

118TH CONGRESS  
1ST SESSION

# H. R. 3565

To authorize the Federal Communications Commission to use a system of competitive bidding to grant a license or a permit for use of electromagnetic spectrum and to direct proceeds from such a system of competitive bidding for communications and technology initiatives, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2023

Mrs. RODGERS of Washington (for herself and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To authorize the Federal Communications Commission to use a system of competitive bidding to grant a license or a permit for use of electromagnetic spectrum and to direct proceeds from such a system of competitive bidding for communications and technology initiatives, 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 Auction Reauthorization Act of 2023”.

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 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—REAUTHORIZATION OF FCC AUCTION AUTHORITY

Sec. 501. Reauthorization of FCC auction authority.

TITLE VI—SPECTRUM AUCTION TRUST FUND

Sec. 601. Deposit of proceeds.

Sec. 602. Spectrum Auction Trust Fund.

TITLE VII—CREATION OF A SPECTRUM PIPELINE

Sec. 701. Creation of a spectrum pipeline.

TITLE VIII—IMPROVING SPECTRUM MANAGEMENT

Sec. 801. Improving spectrum management.

TITLE IX—MINORITY SERVING INSTITUTIONS PROGRAM

Sec. 901. Definitions.

Sec. 902. Program.

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

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

9 (a) 3.1–3.45 GHz BAND.—

1           (1) DEFINITIONS.—Section 90008(a) of the In-  
2        infrastructure Investment and Jobs Act (47 U.S.C.  
3        921 note) is amended—

4                   (A) by redesignating paragraph (3) as  
5        paragraph (4);

6                   (B) by inserting after paragraph (2) the  
7        following:

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

13                   (C) by adding at the end the following:

14           “(5) RELOCATION OR SHARING COSTS.—The  
15       term ‘relocation or sharing costs’ has the meaning  
16       given such term in section 113(g)(3) of the National  
17       Telecommunications and Information Administration  
18       Organization Act (47 U.S.C. 923(g)(3)).

19           “(6) ASSISTANT SECRETARY.—The term ‘As-  
20       sistant Secretary’ means the Assistant Secretary of  
21       Commerce for Communications and Information.”.

22           (2) PROMOTING WIRELESS INNOVATION.—Sec-  
23       tion 90008(b) of the Infrastructure Investment and  
24       Jobs Act (47 U.S.C. 921 note) is amended—

25                   (A) in paragraph (1)—

1 (i) in subparagraph (A)(i), by striking  
2 “for shared Federal and non-Federal com-  
3 mercial licensed use; and” and inserting  
4 “for non-Federal use, shared Federal and  
5 non-Federal use, or a combination thereof;  
6 and”;

7 (ii) in subparagraph (B)—

8 (I) by striking “Section” and in-  
9 serting the following:

10 “(i) IN GENERAL.—Section”;

11 (II) in clause (i), as so des-  
12 ignated, by striking “the payment re-  
13 quired under subparagraph (A)” and  
14 inserting “payments made under sub-  
15 paragraph (A) before the date of the  
16 enactment of the Spectrum Auction  
17 Reauthorization Act of 2023”; and

18 (III) by adding at the end the  
19 following:

20 “(ii) ACCOUNTING PLAN.—The Sec-  
21 retary of Defense shall submit a report to  
22 the Secretary of Commerce and the Direc-  
23 tor of the Office of Management and  
24 Budget not later than 90 days after the  
25 date of the enactment of the Spectrum

1 Auction Reauthorization Act of 2023, in  
2 accordance with section 118(g)(2)(D)(i)(I)  
3 of the National Telecommunications and  
4 Information Administration Organization  
5 Act (47 U.S.C. 928(g)(2)(D)(i)(I)), de-  
6 scribing the activities for which the De-  
7 partment of Defense has used, is using,  
8 and will use payments made under sub-  
9 paragraph (A) before the date of the en-  
10 actment of the Spectrum Auction Reau-  
11 thorization Act of 2023. The Secretary of  
12 Commerce, acting through the Assistant  
13 Secretary, and the Director of the Office of  
14 Management and Budget shall continu-  
15 ously review and provide an accounting of  
16 the activities carried out using the pay-  
17 ments made under subparagraph (A).”;

18 (iii) by amending subparagraph (C) to  
19 read as follows:

20 “(C) REPORT TO SECRETARY OF COM-  
21 MERCE.—For purposes of paragraph (2)(A),  
22 the Secretary of Defense, in coordination with  
23 the heads of other relevant Federal agencies  
24 who receive funds under subparagraph (D) of  
25 this paragraph, shall, not later than September

1           30, 2023, report to the Secretary of Commerce  
2           the findings of the planning activities described  
3           in subparagraph (A) of this paragraph, and de-  
4           tail frequencies in the covered band for identi-  
5           fication by the Secretary of Commerce under  
6           paragraph (2).”; and

7                     (iv) by adding at the end the fol-  
8           lowing:

9                     “(D) ADDITIONAL PAYMENTS.—

10                    “(i) IN GENERAL.—Federal entities  
11                    with operations in the covered band that  
12                    did not receive a payment under subpara-  
13                    graph (A) and that the Assistant Secretary  
14                    determines might be affected by realloca-  
15                    tion of the covered band may request a  
16                    payment under section 118(g)(2)(A) of the  
17                    National Telecommunications and Infor-  
18                    mation Administration Organization Act  
19                    (47 U.S.C. 928(g)(2)(A)) in order to make  
20                    available the entire covered band for non-  
21                    Federal use, shared Federal and non-Fed-  
22                    eral use, or a combination thereof. Total  
23                    awards under this clause shall not exceed  
24                    \$25,000,000.

“(ii) EXEMPTIONS.—Subparagraphs (C)(ii) and (D)(ii) of section 118(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)(2)) shall not apply with respect to a payment made under clause (i).

“(E) COOPERATION.—The Assistant Secretary and the Department of Defense Chief Information Officer will serve as co-chairs of the Partnering to Advance Trusted and Holistic Spectrum Solutions (PATHSS) Task Group.”;

(B) by amending paragraph (2) to read as follows:

“(2) IDENTIFICATION.—

“(A) IN GENERAL.—Not later than June 15, 2025, informed by the report required under paragraph (1)(C), the Secretary of Commerce, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Commission, shall submit to the President, the Commission, and the relevant congressional committees a report that identifies 350 megahertz of frequencies in the covered band for non-Federal use, shared

1 Federal and non-Federal use, or a combination  
2 thereof.

3 “(B) DETERMINATION IN CASE OF RISK  
4 TO NATIONAL SECURITY.—If the Secretary of  
5 Defense believes reallocation of the frequencies  
6 identified by the Secretary of Commerce under  
7 subparagraph (A) poses an unacceptable risk to  
8 the national security of the United States, the  
9 Secretary of Defense shall inform the President,  
10 as the Commander in Chief under Article II,  
11 Section 2 of the United States Constitution,  
12 and the President shall make a final determina-  
13 tion regarding which frequencies could feasibly  
14 be reallocated for the purposes of that subpara-  
15 graph.”;

16 (C) by amending paragraph (3) to read as  
17 follows:

18 “(3) AUCTION.—

19 “(A) IN GENERAL.—Not later than Janu-  
20 ary 15, 2028, the Commission, in coordination  
21 with the Assistant Secretary, shall commence a  
22 system of competitive bidding under section  
23 309(j) of the Communications Act of 1934 (47  
24 U.S.C. 309(j)), in accordance with paragraph  
25 (2) of this subsection, of the frequencies identi-



1           fied under such paragraph as suitable for a sys-  
2           tem of competitive bidding.

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

12          “(C) SCOPE.—The Commission may not  
13          include in the system of competitive bidding re-  
14          quired by subparagraph (A) any frequencies  
15          that are not in the covered band.”; and

16          (D) by amending paragraph (4) to read as  
17          follows:

18          “(4) MODIFICATION OR WITHDRAWAL OF FED-  
19          ERAL ENTITY LICENSES.—

20          “(A) IN GENERAL.—The President, acting  
21          through the Assistant Secretary, shall—

22                  “(i) begin the process of modifying or  
23                  withdrawing any assignment to a Federal  
24                  Government station of the frequencies  
25                  identified under paragraph (2) to accom-

1 modate non-Federal use, shared Federal  
2 and non-Federal use, or a combination  
3 thereof in accordance with that paragraph  
4 not later than December 15, 2027; and

5 “(ii) not later than 30 days after com-  
6 pleting any necessary withdrawal or modi-  
7 fication under clause (i), notify the Com-  
8 mission that the withdrawal or modifica-  
9 tion is complete.

10 “(B) LIMITATIONS.—The President may  
11 not modify or withdraw any assignment to a  
12 Federal Government station as described in  
13 subparagraph (A)—

14 “(i) unless the President determines  
15 that such modification or withdrawal will  
16 not pose an unacceptable risk to the na-  
17 tional security of the United States; and

18 “(ii) before November 30, 2024.”.

19 (b) FCC AUCTION AUTHORITY.—

20 (1) TERMINATION.—Section 309(j)(11) of the  
21 Communications Act of 1934 (47 U.S.C. 309(j)(11))  
22 is amended by striking “except that” and all that  
23 follows and inserting “except that with respect to  
24 the electromagnetic spectrum identified as suitable  
25 for a system of competitive bidding under section

1       90008(b)(2) of the Infrastructure Investment and  
2       Jobs Act (47 U.S.C. 921 note), such authority shall  
3       expire on the date that is 7 years after November  
4       15, 2021.”.

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       (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
16       tion or the amendments made by this section shall be con-  
17       strued to alter or impede the activities authorized to be  
18       conducted using the payment required by section  
19       90008(b)(1)(A) of the Infrastructure Investment and Jobs  
20       Act (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921  
21       note), as such section was in effect on the day before the  
22       date of the enactment of this Act, if the Assistant Sec-  
23       retary of Commerce for Communications and Information  
24       determines that such activities are conducted in accord-  
25       ance with section 90008 of the Infrastructure Investment

1 and Jobs Act, as amended by this section. Nothing in this  
 2 subsection shall be construed to affect any requirement  
 3 under section 1062(b) of the National Defense Authoriza-  
 4 tion Act for Fiscal Year 2000 (47 U.S.C. 921 note; Public  
 5 Law 106–65).

6 (d) SAVINGS CLAUSE.—Nothing in this section, or  
 7 any amendment made by this section, shall be construed  
 8 to alter the authorities of the Assistant Secretary of Com-  
 9 merce for Communications and Information in the spec-  
 10 trum management process as provided in the National  
 11 Telecommunications and Information Administration Or-  
 12 ganization Act (47 U.S.C. 901 et seq.).

13 **TITLE II—SECURE AND TRUSTED**  
 14 **COMMUNICATIONS NET-**  
 15 **WORKS REIMBURSEMENT**  
 16 **PROGRAM**

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

18 Section 4(k) of the Secure and Trusted Communica-  
 19 tions Networks Act of 2019 (47 U.S.C. 1603(k)) is  
 20 amended by striking “\$1,900,000,000” and inserting  
 21 “\$4,980,000,000”.

1 **TITLE III—NEXT GENERATION 9–**  
2 **1–1**

3 **SEC. 301. FURTHER DEPLOYMENT AND COORDINATION OF**  
4 **NEXT GENERATION 9–1–1.**

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

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

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

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

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

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

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

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

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

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

10          “(2) ANNUAL REPORTS.—Not later than Octo-  
11          ber 1, 2024, and each year thereafter until funds  
12          made available to make grants under subsection (c)  
13          are no longer available to be expended, the Assistant  
14          Secretary shall submit to Congress a report on the  
15          activities conducted by the Assistant Secretary under  
16          paragraph (1) in the year preceding the submission  
17          of the report.

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

23          “(b) ADDITIONAL DUTIES.—

24          “(1) MANAGEMENT PLAN.—

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

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

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

10           “(B) SUBMISSION TO CONGRESS.—Not  
11           later than 180 days after the date of the enact-  
12           ment of this section, the Assistant Secretary  
13           shall—

14                   “(i) submit the management plan de-  
15                   veloped under subparagraph (A) 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;

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

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

6 “(2) MODIFICATION OF PLAN.—

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

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

14 “(i) submit the modified plan to—

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

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

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



1 “(iii) provide the modified plan to the  
2 Administrator for the purpose of pub-  
3 lishing the modified plan on the website of  
4 the National Highway Traffic and Safety  
5 Administration.

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

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

10 “(A) implementing Next Generation 9–1–  
11 1;

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

13 “(C) training directly related to imple-  
14 menting, maintaining, and operating Next Gen-  
15 eration 9–1–1 if the cost related to the training  
16 does not exceed—

17 “(i) 3 percent of the total grant  
18 award for eligible entities that are not  
19 Tribes; and

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

22 “(D) public outreach and education on how  
23 the public can best use Next Generation 9–1–  
24 1 and the capabilities and usefulness of Next  
25 Generation 9–1–1;

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

6 “(i) the cost is fully documented in  
7 materials submitted to the Assistant Sec-  
8 retary; and

9 “(ii) the cost is reasonable, necessary,  
10 and does not exceed—

11 “(I) 1 percent of the total grant  
12 award for eligible entities that are not  
13 Tribes; and

14 “(II) 2 percent of the total grant  
15 award for eligible entities that are  
16 Tribes;

17 “(F) costs associated with implementing  
18 cybersecurity measures at emergency commu-  
19 nications centers or with respect to Next Gen-  
20 eration 9–1–1.

21 “(2) APPLICATION.—In providing grants under  
22 paragraph (1), the Assistant Secretary, after con-  
23 sulting with the Administrator, shall require an eligi-  
24 ble entity to submit to the Assistant Secretary an  
25 application, at the time and in the manner deter-

1        mined by the Assistant Secretary, and containing  
2        the certification required by paragraph (3).

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

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

8            “(i) has coordinated the application  
9        with the emergency communications cen-  
10       ters located within the jurisdiction of the  
11       entity;

12           “(ii) has designated a single officer or  
13        governmental body to serve as the State  
14        point of contact to coordinate the imple-  
15        mentation of Next Generation 9–1–1 for  
16        that State, except that such designation  
17        need not vest such officer or governmental  
18        body with direct legal authority to imple-  
19        ment Next Generation 9–1–1 or to manage  
20        emergency communications operations; and

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

1           “(I) ensures interoperability by  
2 requiring the use of commonly accept-  
3 ed standards;

4           “(II) ensures reliability;

5           “(III) enables emergency commu-  
6 nications centers to process, analyze,  
7 and store multimedia, data, and other  
8 information;

9           “(IV) incorporates cybersecurity  
10 tools, including intrusion detection  
11 and prevention measures;

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

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

21           “(VII) documents how input was  
22 received and accounted for from rel-  
23 evant rural and urban emergency  
24 communications centers, regional au-

1           thorities, local authorities, and Tribal  
2           authorities;

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

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

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

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

21          “(X) utilizes an effective, com-  
22          petitive approach to establishing au-  
23          thentication, credentialing, secure con-  
24          nections, and access in deploying Next  
25          Generation 9–1–1, including by—

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

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

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

13                   “(B) in the case of an eligible entity that  
14 is a Tribe, the Tribe has complied with clauses  
15 (i) and (iii) of subparagraph (A).

16                   “(4) CRITERIA.—

17                   “(A) IN GENERAL.—Not later than 1 year  
18 after the date of the enactment of this section,  
19 the Assistant Secretary, after consulting with  
20 the Administrator, shall issue rules, after pro-  
21 viding the public with notice and an opportunity  
22 to comment, prescribing the criteria for select-  
23 ing eligible entities for grants under this sub-  
24 section.

1                   “(B)     REQUIREMENTS.—The     criteria  
2                   shall—

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

7                   “(ii) specifically permit regional or  
8                   multi-State applications for funds.

9                   “(C)     UPDATES.—The Assistant Secretary  
10                  shall update such rules as necessary.

11                  “(5)     GRANT   CERTIFICATIONS.—Each eligible  
12                  entity shall certify to the Assistant Secretary at the  
13                  time of application for a grant under this subsection,  
14                  and each eligible entity that receives such a grant  
15                  shall certify to the Assistant Secretary annually  
16                  thereafter during any period of time the funds from  
17                  the grant are available to the eligible entity, that—

18                  “(A)     beginning on the date that is 180  
19                  days before the date on which the application is  
20                  filed, no portion of any 9–1–1 fee or charge im-  
21                  posed by the eligible entity (or in the case that  
22                  the eligible entity is not a State or Tribe, any  
23                  State or taxing jurisdiction within which the eli-  
24                  gible entity will carry out, or is carrying out,  
25                  activities using grant funds) are obligated or

1 expended for a purpose or function not des-  
2 ignated under the rules issued pursuant to sec-  
3 tion 6(f)(3) of the Wireless Communications  
4 and Public Safety Act of 1999 (47 U.S.C.  
5 615a–1(f)(3)) (as such rules are in effect on the  
6 date on which the eligible entity makes the cer-  
7 tification) as acceptable;

8 “(B) any funds received by the eligible en-  
9 tity will be used, consistent with paragraph (1),  
10 to support the deployment of Next Generation  
11 9–1–1 that ensures reliability and interoper-  
12 ability, by requiring the use of commonly ac-  
13 cepted standards;

14 “(C) the eligible entity (or in the case that  
15 the eligible entity is not a State or Tribe, any  
16 State or taxing jurisdiction within which the eli-  
17 gible entity will carry out or is carrying out ac-  
18 tivities using grant funds) has established, or  
19 has committed to establish not later than 3  
20 years following the date on which the grant  
21 funds are distributed to the eligible entity—

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

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



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

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

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

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

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

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

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

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

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

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

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

20           “(d) DEFINITIONS.—In this section and sections 160  
 21           and 161:

22                   “(1) 9–1–1 FEE OR CHARGE.—The term ‘9–1–  
 23                   1 fee or charge’ has the meaning given such term in  
 24                   section 6(f)(3)(D) of the Wireless Communications

1 and Public Safety Act of 1999 (47 U.S.C. 615a–  
2 1(f)(3)(D)).

3 “(2) 9–1–1 REQUEST FOR EMERGENCY ASSIST-  
4 ANCE.—The term ‘9–1–1 request for emergency as-  
5 sistance’ means a communication, such as voice,  
6 text, picture, multimedia, or any other type of data  
7 that is sent to an emergency communications center  
8 for the purpose of requesting emergency assistance.

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

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

17 “(A) enable interoperability; and

18 “(B) are—

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

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

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

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

9 “(iii) consensus-based; and

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

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

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

17 “(B) travel expenses;

18 “(C) instructor expenses; or

19 “(D) facility costs and training materials.

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

22 “(A) means—

23 “(i) a State or a Tribe; or

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

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

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

6 “(7) EMERGENCY COMMUNICATIONS CENTER.—

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

9 “(i) a facility that—

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

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

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

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

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

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

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

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

12                  “(v) Supporting incident command  
13                  functions.

14                  “(8) EMERGENCY RESPONSE PROVIDERS.—The  
15                  term ‘emergency response providers’ has the mean-  
16                  ing given that term under section 2 of the Homeland  
17                  Security Act of 2002 (6 U.S.C. 101).

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

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

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

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

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

20 “(A) ensures interoperability;

21 “(B) is secure;

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

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

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

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

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

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



1           “(15) SUSTAINABLE FUNDING MECHANISM.—

2           The term ‘sustainable funding mechanism’ means a  
3           funding mechanism that provides adequate revenues  
4           to cover ongoing expenses, including operations,  
5           maintenance, and upgrades.

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

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

12           “The Assistant Secretary, after consulting with the  
13   Administrator and the Director of the Cybersecurity and  
14   Infrastructure Security Agency of the Department of  
15   Homeland Security, shall establish a Next Generation 9–  
16   1–1 Cybersecurity Center to coordinate with State, local,  
17   and regional governments on the sharing of cybersecurity  
18   information about, the analysis of cybersecurity threats to,  
19   and guidelines for strategies to detect and prevent cyberse-  
20   curity intrusions relating to Next Generation 9–1–1.

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

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

23           “(1) ESTABLISHMENT.—The Assistant Sec-  
24           retary shall establish a ‘Public Safety Next Genera-  
25           tion 9–1–1 Advisory Board’ (in this section referred

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

3 “(A) with respect to carrying out the du-  
4 ties and responsibilities of the Assistant Sec-  
5 retary in issuing the rules required under sec-  
6 tion 159(c)(4);

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

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

9 “(2) MEMBERSHIP.—

10 “(A) VOTING MEMBERS.—Not later than  
11 150 days after the date of the enactment of this  
12 section, the Assistant Secretary 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–  
22 1 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  
8 public safety communications and 9–1–1 serv-  
9 ices.

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

19 “(3) PERIOD OF APPOINTMENT.—

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

23 “(B) REMOVAL FOR CAUSE.—A member of  
24 the Board may be removed for cause upon the  
25 determination of the Assistant Secretary.

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  
8           Chairperson from among the voting members of the  
9           Board.

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

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

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

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

24               “(D) enabling effective coordination among  
25               State, local, Tribal, and territorial government

1 entities to ensure that the needs of emergency  
2 communications centers in both rural and  
3 urban areas are taken into account in each im-  
4 plementation plan required under section  
5 159(c)(3)(A)(iii); and

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

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

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

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

## **TITLE IV—INCUMBENT INFORMING CAPABILITY**

### **SEC. 401. INCUMBENT INFORMING CAPABILITY.**

(a) IN GENERAL.—Part B of the National Telecommunications and Information Administration Organization Act 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 90 days after the date of the enactment of this section, begin to implement such capability, including the development and testing of such capability.

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

“(1) IN GENERAL.—The incumbent informing capability required by subsection (a) shall include a system to enable sharing, including time-based sharing and coordination, to securely manage harmful

1 interference between non-Federal users and incum-  
2 bent Federal entities sharing a band of covered spec-  
3 trum and between Federal entities sharing a band of  
4 covered spectrum.

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

8 “(A) One or more mechanisms (that shall  
9 include interfaces to commerce sharing systems,  
10 as appropriate) to allow non-Federal use in cov-  
11 ered spectrum, as authorized by the rules of the  
12 Commission.

13 “(B) One or more mechanisms to facilitate  
14 Federal-to-Federal sharing, as authorized by  
15 the NTIA.

16 “(C) One or more mechanisms to prevent,  
17 eliminate, or mitigate harmful interference to  
18 and from incumbent Federal entities, including  
19 one or more of the following functions:

20 “(i) Sensing.

21 “(ii) Identification.

22 “(iii) Reporting.

23 “(iv) Analysis.

24 “(v) Resolution.

1           “(D) Dynamic coordination area analysis,  
2           definition, and control, if appropriate for a  
3           band.

4           “(3) COMPLIANCE WITH COMMISSION RULES.—  
5           The incumbent informing capability required by sub-  
6           section (a) shall ensure that use of covered spectrum  
7           is in accordance with the applicable rules of the  
8           Commission.

9           “(4) INPUT OF INFORMATION.—Each incum-  
10          bent Federal entity sharing a band of covered spec-  
11          trum shall—

12               “(A) input into the system required by  
13               paragraph (1) such information as the Assist-  
14               ant Secretary may require, including the fre-  
15               quency, time, and location of the use of the  
16               band by such Federal entity; and

17               “(B) to the extent practicable, input such  
18               information into such system on an automated  
19               basis.

20           “(5) PROTECTION OF CLASSIFIED INFORMA-  
21          TION AND CONTROLLED UNCLASSIFIED INFORMA-  
22          TION.—

23               “(A) IN GENERAL.—The system required  
24               by paragraph (1) shall contain appropriate  
25               measures to protect classified information and



1 controlled unclassified information, including  
2 any such classified information or controlled  
3 unclassified information that relates to military  
4 operations.

5 “(B) MECHANISM.—The Assistant Sec-  
6 retary shall develop a mechanism—

7 “(i) for information sharing between  
8 classified and unclassified databases; and

9 “(ii) to address issues of aggregate  
10 classification challenges.

11 “(6) CONSULTATION.—

12 “(A) FEDERAL AGENCIES.—The Assistant  
13 Secretary shall consult with the heads of other  
14 relevant Federal agencies on the development,  
15 testing, and implementation of the incumbent  
16 informing capability to ensure consideration of  
17 the operational and mission requirements of  
18 those Federal agencies.

19 “(B) STAKEHOLDER FEEDBACK.—The As-  
20 sistant Secretary shall solicit stakeholder feed-  
21 back from Federal and non-Federal users of the  
22 incumbent informing capability, including on—

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

1                   “(ii) which mitigation measures could  
 2                   enable secondary access by non-Federal  
 3                   users to avoid operational impact; and

4                   “(iii) a process for incumbent Federal  
 5                   users to share complaints or report harm-  
 6                   ful mission impact, including how the im-  
 7                   pact to Federal missions would be as-  
 8                   sessed.

9           “(c) BRIEFING.—Not later than 120 days after the  
 10   date of the enactment of this section, and annually there-  
 11   after, the Assistant Secretary shall provide a briefing on  
 12   the implementation and operation of the incumbent in-  
 13   forming capability to—

14                   “(1) the Committee on Commerce, Science, and  
 15                   Transportation of the Senate; and

16                   “(2) the Committee on Energy and Commerce  
 17                   of the House of Representatives.

18           “(d) DEFINITIONS.—In this section:

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

21                           “(A) electromagnetic spectrum for which  
 22                           usage rights are assigned to or authorized for  
 23                           (including before the date on which the incum-  
 24                           bent informing capability required by subsection  
 25                           (a) is implemented) a non-Federal user or class

1 of non-Federal users for use on a shared basis  
2 with an incumbent Federal entity in accordance  
3 with the rules of the Commission; and

4 “(B) electromagnetic spectrum allocated  
5 on a primary or co-primary basis for Federal  
6 use that is shared among Federal entities.

7 “(2) FEDERAL ENTITY.—The term ‘Federal en-  
8 tity’ has the meaning given such term in section  
9 113(l).

10 “(3) INCUMBENT INFORMING CAPABILITY.—  
11 The term ‘incumbent informing capability’ means a  
12 capability to facilitate the sharing of covered spec-  
13 trum.

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

17 (b) FUNDING.—On the date of the enactment of this  
18 Act, the Director of the Office of Management and Budget  
19 shall transfer \$120,000,000 from the Spectrum Relocation  
20 Fund established under section 118 of the National Tele-  
21 communications and Information Administration Organi-  
22 zation Act (47 U.S.C. 928) to the National Telecommuni-  
23 cations and Information Administration for the purpose  
24 of establishing the incumbent informing capability under  
25 section 120 of such Act, as added by subsection (a).

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

3 **SEC. 501. REAUTHORIZATION OF FCC AUCTION AUTHOR-**  
4 **ITY.**

5 Section 309(j)(11) of the Communications Act of  
6 1934 (47 U.S.C. 309(j)(11)) is amended by striking  
7 “March 9, 2023” and inserting “September 30, 2026”.

8 **TITLE VI—SPECTRUM AUCTION**  
9 **TRUST FUND**

10 **SEC. 601. DEPOSIT OF PROCEEDS.**

11 (a) COVERED AUCTION DEFINED.—In this title, the  
12 term “covered auction” means a system of competitive  
13 bidding—

14 (1) conducted under section 309(j) of the Com-  
15 munications Act of 1934 (47 U.S.C. 309(j)), as  
16 amended by this Act, that commences during the pe-  
17 riod beginning on the date of the enactment of this  
18 Act and ending on December 31, 2025;

19 (2) conducted under section 309(j) of the Com-  
20 munications Act of 1934 (47 U.S.C. 309(j)), as  
21 amended by this Act, for the band of frequencies be-  
22 tween 3100 megahertz and 3450 megahertz, inclu-  
23 sive; or

24 (3)(A) that involves a band of frequencies de-  
25 scribed in section 113(g)(2) of the National Tele-

1       communications and Information Administration Or-  
2       ganization Act (47 U.S.C. 923(g)(2)); or

3               (B) with respect to which the Federal Commu-  
4       nications Commission shares with a licensee a por-  
5       tion of the proceeds, as described in paragraph  
6       (8)(G) of such section 309(j).

7       (b) DEPOSIT OF PROCEEDS.—Notwithstanding sub-  
8       paragraphs (A), (C)(i), (D), and (G)(iii) of section  
9       309(j)(8) of the Communications Act of 1934 (47 U.S.C.  
10      309(j)(8)) and except as provided in subparagraph (B) of  
11      such section, the proceeds (including deposits and upfront  
12      payments from successful bidders) from any covered auc-  
13      tion shall be deposited or available as follows:

14              (1) In the case of proceeds attributable to eligi-  
15      ble frequencies described in subsection (g)(2) of sec-  
16      tion 113 of the National Telecommunications and  
17      Information Administration Organization Act (47  
18      U.S.C. 923), such amount of such proceeds as is  
19      necessary to cover 110 percent of the relocation or  
20      sharing costs (as defined in subsection (g)(3) of such  
21      section) of Federal entities (as defined in subsection  
22      (l) of such section) relocated from or sharing such  
23      eligible frequencies shall be deposited in the Spec-  
24      trum Relocation Fund established under section 118  
25      of such Act (47 U.S.C. 928). Any remaining pro-

1       ceeds after making the deposit described in this  
2       paragraph shall be deposited in accordance with sec-  
3       tion 602 of this Act.

4           (2) In the case of proceeds attributable to spec-  
5       trum usage rights made available through an incen-  
6       tive auction under subparagraph (G) of section  
7       309(j)(8) of the Communications Act of 1934 (47  
8       U.S.C. 309(j)(8)), such amount of such proceeds as  
9       the Federal Communications Commission has agreed  
10      to share with licensees under such subparagraph  
11      shall be shared with such licensees. Any remaining  
12      proceeds after making the deposit described in this  
13      paragraph shall be deposited in accordance with sec-  
14      tion 602 of this Act.

15           (3) Any remaining proceeds after carrying out  
16      paragraphs (1) and (2) shall be deposited in accord-  
17      ance with section 602 of this Act.

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

19       (a) ESTABLISHMENT.—There is established in the  
20      Treasury of the United States a fund to be known as the  
21      “Spectrum Auction Trust Fund” (in this section referred  
22      to as the “Fund”) for the purposes described in subpara-  
23      graphs (A) through (D) of subsection (c)(1). Amounts de-  
24      posited in the Fund shall remain available until expended.

25       (b) DEFICIT REDUCTION.—

1           (1) PROCEEDS OF REQUIRED AUCTION OF 3.1-  
2       3.45 GHZ BAND.—Except as provided in section  
3       309(j)(8)(B) of the Communications Act of 1934  
4       (47 U.S.C. 309(j)(8)(B)), and notwithstanding any  
5       other provision of law—

6           (A) the first \$17,300,000,000 of the pro-  
7       ceeds of systems of competitive bidding required  
8       under section 90008 of the Infrastructure In-  
9       vestment and Jobs Act (47 U.S.C. 921 note)  
10      shall be deposited in the general fund of the  
11      Treasury, where such proceeds shall be dedi-  
12      cated for the sole purpose of deficit reduction;  
13      and

14          (B) the remainder of the proceeds of the  
15      systems of competitive bidding described in sub-  
16      paragraph (A) shall be deposited in accordance  
17      with subsection (c).

18          (2) PROCEEDS OF SPECTRUM PIPELINE ACT OF  
19      2015 AUCTION.—Except as provided in section  
20      309(j)(8)(B) of the Communications Act of 1934  
21      (47 U.S.C. 309(j)(8)(B)), and notwithstanding any  
22      other provision of law—

23          (A) the first \$300,000,000 of the proceeds  
24      of the system of competitive bidding required  
25      under section 1004 of the Spectrum Pipeline

1 Act of 2015 (47 U.S.C. 921 note) shall be de-  
2 posited in the general fund of the Treasury,  
3 where such proceeds shall be dedicated for the  
4 sole purpose of deficit reduction; and

5 (B) the remainder of the proceeds of the  
6 system of competitive bidding described in sub-  
7 paragraph (A) shall be deposited in accordance  
8 with subsection (c).

9 (3) REMAINING PROCEEDS OF COVERED AUC-  
10 TIONS.—Except as provided in section 309(j)(8)(B)  
11 of the Communications Act of 1934 (47 U.S.C.  
12 309(j)(8)(B)), and notwithstanding any other provi-  
13 sion of law, any proceeds from covered auctions con-  
14 ducted under section 309(j) of the Communications  
15 Act of 1934 (47 U.S.C. 309(j)), shall be deposited  
16 as follows (unless the covered auction is a system of  
17 competitive bidding described in paragraph (1) or  
18 (2) of this subsection, in which case those proceeds  
19 shall be deposited in accordance with paragraph (1)  
20 or (2) of this subsection, as applicable):

21 (A) The first \$2,000,000,000 of those pro-  
22 ceeds shall be deposited in the general fund of  
23 the Treasury, where such amounts shall be  
24 dedicated for the sole purpose of deficit reduc-  
25 tion.



1 (B) Any remaining proceeds after carrying  
2 out subparagraph (A) shall be deposited in ac-  
3 cordance with subsection (c).

4 (c) DEPOSIT OF FUNDS.—

5 (1) IN GENERAL.—Except as provided in sub-  
6 section (b) and paragraph (2), and notwithstanding  
7 any other provision of law (except for that sub-  
8 section), an aggregate total amount of  
9 \$23,080,000,000 from covered auctions shall be de-  
10 posited in the Fund as follows:

11 (A) 30 percent of any such amounts, but  
12 no more than \$3,080,000,000 cumulatively,  
13 shall be transferred to the general fund of the  
14 Treasury to reimburse the amount borrowed  
15 under subsection (d) of this section.

16 (B) 30 percent of any such amounts, but  
17 no more than \$14,800,000,000 cumulatively,  
18 shall be made available to the Assistant Sec-  
19 retary of Commerce for Communications and  
20 Information until expended to carry out sec-  
21 tions 159, 160, and 161 of the National Tele-  
22 communications and Information Administra-  
23 tion Organization Act, as added by section 301  
24 of this Act, except that not more than 4 percent  
25 of the amount made available by this subpara-

1 graph may be used for administrative purposes  
2 (including carrying out such sections 160 and  
3 161).

4 (C) 30 percent of any such amounts, but  
5 no more than \$5,000,000,000 cumulatively,  
6 shall be made available to the Assistant Sec-  
7 retary of Commerce for Communications and  
8 Information to carry out section 60401 of the  
9 Infrastructure Investment and Jobs Act (47  
10 U.S.C. 1741).

11 (D) 10 percent of such amounts, but no  
12 more than \$200,000,000 cumulatively, shall be  
13 transferred to the general fund of the Treasury  
14 to reimburse the amount borrowed under sub-  
15 section (e) of this section.

16 (2) DISTRIBUTION.—If the maximum amount  
17 permitted under a subparagraph of paragraph (1) is  
18 met, whether through covered auction proceeds or  
19 appropriations to the program specified in such sub-  
20 paragraph, any remaining proceeds shall be depos-  
21 ited pro rata based on the original distribution to all  
22 subparagraphs of paragraph (1) for which the max-  
23 imum amount permitted has not been met.

24 (3) DEFICIT REDUCTION.—After the amount  
25 required to be made available by paragraphs (1) and

1       (2) is so made available, any remaining amounts  
2       shall be deposited in the general fund of the Treas-  
3       ury, where such amounts shall be dedicated for the  
4       sole purpose of deficit reduction.

5       (d) FCC BORROWING AUTHORITY.—The Federal  
6       Communications Commission may borrow from the Treas-  
7       ury of the United States, not later than 90 days after the  
8       date of the enactment of this Act, an amount not to exceed  
9       \$3,080,000,000 to carry out the Secure and Trusted Com-  
10      munications Networks Act of 2019 (47 U.S.C. 1601 et  
11      seq.), provided that the Commission shall not use any  
12      funds borrowed under this subsection in a manner that  
13      may result in outlays on or after December 31, 2032.

14      (e) NTIA BORROWING AUTHORITY.—The Assistant  
15      Secretary of Commerce for Communications and Informa-  
16      tion may borrow from the Treasury of the United States,  
17      not later than 90 days after the date of the enactment  
18      of this Act, an amount not to exceed \$200,000,000 to  
19      carry out the Minority Serving Institutions Program cre-  
20      ated under title IX of this Act, provided that the Assistant  
21      Secretary shall not use any funds borrowed under this  
22      subsection in a manner that may result in outlays on or  
23      after December 31, 2032.

24      (f) REPORTING REQUIREMENT.—Not later than 2  
25      years after the date of the enactment of this Act, and

1 every year thereafter until funds are fully expended, the  
 2 agencies to which the funds are made available shall sub-  
 3 mit to the Committee on Energy and Commerce of the  
 4 House of Representatives and the Committee on Com-  
 5 merce, Science, and Transportation of the Senate a report  
 6 on the amount transferred or made available under each  
 7 subparagraph of subsection (c)(1).

## 8 **TITLE VII—CREATION OF A** 9 **SPECTRUM PIPELINE**

### 10 **SEC. 701. CREATION OF A SPECTRUM PIPELINE.**

11 (a) FEASIBILITY ASSESSMENT.—

12 (1) IN GENERAL.—The Assistant Secretary  
 13 shall complete, not later than June 15, 2025, a fea-  
 14 sibility assessment of making available electro-  
 15 magnetic spectrum for non-Federal use, shared Fed-  
 16 eral and non-Federal use, or a combination thereof,  
 17 in the bands of frequencies—

18 (A) between 4400 and 4940 megahertz, in-  
 19 clusive; and

20 (B) between 7125 and 8500 megahertz, in-  
 21 clusive.

22 (2) OTHER REQUIREMENTS.—In conducting the  
 23 feasibility assessment under paragraph (1), the As-  
 24 sistant Secretary shall—

1 (A) coordinate directly with covered agen-  
2 cies with respect to frequencies assigned to, and  
3 used by, those agencies in the bands described  
4 in paragraph (1) and in affected adjacent or  
5 near adjacent bands; and

6 (B) conduct each analysis in accordance  
7 with section 113(j) of the National Tele-  
8 communications and Information Administra-  
9 tion Organization Act (47 U.S.C. 923(j)).

10 (b) REPORT TO THE COMMISSION AND CONGRESS.—

11 (1) IN GENERAL.—Not later than 30 days after  
12 the date on which the Assistant Secretary completes  
13 the feasibility assessment required under subsection  
14 (a)(1), the Assistant Secretary shall submit to the  
15 Commission and Congress a report regarding that  
16 analysis, including an identification of the fre-  
17 quencies to be reallocated from Federal use to non-  
18 Federal use, and from Federal use to shared Federal  
19 and non-Federal use.

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

22 (A) the covered agencies with which the  
23 Assistant Secretary coordinated regarding the  
24 frequencies considered under subsection (a)(1);

1 (B) the necessary steps to make the bands  
2 of frequencies considered under subsection  
3 (a)(1) available for non-Federal use, shared  
4 Federal and non-Federal use, or a combination  
5 thereof, including—

6 (i) the technical requirements nec-  
7 essary to make available bands in the fre-  
8 quencies considered under subsection  
9 (a)(1) for—

10 (I) exclusive non-Federal use;

11 and

12 (II) shared Federal and non-Fed-  
13 eral use; and

14 (ii) an estimate of the cost to covered  
15 agencies to make available bands in the  
16 frequencies considered under subsection  
17 (a)(1) for—

18 (I) exclusive non-Federal use;

19 and

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

22 (C) an assessment of the likelihood that  
23 authorizing mobile or fixed terrestrial oper-  
24 ations in any of the frequencies considered

1 under subsection (a)(1) would result in harmful  
2 interference to an affected Federal entity; and

3 (D) an assessment of the potential impact  
4 that authorizing mobile or fixed terrestrial wire-  
5 less operations, including advanced mobile serv-  
6 ices operations, in any of the frequencies con-  
7 sidered under subsection (a)(1) could have on  
8 the mission of an affected Federal entity.

9 (3) PUBLIC AVAILABILITY.—The Assistant Sec-  
10 retary shall make the report submitted under this  
11 subsection publicly available.

12 (4) CLASSIFIED INFORMATION.—To the extent  
13 that there is classified material in the report re-  
14 quired to be submitted under paragraph (1), the As-  
15 sistant Secretary shall provide the Committee on  
16 Energy and Commerce of the House of Representa-  
17 tives and the Committee on Commerce, Science and  
18 Transportation of the Senate a briefing on the clas-  
19 sified components of the report submitted under this  
20 subsection.

21 (5) RULE OF CONSTRUCTION.—Nothing in this  
22 subsection may be construed to require the disclo-  
23 sure of classified information, law enforcement sen-  
24 sitive information, or other information reflecting  
25 technical, procedural, or policy concerns subject to

1 protection under section 552 of title 5, United  
2 States Code.

3 (c) DEFINITIONS.—In this section:

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

6 (2) ASSISTANT SECRETARY.—The term “Assist-  
7 ant Secretary” means the Assistant Secretary of  
8 Commerce for Communications and Information.

9 (3) COVERED AGENCY.—The term “covered  
10 agency” means any agency with operations in a  
11 band of frequencies described in subsection (a)(1).

## 12 **TITLE VIII—IMPROVING** 13 **SPECTRUM MANAGEMENT**

### 14 **SEC. 801. IMPROVING SPECTRUM MANAGEMENT.**

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

#### 19 **“SEC. 106. IMPROVING SPECTRUM MANAGEMENT.**

20 “(a) DEFINITIONS.—In this section:

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

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



1           “(3) MEMORANDUM.—The term ‘Memorandum’  
2           means the Memorandum of Understanding between  
3           the Commission and the NTIA (relating to increased  
4           coordination between Federal spectrum management  
5           agencies to promote the efficient use of the radio  
6           spectrum in the public interest), signed on August 1,  
7           2022, or any successor memorandum.

8           “(4) PPSG.—The term ‘PPSG’ means the  
9           interagency advisory body that, as of the date of the  
10          enactment of this section, is known as the Policy  
11          and Plans Steering Group.

12          “(5) SPECTRUM ACTION.—The term ‘spectrum  
13          action’ means any proposed action by the Commis-  
14          sion to reallocate radio frequency spectrum that is  
15          anticipated to result in a system of competitive bid-  
16          ding conducted under section 309(j) of the Commu-  
17          nications Act of 1934 (47 U.S.C. 309(j)) or licens-  
18          ing that could potentially impact the spectrum oper-  
19          ations of a Federal entity.

20          “(6) ASSISTANT SECRETARY.—The term ‘As-  
21          sistant Secretary’ means the Assistant Secretary of  
22          Commerce for Communications and Information.

23          “(b) FEDERAL COORDINATION PROCEDURES.—

24                 “(1) NOTICE.—With respect to each spectrum  
25                 action, the Assistant Secretary shall file in the pub-

1       lic record with respect to the spectrum action infor-  
2       mation (redacted as necessary if the information is  
3       protected from disclosure for a reason described in  
4       paragraph (3)) not later than the end of the period  
5       for submitting comments to the Commission in such  
6       proceeding regarding—

7               “(A) when the Commission provided notice  
8       to the Assistant Secretary regarding the spec-  
9       trum action, as required under the Memo-  
10      randum;

11              “(B) the Federal entities that may be im-  
12      pacted by the spectrum action;

13              “(C) when the Assistant Secretary pro-  
14      vided notice to the Federal entities described in  
15      subparagraph (B) regarding the spectrum ac-  
16      tion; and

17              “(D) a summary of the general technical  
18      or procedural concerns of Federal entities with  
19      the spectrum action.

20              “(2) FINAL RULE.—If the Commission promul-  
21      gates a final rule under section 553 of title 5,  
22      United States Code, involving a spectrum action, the  
23      Commission shall prepare, make available to the  
24      public, and publish in the Federal Register along

1 with the final rule an interagency coordination sum-  
2 mary that describes—

3 “(A) when the Commission provided notice  
4 to the Assistant Secretary regarding the spec-  
5 trum action, as required under the Memo-  
6 randum;

7 “(B) whether the Assistant Secretary  
8 raised technical, procedural, or policy concerns  
9 of Federal entities regarding the spectrum ac-  
10 tion; and

11 “(C) how any concerns described in sub-  
12 paragraph (B) were resolved.

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

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

22 “(1) IN GENERAL.—Not later than 180 days  
23 after the date of the enactment of this Act, the As-  
24 sistant Secretary shall establish a charter for the  
25 PPSG.

1 “(2) PPSG REPRESENTATIVE.—

2 “(A) IN GENERAL.—The head of each  
3 Federal entity that is reflected in the member-  
4 ship of the PPSG, as identified in the charter  
5 established under paragraph (1), shall appoint  
6 a senior-level employee (or an individual occu-  
7 pying a Senior Executive Service position, as  
8 defined in section 3132(a) of title 5, United  
9 States Code) who is eligible to receive a security  
10 clearance that allows for access to sensitive  
11 compartmented information to serve as the rep-  
12 resentative of the Federal entity to the PPSG.

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

17 “(i) the appointment shall be invalid;  
18 and

19 “(ii) the head of the Federal entity  
20 making the appointment shall appoint an-  
21 other individual who satisfies the require-  
22 ments of that subparagraph, including the  
23 requirement that the individual is eligible  
24 to receive such a security clearance.

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

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

6           “(B) be responsible for timely notification  
7 of technical or procedural concerns of the appli-  
8 cable Federal entity to the PPSG; and

9           “(C) work closely with the representative  
10 of the applicable Federal entity to the Inter-  
11 department Radio Advisory Committee.

12           “(4) PUBLIC CONTACT.—

13           “(A) IN GENERAL.—Each Federal entity  
14 shall list, on the website of the Federal entity,  
15 the name and contact information of the rep-  
16 resentative of the Federal entity to the PPSG,  
17 as appointed under paragraph (2).

18           “(B) NTIA RESPONSIBILITY.—The Assist-  
19 ant Secretary shall publish on the public  
20 website of the NTIA a complete list of the rep-  
21 resentatives to the PPSG appointed under  
22 paragraph (2).

23           “(d) COORDINATION BETWEEN FEDERAL AGENCIES  
24 AND THE NTIA.—

1           “(1) UPDATES.—Not later than 3 years after  
 2           the date of the enactment of this section, and every  
 3           4 years thereafter or more frequently as appropriate,  
 4           the Commission and the NTIA shall update the  
 5           Memorandum.

6           “(2) NATURE OF UPDATE.—In updating the  
 7           Memorandum as required in paragraph (1), such up-  
 8           dates shall reflect changing technological, proce-  
 9           dural, and policy circumstances as determined are  
 10          necessary and appropriate by the Commission and  
 11          NTIA.”.

## 12       **TITLE IX—MINORITY SERVING** 13       **INSTITUTIONS PROGRAM**

### 14       **SEC. 901. DEFINITIONS.**

15       In this title:

16           (1) BROADBAND.—The term “broadband”  
 17       means broadband—

18                   (A) having—

19                           (i) a speed of not less than—

20                                   (I) 100 megabits per second for  
 21                                   downloads; and

22                                   (II) 20 megabits per second for  
 23                                   uploads; and

1 (ii) a latency sufficient to support rea-  
2 sonably foreseeable, real-time, interactive  
3 applications; and

4 (B) with respect to an eligible community,  
5 offered with a low-cost option that is affordable  
6 to low- and middle-income residents of the eligi-  
7 ble community, including through the Afford-  
8 able Connectivity Program established under  
9 section 904(b) of division N of the Consolidated  
10 Appropriations Act, 2021 (47 U.S.C. 1752(b))  
11 or any successor program, and a low-cost pro-  
12 gram available through a provider.

13 (2) COVERED PLANNING GRANT.—The term  
14 “covered planning grant” means funding made avail-  
15 able to an eligible applicant for the purpose of devel-  
16 oping or carrying out a local broadband plan from—

17 (A) an administering entity through a  
18 subgrant under section 60304(c)(3)(E) of the  
19 Infrastructure Investment and Jobs Act (47  
20 U.S.C. 1723(c)(3)(E)); or

21 (B) an eligible entity—

22 (i) carrying out pre-deployment plan-  
23 ning activities under subparagraph (A) of  
24 section 60102(d)(2) of the Infrastructure  
25 Investment and Jobs Act (47 U.S.C.

1                   1702(d)(2)) or carrying out the adminis-  
 2                   tration of the grant under subparagraph  
 3                   (B) of such section; or

4                   (ii) carrying out planning activities  
 5                   under section 60102(e)(1)(C)(iii) of the In-  
 6                   frastructure Investment and Jobs Act (47  
 7                   U.S.C. 1702(e)(1)(C)(iii)).

8                   (3) DIGITAL EQUITY.—The term “digital eq-  
 9                   uity” has the meaning given the term in section  
 10                  60302 of the Infrastructure Investment and Jobs  
 11                  Act (47 U.S.C. 1721).

12                  (4) ELIGIBLE APPLICANT.—The term “eligible  
 13                  applicant” means an organization that does not re-  
 14                  ceive a covered planning grant and—

15                       (A) is described in section 501(c)(3) of the  
 16                       Internal Revenue Code of 1986 and is exempt  
 17                       from taxation under section 501(a) of that  
 18                       Code;

19                       (B) has a mission that is aligned with ad-  
 20                       vancing digital equity;

21                       (C) has relevant experience and expertise  
 22                       supporting eligible community anchor institu-  
 23                       tions to engage in the planning for the expan-  
 24                       sion and adoption of reliable and affordable



1 broadband and deployment of broadband, and  
2 the advancement of digital equity—

3 (i) on campus at such institutions;

4 and

5 (ii) to low-income residents in eligible  
6 communities with respect to those institu-  
7 tions; and

8 (D) employs staff with expertise in the de-  
9 velopment of broadband plans, the construction  
10 of internet infrastructure, or the design and de-  
11 livery of digital equity programs, including  
12 through the use of contractors and consultants,  
13 except that the employment of such staff does  
14 not rely solely on outsourced contracts.

15 (5) ELIGIBLE COMMUNITY.—The term “eligible  
16 community” means a community that—

17 (A) is located—

18 (i) within a census tract any portion  
19 of which is not more than 15 miles from  
20 an eligible community anchor institution;  
21 and

22 (ii) with respect to a Tribal College or  
23 University located on land held in trust by  
24 the United States—

1 (I) not more than 15 miles from  
 2 the Tribal College or University; or

3 (II) within a maximum distance  
 4 established by the Assistant Secretary,  
 5 in consultation with the Secretary of  
 6 the Interior, to ensure that the area is  
 7 statistically comparable to other areas  
 8 described in clause (i); and

9 (B) has an estimated median annual  
 10 household income of not more than 250 percent  
 11 of the poverty line, as defined in section 673 of  
 12 the Community Services Block Grant Act (42  
 13 U.S.C. 9902).

14 (6) ELIGIBLE COMMUNITY ANCHOR INSTITU-  
 15 TION.—The term “eligible community anchor insti-  
 16 tution” means a historically Black college or univer-  
 17 sity, a Tribal College or University, or a Minority-  
 18 serving institution.

19 (7) ELIGIBLE ENTITY.—The term “eligible enti-  
 20 ty” has the meaning given such term in section  
 21 60102 of the Infrastructure Investment and Jobs  
 22 Act (47 U.S.C. 1702).

23 (8) HISTORICALLY BLACK COLLEGE OR UNI-  
 24 VERSITY; TRIBAL COLLEGE OR UNIVERSITY; MINOR-  
 25 ITY-SERVING INSTITUTION.—The terms “historically

1 Black college or university”, “Tribal College or Uni-  
 2 versity”, and “Minority-serving institution” have the  
 3 meanings given those terms in section 902(a) of title  
 4 IX of division N of the Consolidated Appropriations  
 5 Act, 2021 (47 U.S.C. 1306(a)), and include an es-  
 6 tablished fiduciary of such educational institution,  
 7 such as an affiliated foundation, or a district or  
 8 State system affiliated with such educational institu-  
 9 tion.

10 (9) IMPROPER PAYMENT.—The term “improper  
 11 payment” has the meaning given such term in sec-  
 12 tion 3351 of title 31, United States Code.

13 (10) LOCAL BROADBAND PLAN.—The term  
 14 “local broadband plan” means a plan developed pur-  
 15 suant to section 902(c).

16 (11) PROGRAM.—The term “program” means  
 17 the pilot program established under section 902(a).

18 (12) ASSISTANT SECRETARY.—The term “As-  
 19 sistant Secretary” means the Assistant Secretary of  
 20 Commerce for Communications and Information.

21 **SEC. 902. PROGRAM.**

22 (a) ESTABLISHMENT.—The Assistant Secretary, act-  
 23 ing through the head of the Office of Minority Broadband  
 24 Initiatives, shall use the amounts made available under  
 25 section 602(e) of this Act to establish within the National

1 Telecommunications and Information Administration a  
2 program for the purposes described in subsection (c), pro-  
3 vided that not more than 6 percent of the amounts used  
4 to establish the program may be used for salary, expenses,  
5 administration, and oversight with respect to the program.

6 (b) AUTHORITY.—The Assistant Secretary may use  
7 funding mechanisms, including grants, cooperative agree-  
8 ments, and contracts, for the effective implementation of  
9 the program.

10 (c) PURPOSES.—Funding made available under the  
11 program shall enable an eligible applicant to work with  
12 an eligible community anchor institution, and each eligible  
13 community with respect to the eligible community anchor  
14 institution, to develop a local broadband plan to—

15 (1) identify barriers to broadband deployment  
16 and adoption in order to expand the availability and  
17 adoption of broadband at the eligible community an-  
18 chor institution and within each such eligible com-  
19 munity;

20 (2) advance digital equity at the eligible com-  
21 munity anchor institution and within each such eligi-  
22 ble community; and

23 (3) help each such eligible community to pre-  
24 pare applications for funding from multiple sources,  
25 including from—

1 (A) the various programs authorized under  
2 the Infrastructure Investment and Jobs Act  
3 (Public Law 117–58; 135 Stat. 429); and

4 (B) other Federal, State, and Tribal  
5 sources of funding for broadband deployment,  
6 affordable broadband internet service, or digital  
7 equity.

8 (d) CONTENTS OF LOCAL BROADBAND PLAN.—A  
9 local broadband plan shall—

10 (1) be developed in coordination with stake-  
11 holder representatives; and

12 (2) with respect to support for infrastructure  
13 funding—

14 (A) reflect an approach that is perform-  
15 ance-based and does not favor any particular  
16 technology, provider, or type of provider; and

17 (B) include—

18 (i) a description of the demographic  
19 profile of each applicable eligible commu-  
20 nity;

21 (ii) an assessment of the needs of  
22 each applicable eligible community, includ-  
23 ing with respect to digital literacy, work-  
24 force development, and device access needs;

1 (iii) a summary of current (as of the  
2 date of the most current data published by  
3 the Federal Communications Commission)  
4 service providers operating in each applica-  
5 ble eligible community and the broadband  
6 offerings and related services in each appli-  
7 cable eligible community;

8 (iv) an estimate of capital and oper-  
9 ational expenditures for the course of ac-  
10 tion recommended in the local broadband  
11 plan;

12 (v) a preliminary implementation  
13 schedule for the deployment of broadband  
14 required under the local broadband plan;  
15 and

16 (vi) a summary of the potential em-  
17 ployment, development, and revenue cre-  
18 ation opportunities for the eligible commu-  
19 nity anchor institution and each applicable  
20 eligible community.

21 (e) APPLICATION.—

22 (1) IN GENERAL.—To be eligible to receive  
23 funding under the program, an eligible applicant  
24 shall submit to the Assistant Secretary, acting

1 through the head of the Office of Minority  
2 Broadband Initiatives, an application containing—

3 (A) the name and mailing address of the  
4 eligible applicant;

5 (B) the name and email address of the  
6 point of contact for the eligible applicant;

7 (C) documentation providing evidence that  
8 the applicant is an eligible applicant;

9 (D) a summary description of the proposed  
10 approach that the eligible applicant will take to  
11 expand the availability and adoption of  
12 broadband;

13 (E) an outline or sample of the proposed  
14 local broadband plan with respect to the funds;

15 (F) a draft proposal for carrying out the  
16 local broadband plan with respect to the funds,  
17 describing with specificity how funds will be  
18 used;

19 (G) a summary of past performance in  
20 which the eligible applicant created plans simi-  
21 lar to the local broadband plan for communities  
22 similar to each applicable eligible community;

23 (H) a description of the approach the eligi-  
24 ble applicant will take to engage each applicable  
25 eligible community and the applicable eligible

1 community anchor institution and report out-  
2 comes relating to that engagement;

3 (I) a description of how the eligible appli-  
4 cant will meet the short-term and long-term  
5 goals described in subsection (h)(2)(A); and

6 (J) a certification that the applicant is not  
7 a recipient of a covered planning grant.

8 (2) DEADLINES.—The Assistant Secretary, act-  
9 ing through the head of the Office of Minority  
10 Broadband Initiatives, shall publish a notice for the  
11 program not later than 60 days after the date of the  
12 enactment of this Act.

13 (f) SELECTION CRITERIA.—When selecting an eligi-  
14 ble applicant to receive funding under the program, the  
15 Assistant Secretary may give preference or priority to an  
16 eligible applicant, the application of which, if awarded,  
17 would enable a greater number of eligible communities to  
18 be served.

19 (g) REPORT.—

20 (1) IN GENERAL.—Not later than 540 days  
21 after the date of the enactment of this Act, the As-  
22 sistant Secretary, acting through the head of the Of-  
23 fice of Minority Broadband Initiatives, shall submit  
24 to the Committee on Commerce, Science, and Trans-  
25 portation of the Senate and the Committee on En-



1       ergy and Commerce of the House of Representatives  
2       a report, which the Assistant Secretary, acting  
3       through the head of the Office of Minority  
4       Broadband Initiatives, shall make available to the  
5       public.

6               (2) CONTENTS.—The report described in para-  
7       graph (1) shall include, for the period covered by the  
8       report—

9               (A) the number of eligible applicants that  
10       submitted applications under the program;

11              (B) the number of eligible applicants that  
12       received funding under the program;

13              (C) a summary of the funding amounts  
14       made available to eligible applicants under the  
15       program and the list of eligible community an-  
16       chor institutions the eligible applicants propose  
17       to serve;

18              (D) the number of eligible communities  
19       that ultimately received funding or financing to  
20       promote broadband adoption and to deploy  
21       broadband in the eligible community under the  
22       program;

23              (E) information determined necessary by  
24       the Assistant Secretary to measure progress to-  
25       ward the goals described in subsection

1 (h)(2)(A) and assess whether the goals de-  
2 scribed in such subsection are being met; and

3 (F) an identification of each eligible appli-  
4 cant that received funds through the program  
5 and a description of the progress each eligible  
6 applicant has made toward accomplishing the  
7 purpose of the program, as described in sub-  
8 section (c).

9 (h) PUBLIC NOTICE; REQUIREMENTS.—

10 (1) PUBLIC NOTICE.—Not later than 90 days  
11 after the date on which the Assistant Secretary pro-  
12 vides public notice of the program, the Assistant  
13 Secretary, in consultation with the head of the Of-  
14 fice of Minority Broadband Initiatives, shall issue  
15 the Notice of Funding Opportunity governing the  
16 program.

17 (2) REQUIREMENTS.—In the notice required  
18 under paragraph (1), the Assistant Secretary shall—

19 (A) establish short-term and long-term  
20 goals for eligible applicants that receive funds  
21 under the program;

22 (B) establish performance metrics by  
23 which to evaluate whether an entity has met the  
24 goals described in subparagraph (A); and

1 (C) identify the selection criteria described  
2 in subsection (f) that the Assistant Secretary  
3 will use to award funds under the program if  
4 demand for funds under the program exceeds  
5 the amount appropriated for carrying out the  
6 program.

7 (i) OVERSIGHT.—

8 (1) AUDITS.—The Inspector General of the De-  
9 partment of Commerce (referred to in this sub-  
10 section as the “Inspector General”) shall conduct an  
11 audit of the program in order to—

12 (A) ensure that eligible applicants use  
13 funds awarded under the program in accord-  
14 ance with—

15 (i) the requirements of this title; and  
16 (ii) the purposes of the program, as  
17 described in subsection (c); and

18 (B) prevent waste, fraud, abuse, and im-  
19 proper payments.

20 (2) REVOCATION OF FUNDS.—The Assistant  
21 Secretary shall revoke funds awarded to an eligible  
22 applicant that is not in compliance with the require-  
23 ments of this section or the purposes of the pro-  
24 gram, as described in subsection (c).

1           (3) AUDIT FINDINGS.—Each finding of waste,  
2           fraud, abuse, or an improper payment by the Inspec-  
3           tor General in an audit under paragraph (1) shall  
4           include the following:

5                   (A) The name of the eligible applicant.

6                   (B) The amount of funding made available  
7                   under the program to the eligible applicant.

8                   (C) The amount of funding determined to  
9                   be an improper payment made to an eligible ap-  
10                  plicant involved in the waste, fraud, abuse, or  
11                  improper payment.

12           (4) NOTIFICATION OF AUDIT FINDINGS.—Not  
13           later than 7 days after the date of a finding de-  
14           scribed under paragraph (3), the Inspector General  
15           shall concurrently notify the Assistant Secretary, the  
16           Committee on Commerce, Science, and Transpor-  
17           tation of the Senate, and the Committee on Energy  
18           and Commerce of the House of Representatives of  
19           the information described in that paragraph.

20           (5) FRAUD RISK MANAGEMENT.—In issuing  
21           rules under this subsection, the Assistant Secretary  
22           shall—

23                   (A) designate an entity within the program  
24                   office to lead fraud risk management activities;

1           (B) ensure the entity designated under  
2           subparagraph (A) has defined responsibilities  
3           and the necessary authority to serve its role;

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

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

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

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

16          (G) develop, document, and communicate  
17          an anti-fraud strategy, focusing on preventative  
18          control activities;

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

22          (I) establish collaborative relationships  
23          with stakeholders and create incentives to help

- 1 ensure effective implementation of the anti-
- 2 fraud strategy described in subparagraph (G).

○