provide recommendations*
 11 *to the Office only upon request of the Office.*

12 *“(9) DURATION OF AUTHORITY.—The Board*
 13 *shall terminate on the date on which funds made*
 14 *available to make grants under section 159(b) are no*
 15 *longer available to be expended.*

16 *“(b) RULE OF CONSTRUCTION.—Nothing in this sec-*
 17 *tion may be construed as limiting the authority of the Office*
 18 *to seek comment from stakeholders and the public.”.*

19 **SEC. 302. TRANSFER TO NTIA OF SOLE RESPONSIBILITY**
 20 **FOR CERTAIN 9–1–1 IMPLEMENTATION CO-**
 21 **ORDINATION FUNCTIONS.**

22 *(a) TRANSFER.—*

23 *(1) FUNCTIONS.—There are transferred to the*
 24 *Assistant Secretary all functions that on September*
 25 *30, 2022, are assigned to the Administrator, or joint-*

1 *ly to the Assistant Secretary and the Administrator,*
2 *under section 158, section 159, section 160, and sec-*
3 *tion 161 of the National Telecommunications and In-*
4 *formation Administration Organization Act (47*
5 *U.S.C. 942).*

6 (2) *PERSONNEL AND OTHER ASSETS.—The per-*
7 *sonnel, property, records, and unexpended balances of*
8 *appropriations, allocations, and other funds em-*
9 *ployed, used, held, available, or to be made available*
10 *in connection with a function transferred to the As-*
11 *stant Secretary under paragraph (1) shall be trans-*
12 *ferred to the Assistant Secretary for use in connection*
13 *with the functions transferred.*

14 (3) *AUTHORITY OF DIRECTOR OF OMB.—The Di-*
15 *rector of the Office of Management and Budget, at*
16 *such time or times as the Director shall provide, may*
17 *make—*

18 (A) *such determinations as may be nec-*
19 *essary with regard to the functions transferred*
20 *under paragraph (1) and the personnel, prop-*
21 *erty, records, and unexpended balances of appro-*
22 *priations, allocations, and other funds trans-*
23 *ferred under paragraph (2); and*

24 (B) *such additional incidental dispositions*
25 *of personnel, assets, liabilities, grants, contracts,*

1 *property, records, and unexpended balances of*
2 *appropriations, authorizations, allocations, and*
3 *other funds held, used, arising from, available to,*
4 *or to be made available in connection with the*
5 *functions transferred under paragraph (1), as*
6 *may be necessary to carry out this section and*
7 *the amendments made by this section.*

8 **(b) REFERENCES.**—*On and after October 1, 2022, in*
9 *the case of any reference relating to the functions trans-*
10 *ferred under subsection (a) in any law, regulation, docu-*
11 *ment, paper, or other record of the United States—*

12 *(1) if such reference is to the Administrator, or*
13 *to the Assistant Secretary and the Administrator,*
14 *such reference shall be deemed to be to the Assistant*
15 *Secretary; and*

16 *(2) if such reference is to the National Highway*
17 *Traffic Safety Administration, or to the National*
18 *Telecommunications and Information Administration*
19 *and the National Highway Traffic Safety Adminis-*
20 *tration, such reference shall be deemed to be to the*
21 *National Telecommunications and Information Ad-*
22 *ministration.*

23 **(c) SAVINGS PROVISIONS.**—

24 **(1) DOCUMENTS AND ACTIONS.**—

1 (A) *IN GENERAL.*—All documents and ac-
2 tions described in subparagraph (B) shall con-
3 tinue in effect according to their terms until
4 modified, terminated, superseded, set aside, or
5 revoked in accordance with law by the Assistant
6 Secretary, any officer or employee transferred
7 under subsection (a), a court of competent juris-
8 diction, or operation of law.

9 (B) *DOCUMENTS AND ACTIONS DE-*
10 *SCRIBED.*—A document or action described in
11 this subparagraph is any order, determination,
12 rule, grant, contract, agreement, or other docu-
13 ment or action that—

14 (i) was issued, made, granted, or al-
15 lowed to become effective by the Assistant
16 Secretary, the Administrator, the Assistant
17 Secretary and the Administrator, any offi-
18 cer or employee transferred under subsection
19 (a), or a court of competent jurisdiction, in
20 the performance of any function that is
21 transferred under such subsection; and

22 (ii) is in effect on September 30, 2022
23 (or becomes effective after such day pursu-
24 ant to its terms as in effect on such day).

1 (2) *PENDING PROCEEDINGS AND APPLICA-*
2 *TIONS.—*

3 (A) *IN GENERAL.—This section and the*
4 *amendments made by this section shall not affect*
5 *any proceeding or application for any benefits,*
6 *service, license, permit, certificate, or grant or*
7 *other financial assistance relating to the func-*
8 *tions transferred under subsection (a) that was*
9 *pending on September 30, 2022, before the As-*
10 *stant Secretary, the Administrator, the Assist-*
11 *ant Secretary and the Administrator, or any of-*
12 *ficer or employee transferred under such sub-*
13 *section, but such proceeding or application shall*
14 *be continued. Orders shall be issued in any such*
15 *proceeding, and appeals shall be taken therefrom,*
16 *as if this section and the amendments made by*
17 *this section had not been enacted, and orders*
18 *issued in any such proceeding shall continue in*
19 *effect until modified, terminated, superseded, or*
20 *revoked by the Assistant Secretary, any other au-*
21 *thorized official, a court of competent jurisdic-*
22 *tion, or operation of law.*

23 (B) *SUBSTITUTION.—Notwithstanding sub-*
24 *paragraph (A), on and after October 1, 2022,*
25 *any proceeding or application described in such*

1 *subparagraph that was pending before the Ad-*
2 *ministrator, or before the Assistant Secretary*
3 *and the Administrator, shall be continued as de-*
4 *scribed in such subparagraph before the Assist-*
5 *ant Secretary.*

6 (C) *RULE OF CONSTRUCTION.—Nothing in*
7 *this paragraph shall be construed to prohibit the*
8 *discontinuance or modification of any pro-*
9 *ceeding or application described in subpara-*
10 *graph (A) under the same terms and conditions*
11 *and to the same extent that such proceeding or*
12 *application could have been discontinued or*
13 *modified if this section and the amendments*
14 *made by this section had not been enacted.*

15 (3) *CONTINUATION OF CIVIL ACTIONS.—*

16 (A) *IN GENERAL.—This section and the*
17 *amendments made by this section shall not affect*
18 *any civil action relating to the functions trans-*
19 *ferred under subsection (a) that was commenced*
20 *before October 1, 2022, by or against the Assist-*
21 *ant Secretary, the Administrator, the Assistant*
22 *Secretary and the Administrator, or any officer*
23 *or employee transferred under such subsection.*
24 *In any such action, proceeding shall be had, ap-*
25 *peals taken, and judgment rendered in the same*

1 *manner and with the same effect as if this sec-*
2 *tion and the amendments made by this section*
3 *had not been enacted.*

4 (B) *SUBSTITUTION.—Notwithstanding sub-*
5 *paragraph (A), on and after October 1, 2022, in*
6 *the case of any civil action described in such*
7 *subparagraph by or against the Administrator,*
8 *or the Assistant Secretary and the Adminis-*
9 *trator, the Assistant Secretary shall be sub-*
10 *stituted as a party for the Administrator, or the*
11 *Assistant Secretary and the Administrator, re-*
12 *spectively.*

13 (4) *NO CHANGE IN STATUS OF PERSONNEL.—In*
14 *the case of an officer or employee who is transferred*
15 *to the Assistant Secretary under subsection (a), the of-*
16 *ficer or employee’s grade, compensation, rate of leave,*
17 *or other benefits that apply with respect to such offi-*
18 *cer or employee at the time of transfer shall not be*
19 *reduced while such officer or employee remains con-*
20 *tinuously employed in performance of the functions in*
21 *connection with which such officer or employee is*
22 *transferred, other than for cause.*

23 (d) *CONFORMING AMENDMENTS.—*

24 (1) *NATIONAL TELECOMMUNICATIONS AND IN-*
25 *FORMATION ADMINISTRATION ORGANIZATION ACT.—*

1 *The National Telecommunications and Information*
 2 *Administration Organization Act (47 U.S.C. 942), as*
 3 *amended by the preceding provisions of this Act, is*
 4 *further amended—*

5 *(A) in section 158—*

6 *(i) by striking “and the Adminis-*
 7 *trator” each place it appears; and*

8 *(ii) in subsection (a)(1), by striking*
 9 *“of the National Highway Traffic Safety*
 10 *Administration”;*

11 *(B) in section 159—*

12 *(i) by striking “and the Adminis-*
 13 *trator” each place it appears; and*

14 *(ii) by striking paragraph (3) of sub-*
 15 *section (c);*

16 *(C) in section 160, by striking “and the Ad-*
 17 *ministrator”;* and

18 *(D) in section 161, by striking “and the Ad-*
 19 *ministrator” each place it appears.*

20 *(2) EFFECTIVE DATE.—The amendments made*
 21 *by this subsection shall take effect on October 1, 2022.*

22 *(e) DEFINITIONS.—In this section:*

23 *(1) ADMINISTRATOR.—The term “Adminis-*
 24 *trator” means the Administrator of the National*
 25 *Highway Traffic Safety Administration.*

(2) *ASSISTANT SECRETARY.*—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

TITLE IV—INCUMBENT INFORMING CAPABILITY

SEC. 401. INCUMBENT INFORMING CAPABILITY.

Part B of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) is amended by adding at the end the following:

“SEC. 120. INCUMBENT INFORMING CAPABILITY.

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

“(1) not later than 120 days after the date of the enactment of this section, begin to amend the Department of Commerce spectrum management document entitled ‘Manual of Regulations and Procedures for Federal Radio Frequency Management’ so as to incorporate an incumbent informing capability; and

“(2) not later than the date on which the total amount of funds required to be made available from the Public Safety and Secure Networks Fund under section 601(c)(3) of the Spectrum Innovation Act of 2022 is so made available, begin to implement such capability, including the development and testing of such capability.

1 “(b) *ESTABLISHMENT OF THE INCUMBENT INFORMING*
2 *CAPABILITY.*—

3 “(1) *IN GENERAL.*—*The incumbent informing*
4 *capability required by subsection (a) shall include a*
5 *system to enable sharing, including time-based shar-*
6 *ing and coordination, to securely manage harmful in-*
7 *terference between non-Federal users and incumbent*
8 *Federal entities sharing a band of covered spectrum*
9 *and between Federal entities sharing a band of cov-*
10 *ered spectrum.*

11 “(2) *REQUIREMENTS.*—*The system required by*
12 *paragraph (1) shall contain, at a minimum, the fol-*
13 *lowing:*

14 “(A) *One or more mechanisms to allow non-*
15 *Federal use in covered spectrum, as authorized*
16 *by the rules of the Commission. Such mechanism*
17 *or mechanisms shall include interfaces to com-*
18 *mercial sharing systems, as appropriate.*

19 “(B) *One or more mechanisms to facilitate*
20 *Federal-to-Federal sharing, as authorized by the*
21 *NTIA.*

22 “(C) *One or more mechanisms to prevent,*
23 *eliminate, or mitigate harmful interference to in-*
24 *cumbent Federal entities, including one or more*
25 *of the following functions:*

1 “(i) *Sensing.*

2 “(ii) *Identification.*

3 “(iii) *Reporting.*

4 “(iv) *Analysis.*

5 “(v) *Resolution.*

6 “(D) *Dynamic coordination area analysis,*
7 *definition, and control, if appropriate for a*
8 *band.*

9 “(3) *COMPLIANCE WITH COMMISSION RULES.—*
10 *The incumbent informing capability required by sub-*
11 *section (a) shall ensure that use of covered spectrum*
12 *is in accordance with the applicable rules of the Com-*
13 *mission.*

14 “(4) *INPUT OF INFORMATION.—*

15 “(A) *IN GENERAL.—Each incumbent Fed-*
16 *eral entity sharing a band of covered spectrum*
17 *shall—*

18 “(i) *input into the system required by*
19 *paragraph (1) such information as the As-*
20 *stant Secretary may require, including the*
21 *frequency, time, and location of the use of*
22 *the band by such Federal entity; and*

23 “(ii) *to the extent practicable, input*
24 *such information into such system on an*
25 *automated basis.*

1 “(B) *PAYMENT OF COSTS.*—*Notwith-*
2 *standing subsections (c) through (e) of section*
3 *118 and subparagraphs (C) through (E) of sub-*
4 *section (g)(2) of such section, the Director of the*
5 *Office of Management and Budget, in consulta-*
6 *tion with the Assistant Secretary, may use*
7 *amounts available in the Spectrum Relocation*
8 *Fund to pay the costs incurred by Federal enti-*
9 *ties to input information as required by sub-*
10 *paragraph (A).*

11 “(5) *PROTECTION OF CLASSIFIED INFORMATION*
12 *AND CONTROLLED UNCLASSIFIED INFORMATION.*—*The*
13 *system required by paragraph (1) shall contain ap-*
14 *propriate measures to protect classified information*
15 *and controlled unclassified information, including*
16 *any such classified information or controlled unclassi-*
17 *fied information that relates to military operations.*

18 “(c) *BRIEFING.*—*Not later than 1 year after the date*
19 *on which the total amount of funds required to be made*
20 *available from the Public Safety and Secure Networks Fund*
21 *under section 601(c)(3) of the Spectrum Innovation Act of*
22 *2022 is so made available, the Assistant Secretary shall pro-*
23 *vide a briefing on the implementation of this section to the*
24 *Committee on Energy and Commerce of the House of Rep-*

1 *representatives and the Committee on Commerce, Science, and*
 2 *Transportation of the Senate.*

3 “(d) *DEFINITIONS.—In this section:*

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

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

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

17 “(2) *FEDERAL ENTITY.—The term ‘Federal enti-*
 18 *ty’ has the meaning given such term in section 113(l).*

19 “(3) *INCUMBENT INFORMING CAPABILITY.—The*
 20 *term ‘incumbent informing capability’ means a capa-*
 21 *bility to facilitate the sharing of covered spectrum.*

22 “(e) *RULE OF CONSTRUCTION.—Nothing in this sec-*
 23 *tion shall be construed to alter or expand the authority of*
 24 *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 31,*
7 *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 subpara-*
13 *graph (B) of such section, the proceeds (including de-*
14 *posits and upfront payments from successful bidders)*
15 *of any system of competitive bidding described in*
16 *paragraph (2) (in this paragraph referred to as the*
17 *“covered proceeds”) shall be deposited as follows:*

18 *(A) In the case of covered proceeds attrib-*
19 *utable to eligible frequencies described in sub-*
20 *section (g)(2) of section 113 of the National Tele-*
21 *communications and Information Administra-*
22 *tion Organization Act (47 U.S.C. 923), such*
23 *amount of such proceeds as is necessary to cover*
24 *the relocation or sharing costs (as defined in sub-*
25 *section (g)(3) of such section) of Federal entities*

1 *(as defined in subsection (l) of such section) relo-*
2 *cated from or sharing such eligible frequencies*
3 *shall be deposited in the Spectrum Relocation*
4 *Fund established under section 118 of such Act*
5 *(47 U.S.C. 928). Any remainder of such proceeds*
6 *shall be deposited in the Public Safety and Se-*
7 *cure Networks Fund established by section 601 of*
8 *this Act.*

9 *(B) In the case of covered proceeds attrib-*
10 *utable to spectrum usage rights made available*
11 *through an incentive auction under subpara-*
12 *graph (G) of section 309(j)(8) of the Commu-*
13 *nications Act of 1934 (47 U.S.C. 309(j)(8)), such*
14 *proceeds shall be deposited in the Public Safety*
15 *and Secure Networks Fund established by section*
16 *601 of this Act.*

17 *(C) Any other covered proceeds shall be de-*
18 *posited in the Public Safety and Secure Net-*
19 *works Fund established by section 601 of this*
20 *Act.*

21 *(2) SYSTEM OF COMPETITIVE BIDDING DE-*
22 *SCRIBED.—A system of competitive bidding described*
23 *in this paragraph is any system of competitive bid-*
24 *ding under section 309(j) of the Communications Act*
25 *of 1934 (47 U.S.C. 309(j)) that is concluded during*

1 *the period beginning on July 1, 2022, and ending on*
 2 *March 31, 2024, except for the system of competitive*
 3 *bidding required by section 101(b)(3)(A) of this Act.*

4 ***TITLE VI—PUBLIC SAFETY AND***
 5 ***SECURE NETWORKS FUND***

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

7 (a) *ESTABLISHMENT.*—*There is established in the*
 8 *Treasury of the United States a fund to be known as the*
 9 *“Public Safety and Secure Networks Fund” (in this section*
 10 *referred to as the “Fund”).*

11 (b) *ACCOUNTING FOR FEDERAL BUDGET BASELINE.*—

12 (1) *PROCEEDS OF AUCTION OF 2496–2690 MHZ*
 13 *BAND.*—*In the case of the proceeds of any system of*
 14 *competitive bidding under section 309(j) of the Com-*
 15 *munications Act of 1934 (47 U.S.C. 309(j)) with re-*
 16 *spect to the frequencies between 2496 megahertz and*
 17 *2690 megahertz, inclusive, that are deposited in the*
 18 *Fund as required by section 501(b) of this Act, the*
 19 *first \$1,700,000,000 of such proceeds shall be depos-*
 20 *ited in the general fund of the Treasury, where such*
 21 *amounts shall be dedicated for the sole purpose of def-*
 22 *icit reduction. The remainder of such proceeds shall*
 23 *be available or deposited under subsection (c).*

24 (2) *PROCEEDS OF REQUIRED AUCTION OF 3.1–*
 25 *3.45 GHZ BAND.*—*In the case of the proceeds of the*

1 *system of competitive bidding required by subpara-*
2 *graph (A) of section 101(b)(3) that are deposited in*
3 *the Fund as required by subparagraph (D) of such*
4 *section, the first \$16,000,000,000 of such proceeds*
5 *shall be deposited in the general fund of the Treasury,*
6 *where such amounts shall be dedicated for the sole*
7 *purpose of deficit reduction. The remainder of such*
8 *proceeds shall be available or deposited under sub-*
9 *section (c).*

10 *(c) USE OF FUNDS.—Except as provided in subsection*
11 *(b), as amounts are deposited in the Fund, such amounts*
12 *shall be available or deposited as follows:*

13 *(1) \$3,400,000,000 shall be available to the Fed-*
14 *eral Communications Commission until expended to*
15 *make reimbursements under section 4 of the Secure*
16 *and Trusted Communications Networks Act of 2019*
17 *(47 U.S.C. 1603).*

18 *(2) After the amount required to be made avail-*
19 *able by paragraph (1) is so made available,*
20 *\$10,000,000,000 shall be available to the Assistant*
21 *Secretary of Commerce for Communications and In-*
22 *formation until expended to carry out title III of this*
23 *Act and the amendments made by such title, except*
24 *that not more than 4 percent of the amount made*
25 *available by this paragraph may be used for adminis-*

1 *trative purposes (including carrying out sections 160*
2 *and 161 of the National Telecommunications and In-*
3 *formation Administration Organization Act, as added*
4 *by such title).*

5 *(3) After the amount required to be made avail-*
6 *able by paragraph (2) is so made available,*
7 *\$117,400,000 shall be available to the Assistant Sec-*
8 *retary of Commerce for Communications and Infor-*
9 *mation until expended to carry out section 120 of the*
10 *National Telecommunications and Information Ad-*
11 *ministration Organization Act, as added by section*
12 *401 of this Act.*

13 *(4) After the amount required to be made avail-*
14 *able by paragraph (3) is so made available, any re-*
15 *maining amounts deposited in the Fund shall be de-*
16 *posited in the general fund of the Treasury, where*
17 *such amounts shall be dedicated for the sole purpose*
18 *of deficit reduction.*

Union Calendar No. 335

117TH CONGRESS
2^D Session

H. R. 7624

[Report No. 117-429]

A BILL

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.

JULY 22, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed