

117TH CONGRESS
1ST SESSION

S. 3288

To reauthorize and reform the National Telecommunications and Information Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2021

Mr. WICKER (for himself and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To reauthorize and reform the National Telecommunications and Information Administration, 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 “NTIA Reauthorization and Reform Act of 2021”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—NTIA REAUTHORIZATION AND REFORM

Sec. 101. Authorization of appropriations.

- Sec. 102. Under Secretary of Commerce for Communications and Information.
 Sec. 103. Coordination of executive branch views on matters before the Federal
 Communications Commission.
 Sec. 104. Modernization of agency mission.

TITLE II—OTHER MATTERS

- Sec. 201. Promotion of workforce programs.
 Sec. 202. Improved coordination between the FCC and the NTIA.
 Sec. 203. World Radiocommunication Conference ambassador.

TITLE III—EFFECTIVE DATE

- Sec. 301. Effective date.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

5 (2) NTIA.—The term “NTIA” means the Na-
 6 tional Telecommunications and Information Admin-
 7 istration.

8 **TITLE I—NTIA REAUTHORIZA-** 9 **TION AND REFORM**

10 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 151 of the National Telecommunications and
 12 Information Administration Organization Act (Public Law
 13 102–538; 106 Stat. 3533) is amended—

14 (1) by striking “1992 and” and inserting
 15 “1992,”; and

16 (2) by inserting “and \$52,831,000 for each of
 17 fiscal years 2022 and 2023,” after “1993,”.

1 **SEC. 102. UNDER SECRETARY OF COMMERCE FOR COMMU-**
2 **NICATIONS AND INFORMATION.**

3 (a) IN GENERAL.—Section 103(a)(2) of the National
4 Telecommunications and Information Administration Or-
5 ganization Act (47 U.S.C. 902(a)(2)) is amended by strik-
6 ing “Assistant Secretary of Commerce for Communica-
7 tions and Information” and inserting “Under Secretary
8 of Commerce for Communications and Information”.

9 (b) PAY.—Subchapter II of chapter 53 of title 5,
10 United States Code, is amended—

11 (1) in section 5314, by striking “and Under
12 Secretary of Commerce for Travel and Tourism”
13 and inserting “Under Secretary of Commerce for
14 Travel and Tourism, and Under Secretary of Com-
15 merce for Communications and Information”; and

16 (2) in section 5315, by striking “(11)” after
17 “Assistant Secretaries of Commerce” and inserting
18 “(10)”.

19 (c) DEPUTY UNDER SECRETARY.—

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

1 “(3) DEPUTY UNDER SECRETARY.—The Dep-
2 uty Under Secretary of Commerce for Communica-
3 tions and Information—

4 “(A) shall be the principal policy advisor of
5 the Under Secretary;

6 “(B) shall perform such other functions as
7 the Under Secretary shall from time to time as-
8 sign or delegate; and

9 “(C) shall act as Under Secretary during
10 the absence or disability of the Under Secretary
11 or in the event of a vacancy in the office of the
12 Under Secretary.”.

13 (2) TECHNICAL AND CONFORMING AMEND-
14 MENT.—Section 106(c) of the Public Telecommuni-
15 cations Financing Act of 1978 (5 U.S.C. 5316 note;
16 Public Law 95–567) is amended by striking “The
17 position of Deputy Assistant Secretary of Commerce
18 for Communications and Information, established in
19 Department of Commerce Organization Order Num-
20 bered 10-10 (effective March 26, 1978),” and insert-
21 ing “The position of Deputy Under Secretary of
22 Commerce for Communications and Information, es-
23 tablished under section 103(a) of the National Tele-
24 communications and Information Administration Or-
25 ganization Act (47 U.S.C. 902(a)),”.

1 (d) CONTINUATION IN OFFICE.—The individual serv-
2 ing as the Assistant Secretary of Commerce for Commu-
3 nications and Information and the individual serving as
4 the Deputy Assistant Secretary of Commerce for Commu-
5 nications and Information on the day before the effective
6 date under section 301 of this Act may serve as the Under
7 Secretary of Commerce for Communications and Informa-
8 tion and the Deputy Under Secretary of Commerce for
9 Communications and Information, respectively, on and
10 after that effective date without the need for renomination
11 or reappointment.

12 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

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

19 (2) NATIONAL TELECOMMUNICATIONS AND IN-
20 FORMATION ADMINISTRATION ORGANIZATION ACT.—

21 The National Telecommunications and Information
22 Administration Organization Act (47 U.S.C. 901 et
23 seq.) is amended by striking “Assistant Secretary”
24 each place the term appears and inserting “Under
25 Secretary”.

1 (3) HOMELAND SECURITY ACT OF 2002.—Sec-
2 tion 1805(d)(2) of the Homeland Security Act of
3 2002 (6 U.S.C. 575(d)(2)) is amended by striking
4 “Assistant Secretary for Communications and Infor-
5 mation of the Department of Commerce” and insert-
6 ing “Under Secretary of Commerce for Communica-
7 tions and Information”.

8 (4) AGRICULTURE IMPROVEMENT ACT OF
9 2018.—Section 6212 of the Agriculture Improvement
10 Act of 2018 (7 U.S.C. 950bb–6) is amended—

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

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

17 (5) EMERGENCY SUPPLEMENTAL APPROPRIA-
18 TIONS ACT FOR DEFENSE, THE GLOBAL WAR ON
19 TERROR, AND TSUNAMI RELIEF, 2005.—Section 303
20 of the Emergency Supplemental Appropriations Act
21 for Defense, the Global War on Terror, and Tsu-
22 nami Relief, 2005 (8 U.S.C. 1721 note; Public Law
23 109–13) is repealed.

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

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

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

8 (C) by redesignating subsection (e) as sub-
9 section (b).

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

14 (A) by striking “EXCEPTIONS.—” and all
15 that follows through “DETERMINATIONS.—If”
16 and inserting “EXCEPTIONS.—If”; and

17 (B) by striking “such exceptions” and in-
18 serting “of the exceptions in subsections (a)
19 and (b)”.

20 (8) TITLE 17, UNITED STATES CODE.—Section
21 1201 of title 17, United States Code, is amended—

22 (A) in subsection (a)(1)(C), in the matter
23 preceding clause (i), by striking “Assistant Sec-
24 retary for Communications and Information of
25 the Department of Commerce” and inserting

1 “Under Secretary of Commerce for Commu-
2 nications and Information”; and

3 (B) in subsection (g), by striking para-
4 graph (5).

5 (9) UNLOCKING CONSUMER CHOICE AND WIRE-
6 LESS COMPETITION ACT.—Section 2(b) of the
7 Unlocking Consumer Choice and Wireless Competi-
8 tion Act (17 U.S.C. 1201 note; Public Law 113–
9 144) is amended by striking “Assistant Secretary
10 for Communications and Information of the Depart-
11 ment of Commerce” and inserting “Under Secretary
12 of Commerce for Communications and Information”.

13 (10) IMPLEMENTING RECOMMENDATIONS OF
14 THE 9/11 COMMISSION ACT OF 2007.—Section
15 2201(d) of the Implementing Recommendations of
16 the 9/11 Commission Act of 2007 (42 U.S.C. 247d–
17 3 note; Public Law 110–53) is repealed.

18 (11) COMMUNICATIONS SATELLITE ACT OF
19 1962.—Section 625(a)(1) of the Communications
20 Satellite Act of 1962 (47 U.S.C. 763d(a)(1)) is
21 amended, in the matter preceding subparagraph (A),
22 by striking “Assistant Secretary” and inserting
23 “Under Secretary of Commerce”.

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

4 (A) in section 1002(1), in the heading, by
5 striking “ASSISTANT SECRETARY” and inserting
6 “UNDER SECRETARY”; and

7 (B) by striking “Assistant Secretary” each
8 place the term appears and inserting “Under
9 Secretary”.

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

14 (A) in subsection (b), in the first sentence,
15 by striking “Assistant Secretary of Commerce
16 for Communications and Information” and in-
17 serting “Under Secretary of Commerce for
18 Communications and Information”; and

19 (B) by striking “Assistant Secretary” each
20 place the term appears and inserting “Under
21 Secretary”.

22 (14) AMERICAN RECOVERY AND REINVESTMENT
23 ACT OF 2009.—Section 6001 of the American Recov-
24 ery and Reinvestment Act of 2009 (47 U.S.C. 1305)
25 is amended by striking “Assistant Secretary” each

1 place the term appears and inserting “Under Sec-
2 retary”.

3 (15) MIDDLE CLASS TAX RELIEF AND JOB CRE-
4 ATION ACT OF 2012.—Title VI of the Middle Class
5 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
6 1401 et seq.) is amended—

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

8 (i) by striking paragraph (4);

9 (ii) by redesignating paragraphs (5)
10 through (31) as paragraphs (4) through
11 (30), respectively; and

12 (iii) by inserting after paragraph (30),
13 as so redesignated, the following:

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

17 (B) in subtitle D (47 U.S.C. 1451 et
18 seq.)—

19 (i) in section 6406 (47 U.S.C.
20 1453)—

21 (I) by striking subsections (b)
22 and (c); and

23 (II) by inserting after subsection
24 (a) the following:

1 “(b) DEFINITION.—In this section, the term ‘5350-
2 5470 MHz band’ means the portion of the electromagnetic
3 spectrum between the frequencies from 5350 megahertz
4 to 5470 megahertz.”; and

5 (ii) by striking section 6408; and

6 (C) by striking “Assistant Secretary” each
7 place the term appears and inserting “Under
8 Secretary”.

9 (16) RAY BAUM’S ACT OF 2018.—The RAY
10 BAUM’S Act of 2018 (division P of Public Law
11 115–141; 132 Stat. 348) is amended by striking
12 “Assistant Secretary” each place the term appears
13 and inserting “Under Secretary”.

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

18 (A) in subsection (c)(1), in the heading, by
19 striking “ASSISTANT SECRETARY” and inserting
20 “UNDER SECRETARY”; and

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

24 (18) TITLE 51, UNITED STATES CODE.—Section
25 50112(3) of title 51, United States Code, is amend-

1 ed, in the matter preceding subparagraph (A), by
2 striking “Assistant Secretary” each place the term
3 appears and inserting “Under Secretary”.

4 (19) CONSOLIDATED APPROPRIATIONS ACT,
5 2021.—The Consolidated Appropriations Act, 2021
6 (Public Law 116–260) is amended—

7 (A) in title IX of division N—

8 (i) in section 902(a)(2), in the head-
9 ing, by striking “ASSISTANT SECRETARY”
10 and inserting “UNDER SECRETARY”;

11 (ii) in section 905—

12 (I) in subsection (a)(1), in the
13 heading, by striking “ASSISTANT SEC-
14 RETARY” and inserting “UNDER SEC-
15 RETARY”;

16 (II) in subsection (c)(3)(B), in
17 the heading, by striking “ASSISTANT
18 SECRETARY” and inserting “UNDER
19 SECRETARY”; and

20 (III) in subsection (d)(2)(B), in
21 the heading, by striking “ASSISTANT
22 SECRETARY” and inserting “UNDER
23 SECRETARY”; and

- 1 (iii) by striking “Assistant Secretary”
 2 each place the term appears and inserting
 3 “Under Secretary”; and
 4 (B) in title IX of division FF—
 5 (i) in section 903(g)(2), in the head-
 6 ing, by striking “ASSISTANT SECRETARY”
 7 and inserting “UNDER SECRETARY”; and
 8 (ii) by striking “Assistant Secretary”
 9 each place the term appears and inserting
 10 “Under Secretary”.

11 (20) INFRASTRUCTURE INVESTMENT AND JOBS
 12 ACT.—The Infrastructure Investment and Jobs Act
 13 (Public Law 117–58) is amended—

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

17 (B) in division F—

18 (i) in section 60102—

19 (I) in subsection (a)(2)(A), by
 20 striking “ASSISTANT SECRETARY”
 21 and inserting “UNDER SECRETARY”;

22 (II) in subsection (d)(1), by
 23 striking “ASSISTANT SECRETARY”
 24 and inserting “UNDER SECRETARY”;
 25 and

1 (III) in subsection (h)—

2 (aa) in paragraph (1)(B), by
3 striking “ASSISTANT SEC-
4 RETARY” and inserting “UNDER
5 SECRETARY”; and

6 (bb) in paragraph
7 (5)(B)(iii), by striking “ASSIST-
8 ANT SECRETARY” and inserting
9 “UNDER SECRETARY”;

10 (ii) in title III—

11 (I) in section 60302(5), by strik-
12 ing “ASSISTANT SECRETARY” and in-
13 serting “UNDER SECRETARY”; and

14 (II) in section
15 60305(d)(2)(B)(ii), by striking “AS-
16 SISTANT SECRETARY” and inserting
17 “UNDER SECRETARY”;

18 (iii) in section 60401(a)(2), by strik-
19 ing “ASSISTANT SECRETARY” and insert-
20 ing “UNDER SECRETARY”; and

21 (iv) by striking “Assistant Secretary”
22 each place the term appears and inserting
23 “Under Secretary”;

1 (C) in section 90008(b)(3), by striking
 2 “Assistant Secretary” and inserting “Under
 3 Secretary”; and

4 (D) in division J, in the matter under the
 5 heading “DISTANCE LEARNING, TELEMEDICINE,
 6 AND BROADBAND PROGRAM” under the heading
 7 “RURAL UTILITIES SERVICE” under the head-
 8 ing “RURAL DEVELOPMENT PRO-
 9 GRAMS”, by striking “Assistant Secretary”
 10 and inserting “Under Secretary”.

11 **SEC. 103. COORDINATION OF EXECUTIVE BRANCH VIEWS**
 12 **ON MATTERS BEFORE THE FEDERAL COMMU-**
 13 **NICATIONS COMMISSION.**

14 Section 105(a)(1) of the National Telecommuni-
 15 cations and Information Administration Organization Act
 16 (47 U.S.C. 904(a)(1)) is amended—

17 (1) by striking “to ensure that the conduct”
 18 and inserting the following: “to ensure that—

19 “(A) the conduct”; and

20 (2) by striking the period at the end and insert-
 21 ing the following: “; and

22 “(B) the views of the executive branch on
 23 matters presented to the Commission are ap-
 24 propriately coordinated and reflective of execu-

1 tive branch policy, consistent with section
2 103(b)(2)(J).”.

3 **SEC. 104. MODERNIZATION OF AGENCY MISSION.**

4 (a) **POLICY.**—Section 102(c) of the National Tele-
5 communications and Information Administration Organi-
6 zation Act (47 U.S.C. 901(c)) is amended by adding at
7 the end the following:

8 “(6) Fostering the digital economy as a critical
9 component of the competitiveness, future economic
10 growth, and security of the United States, and work-
11 ing to ensure that global communications networks
12 remain open and innovative, without inappropriate
13 barriers to entry or operation.

14 “(7) Achieving universal availability of and ac-
15 cess to telecommunications and information net-
16 works and related technologies.”.

17 (b) **ASSIGNED FUNCTIONS.**—Section 103(b)(2) of the
18 National Telecommunications and Information Adminis-
19 tration Organization Act (47 U.S.C. 902(b)(2)) is amend-
20 ed—

21 (1) in the matter preceding subparagraph (A),
22 by inserting “, some of which were” before “trans-
23 ferred to the Secretary”;

24 (2) in subparagraph (G)—

1 (A) in clause (i), by inserting “standards,”
2 after “conferences,”; and

3 (B) in clause (ii), by inserting “, standards
4 bodies,” after “telecommunications con-
5 ferences”;

6 (3) in subparagraph (H)—

7 (A) by inserting “and information” after
8 “telecommunications,”; and

9 (B) by striking “and emergency readiness”
10 and inserting “emergency readiness, inter-
11 mediaries, universal service, and the flow of in-
12 formation”;

13 (4) in subparagraph (M)—

14 (A) by inserting “, publish reports,” after
15 “studies,”; and

16 (B) by inserting before the period at the
17 end the following: “, and concerning policy
18 issues relating to communications, information,
19 and the digital economy, including (but not lim-
20 ited to) considerations of interoperability, pri-
21 vacy, security, spectrum use, emergency readi-
22 ness, intermediaries, universal service, and the
23 flow of information”.

1 **TITLE II—OTHER MATTERS**

2 **SEC. 201. PROMOTION OF WORKFORCE PROGRAMS.**

3 The NTIA, under the Broadband USA program,
4 shall coordinate with the heads of other Federal agencies,
5 including the Secretary of Labor and the Secretary of
6 Education, to promote, and share information with States
7 and the public regarding, workforce development pro-
8 grams, such as apprenticeships, internships, externships,
9 and other skills training programs, tailored to the tele-
10 communications industry.

11 **SEC. 202. IMPROVED COORDINATION BETWEEN THE FCC**
12 **AND THE NTIA.**

13 (a) DEFINITION.—In this section, the term “Memo-
14 randum” means the Memorandum of Understanding on
15 Spectrum Coordination executed by the Commission and
16 the Administration on January 31, 2003.

17 (b) UPDATES.—Not later than 120 days after the
18 date of enactment of this Act, the Commission and the
19 NTIA shall update the Memorandum to—

20 (1) outline general processes for addressing
21 technical, procedural, and policy differences regard-
22 ing frequency allocation and related conditions and
23 standards;

24 (2) create a process for the resolution of non-
25 routine policy disputes between the Commission and

1 the NTIA, including specific timelines for an expedi-
2 tious resolution;

3 (3) clarify that—

4 (A) Congress designated the NTIA to
5 serve as the sole agency responsible for man-
6 aging spectrum assigned to Federal agencies,
7 and that, as a result, the NTIA represents Fed-
8 eral agencies in addressing technical, proce-
9 dural, and policy differences regarding fre-
10 quency allocation with the Commission, con-
11 sistent with section 103(b) of the National
12 Telecommunications and Information Adminis-
13 tration Organization Act (47 U.S.C. 902(b));
14 and

15 (B) the representation by the NTIA de-
16 scribed in subparagraph (A) should involve the
17 expertise of the NTIA in technical, engineering,
18 and policy matters;

19 (4) ensure that scientific analyses and testing
20 are considered in actions involving spectrum alloca-
21 tion and standards;

22 (5) ensure that short-, medium-, and long-term
23 implications of spectrum policy and strategy are con-
24 sidered;

1 (6) outline general processes for how the Com-
2 mission and the NTIA will form staff standing
3 working groups with regular meetings to discuss
4 spectrum planning by the Commission and the
5 NTIA;

6 (7) outline general processes for how the Com-
7 mission and the NTIA will jointly interact and con-
8 sult with the Department of State in matters re-
9 garding international spectrum coordination pro-
10 ceedings; and

11 (8) endeavor to ensure—

12 (A) the efficient use of frequencies as-
13 signed to Federal agencies, consistent with the
14 responsibilities of the NTIA under section
15 103(b)(2)(U) of the National Telecommuni-
16 cations and Information Administration Organi-
17 zation Act (47 U.S.C. 902(b)(2)(U)); and

18 (B) that frequencies not required for the
19 present or identifiable future needs of the Fed-
20 eral Government are reallocated to non-Federal
21 Government users wherever possible.

22 (c) PERIODIC UPDATES.—Not later than 3 years
23 after the date on which the Commission and the NTIA
24 update the Memorandum under subsection (b), and every
25 4 years thereafter, the Commission and the NTIA shall

1 update the Memorandum to reflect changing technological,
2 procedural, and policy circumstances.

3 (d) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, and every year thereafter, the
5 Commission and the NTIA shall submit to Congress a re-
6 port on joint spectrum planning activities.

7 **SEC. 203. WORLD RADIOCOMMUNICATION CONFERENCE**
8 **AMBASSADOR.**

9 (a) IN GENERAL.—Section 103(b)(3) of the National
10 Telecommunications and Information Administration Or-
11 ganization Act (47 U.S.C. 902(b)(3)) is amended—

12 (1) in subparagraph (B), by striking “and” at
13 the end;

14 (2) in subparagraph (C), by striking the period
15 at the end and inserting “; and”; and

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

17 “(D) shall assign to the NTIA responsi-
18 bility for providing advice and recommendations
19 to the Secretary of State regarding candidates
20 to serve as United States head of delegation
21 and ambassador to the quadrennial World
22 Radiocommunication Conference of the Inter-
23 national Telecommunication Union, not later
24 than 30 months before the first plenary meeting
25 of a conference.”.

1 (b) RANK.—Section 302(a)(2) of the Foreign Service
2 Act of 1980 (22 U.S.C. 3942(a)(2)) is amended by adding
3 at the end the following:

4 “(D) Notwithstanding subparagraph (B)(i), the
5 President may confer the personal rank of ambassador to
6 the United States head of delegation to the quadrennial
7 World Radiocommunication Conference for a temporary
8 term not exceeding 2 years in duration.”.

9 **TITLE III—EFFECTIVE DATE**

10 **SEC. 301. EFFECTIVE DATE.**

11 This Act and the amendments made by this Act shall
12 take effect on the first day of the first pay period applica-
13 ble to the Under Secretary of Commerce for Communica-
14 tions and Information (as so redesignated by section
15 102(a)) beginning on or after the date of enactment of
16 this Act.

○