

Union Calendar No. 526

118TH CONGRESS
2D SESSION**H. R. 3565****[Report No. 118–629, Part I]**

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

AUGUST 13, 2024

Additional sponsors: Mrs. LESKO, Mr. THANEDAR, and Mr. NICKEL

AUGUST 13, 2024

Reported from the Committee on Energy and Commerce with an amendment

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

AUGUST 13, 2024

Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 22, 2023]

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,*

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Spectrum Auction Reauthorization Act of 2023”.*

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

Sec. 1. Short title; table of contents.

TITLE I—SPECTRUM 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.

TITLE I—SPECTRUM INNOVATION

SEC. 101. SPECTRUM AUCTIONS AND INNOVATION.

(a) 3.1–3.45 GHz BAND.—

(1) DEFINITIONS.—Section 90008(a) of the Infrastructure Investment and Jobs Act (47 U.S.C. 921 note) is amended—

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

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

“(3) FEDERAL ENTITY.—The term ‘Federal entity’ has the meaning given such term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).”; and

(C) by adding at the end the following:

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

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

(2) *PROMOTING WIRELESS INNOVATION.*—Section 90008(b) of the *Infrastructure Investment and Jobs Act* (47 U.S.C. 921 note) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)(i), by striking “for shared Federal and non-Federal commercial licensed use; and” and inserting “for non-Federal use, shared Federal and non-Federal use, or a combination thereof; and”;

(ii) in subparagraph (B)—

(I) by striking “Section” and inserting the following:

“(i) *IN GENERAL.*—Section”;

(II) in clause (i), as so designated, by striking “the payment required under subparagraph (A)” and inserting “payments made under subparagraph (A) before the date of the enactment of the *Spectrum Auction Reauthorization Act of 2023*”; and

(III) by adding at the end the following:

“(ii) *ACCOUNTING PLAN.*—The Secretary of Defense shall submit a report to

1 *the Secretary of Commerce and the Director*
2 *of the Office of Management and Budget not*
3 *later than 90 days after the date of the en-*
4 *actment of the Spectrum Auction Reauthor-*
5 *ization Act of 2023, in accordance with sec-*
6 *tion 118(g)(2)(D)(i)(I) of the National Tele-*
7 *communications and Information Adminis-*
8 *tration Organization Act (47 U.S.C.*
9 *928(g)(2)(D)(i)(I)), describing the activities*
10 *for which the Department of Defense has*
11 *used, is using, and will use payments made*
12 *under subparagraph (A) before the date of*
13 *the enactment of the Spectrum Auction Re-*
14 *authorization Act of 2023. The Secretary of*
15 *Commerce, acting through the Assistant*
16 *Secretary, and the Director of the Office of*
17 *Management and Budget shall continuously*
18 *review and provide an accounting of the ac-*
19 *tivities carried out using the payments*
20 *made under subparagraph (A).”;*

21 *(iii) by amending subparagraph (C) to*
22 *read as follows:*

23 *“(C) REPORT TO SECRETARY OF COM-*
24 *MERCE.—For purposes of paragraph (2)(A), the*
25 *Secretary of Defense, in coordination with the*

1 *heads of other relevant Federal agencies who re-*
2 *ceive funds under subparagraph (D) of this*
3 *paragraph, shall, not later than September 30,*
4 *2023, report to the Secretary of Commerce the*
5 *findings of the planning activities described in*
6 *subparagraph (A) of this paragraph, and detail*
7 *frequencies in the covered band for identification*
8 *by the Secretary of Commerce under paragraph*
9 *(2).’; and*

10 *(iv) by adding at the end the following:*

11 *“(D) ADDITIONAL PAYMENTS.—*

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

1 “(ii) *EXEMPTIONS.—Subparagraphs*
 2 *(C)(ii) and (D)(ii) of section 118(g)(2) of*
 3 *the National Telecommunications and In-*
 4 *formation Administration Organization Act*
 5 *(47 U.S.C. 928(g)(2)) shall not apply with*
 6 *respect to a payment made under clause (i).*

7 “(E) *COOPERATION.—The Assistant Sec-*
 8 *retary and the Department of Defense Chief In-*
 9 *formation Officer will serve as co-chairs of the*
 10 *Partnering to Advance Trusted and Holistic*
 11 *Spectrum Solutions (PATHSS) Task Group.”;*

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

14 “(2) *IDENTIFICATION.—*

15 “(A) *IN GENERAL.—Not later than June 15,*
 16 *2025, informed by the report required under*
 17 *paragraph (1)(C), the Secretary of Commerce, in*
 18 *consultation with the Secretary of Defense, the*
 19 *Director of the Office of Science and Technology*
 20 *Policy, and the Commission, shall submit to the*
 21 *President, the Commission, and the relevant con-*
 22 *gressional committees a report that identifies 350*
 23 *megahertz of frequencies in the covered band for*
 24 *non-Federal use, shared Federal and non-Federal*
 25 *use, or a combination thereof.*

1 “(B) *DETERMINATION IN CASE OF RISK TO*
2 *NATIONAL SECURITY.—If the Secretary of De-*
3 *fense believes reallocation of the frequencies iden-*
4 *tified by the Secretary of Commerce under sub-*
5 *paragraph (A) poses an unacceptable risk to the*
6 *national security of the United States, the Sec-*
7 *retary of Defense shall inform the President, as*
8 *the Commander in Chief under Article II, Sec-*
9 *tion 2 of the United States Constitution, and the*
10 *President shall make a final determination re-*
11 *garding which frequencies could feasibly be re-*
12 *allocated for the purposes of that subpara-*
13 *graph.”;*

14 *(C) by amending paragraph (3) to read as*
15 *follows:*

16 “(3) *AUCTION.—*

17 “(A) *IN GENERAL.—Not later than January*
18 *15, 2028, the Commission, in coordination with*
19 *the Assistant Secretary, shall commence a system*
20 *of competitive bidding under section 309(j) of the*
21 *Communications Act of 1934 (47 U.S.C. 309(j)),*
22 *in accordance with paragraph (2) of this sub-*
23 *section, of the frequencies identified under such*
24 *paragraph as suitable for a system of competi-*
25 *tive bidding.*

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

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

14 (D) by amending paragraph (4) to read as
 15 follows:

16 “(4) *MODIFICATION OR WITHDRAWAL OF FED-*
 17 *ERAL ENTITY LICENSES.*—

18 “(A) *IN GENERAL.*—The President, acting
 19 through the Assistant Secretary, shall—

20 “(i) begin the process of modifying or
 21 withdrawing any assignment to a Federal
 22 Government station of the frequencies iden-
 23 tified under paragraph (2) to accommodate
 24 non-Federal use, shared Federal and non-
 25 Federal use, or a combination thereof in ac-

1 cordance with that paragraph not later
2 than December 15, 2027; and

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

8 “(B) *LIMITATIONS.*—The President may not
9 modify or withdraw any assignment to a Fed-
10 eral Government station as described in subpara-
11 graph (A)—

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

16 “(ii) before November 30, 2024.”.

17 (b) *FCC AUCTION AUTHORITY.*—

18 (1) *TERMINATION.*—Section 309(j)(11) of the
19 Communications Act of 1934 (47 U.S.C. 309(j)(11))
20 is amended by striking “except that” and all that fol-
21 lows and inserting “except that with respect to the
22 electromagnetic spectrum identified as suitable for a
23 system of competitive bidding under section
24 90008(b)(2) of the Infrastructure Investment and Jobs

1 *Act (47 U.S.C. 921 note), such authority shall expire*
2 *on the date that is 7 years after November 15, 2021.”.*

3 (2) *SPECTRUM PIPELINE ACT OF 2015.—Section*
4 *1004 of the Spectrum Pipeline Act of 2015 (Public*
5 *Law 114–74; 129 Stat. 621; 47 U.S.C. 921 note) is*
6 *amended—*

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

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

11 (C) *in subsection (c)(1)(B), by striking*
12 *“2024” and inserting “2026”.*

13 (c) *RULE OF CONSTRUCTION.—Nothing in this section*
14 *or the amendments made by this section shall be construed*
15 *to alter or impede the activities authorized to be conducted*
16 *using the payment required by section 90008(b)(1)(A) of*
17 *the Infrastructure Investment and Jobs Act (Public Law*
18 *117–58; 135 Stat. 1348; 47 U.S.C. 921 note), as such sec-*
19 *tion was in effect on the day before the date of the enactment*
20 *of this Act, if the Assistant Secretary of Commerce for Com-*
21 *munications and Information determines that such activi-*
22 *ties are conducted in accordance with section 90008 of the*
23 *Infrastructure Investment and Jobs Act, as amended by this*
24 *section. Nothing in this subsection shall be construed to af-*
25 *fect any requirement under section 1062(b) of the National*

1 *Defense Authorization Act for Fiscal Year 2000 (47 U.S.C.*
 2 *921 note; Public Law 106–65).*

3 (d) *SAVINGS CLAUSE.—Nothing in this section, or any*
 4 *amendment made by this section, shall be construed to alter*
 5 *the authorities of the Assistant Secretary of Commerce for*
 6 *Communications and Information in the spectrum manage-*
 7 *ment process as provided in the National Telecommuni-*
 8 *cations and Information Administration Organization Act*
 9 *(47 U.S.C. 901 et seq.).*

10 ***TITLE II—SECURE AND TRUSTED***
 11 ***COMMUNICATIONS NET-***
 12 ***WORKS REIMBURSEMENT***
 13 ***PROGRAM***

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

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

19 ***TITLE III—NEXT GENERATION 9–***
 20 ***1–1***

21 ***SEC. 301. FURTHER DEPLOYMENT AND COORDINATION OF***
 22 ***NEXT GENERATION 9–1–1.***

23 *Part C of the National Telecommunications and Infor-*
 24 *mation Administration Organization Act is amended by*
 25 *adding at the end the following:*

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

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

5 *“(1) IN GENERAL.—The Assistant Secretary,*
6 *after consulting with the Administrator, shall—*

7 *“(A) take actions, in coordination with*
8 *State points of contact described under sub-*
9 *section (c)(3)(A)(ii) as applicable, to improve co-*
10 *ordination and communication with respect to*
11 *the implementation of Next Generation 9–1–1;*

12 *“(B) develop, collect, and disseminate infor-*
13 *mation concerning the practices, procedures, and*
14 *technology used in the implementation of Next*
15 *Generation 9–1–1;*

16 *“(C) advise and assist eligible entities in*
17 *the preparation of implementation plans re-*
18 *quired under subsection (c)(3)(A)(iii);*

19 *“(D) provide technical assistance to eligible*
20 *entities provided a grant under subsection (c) in*
21 *support of efforts to explore efficiencies related to*
22 *Next Generation 9–1–1;*

23 *“(E) review and approve or disapprove ap-*
24 *plications for grants under subsection (c); and*

1 “(F) oversee the use of funds provided by
2 such grants in fulfilling such implementation
3 plans.

4 “(2) ANNUAL REPORTS.—Not later than October
5 1, 2024, and each year thereafter until funds made
6 available to make grants under subsection (c) are no
7 longer available to be expended, the Assistant Sec-
8 retary shall submit to Congress a report on the activi-
9 ties conducted by the Assistant Secretary under para-
10 graph (1) in the year preceding the submission of the
11 report.

12 “(3) ASSISTANCE.—The Assistant Secretary may
13 seek the assistance of the Administrator in carrying
14 out the duties described in subparagraphs (A) through
15 (D) of paragraph (1) as the Assistant Secretary deter-
16 mines necessary.

17 “(b) ADDITIONAL DUTIES.—

18 “(1) MANAGEMENT PLAN.—

19 “(A) DEVELOPMENT.—The Assistant Sec-
20 retary, after consulting with the Administrator,
21 shall develop a management plan for the grant
22 program established under this section, including
23 by developing—

24 “(i) plans related to the organizational
25 structure of such program; and

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

3 “(B) *SUBMISSION TO CONGRESS.—Not later*
4 *than 180 days after the date of the enactment of*
5 *this section, the Assistant Secretary shall—*

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

8 “(I) *the Committees on Commerce,*
9 *Science, and Transportation and Ap-*
10 *propriations of the Senate; and*

11 “(II) *the Committees on Energy*
12 *and Commerce and Appropriations of*
13 *the House of Representatives;*

14 “(ii) *publish the management plan on*
15 *the website of the National Telecommuni-*
16 *cations and Information Administration;*
17 *and*

18 “(iii) *provide the management plan to*
19 *the Administrator for the purpose of pub-*
20 *lishing the management plan on the website*
21 *of the National Highway Traffic Safety Ad-*
22 *ministration.*

23 “(2) *MODIFICATION OF PLAN.—*

24 “(A) *MODIFICATION.—The Assistant Sec-*
25 *retary, after consulting with the Administrator,*

1 *may modify the management plan developed*
 2 *under paragraph (1)(A).*

3 “(B) *SUBMISSION.*—*Not later than 90 days*
 4 *after the plan is modified under subparagraph*
 5 *(A), the Assistant Secretary shall—*

6 “(i) *submit the modified plan to—*

7 “(I) *the Committees on Commerce,*
 8 *Science, and Transportation and Ap-*
 9 *propriations of the Senate; and*

10 “(II) *the Committees on Energy*
 11 *and Commerce and Appropriations of*
 12 *the House of Representatives;*

13 “(ii) *publish the modified plan on the*
 14 *website of the National Telecommunications*
 15 *and Information Administration; and*

16 “(iii) *provide the modified plan to the*
 17 *Administrator for the purpose of publishing*
 18 *the modified plan on the website of the Na-*
 19 *tional Highway Traffic and Safety Admin-*
 20 *istration.*

21 “(c) *NEXT GENERATION 9–1–1 IMPLEMENTATION*
 22 *GRANTS.*—

23 “(1) *GRANTS.*—*The Assistant Secretary shall*
 24 *provide grants to eligible entities for—*

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

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

2 “(C) training directly related to imple-
3 menting, maintaining, and operating Next Gen-
4 eration 9–1–1 if the cost related to the training
5 does not exceed—

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

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

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

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

19 “(i) the cost is fully documented in
20 materials submitted to the Assistant Sec-
21 retary; and

22 “(ii) the cost is reasonable, necessary,
23 and does not exceed—

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

4 “(II) 2 percent of the total grant
5 award for eligible entities that are
6 Tribes; and

7 “(F) costs associated with implementing cy-
8 bersecurity measures at emergency communica-
9 tions centers or with respect to Next Generation
10 9–1–1.

11 “(2) APPLICATION.—In providing grants under
12 paragraph (1), the Assistant Secretary, after con-
13 sulting with the Administrator, shall require an eligi-
14 ble entity to submit to the Assistant Secretary an ap-
15 plication, at the time and in the manner determined
16 by the Assistant Secretary, and containing the certifi-
17 cation required by paragraph (3).

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

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

23 “(i) has coordinated the application
24 with the emergency communications centers
25 located within the jurisdiction of the entity;

1 “(ii) has designated a single officer or
2 governmental body to serve as the State
3 point of contact to coordinate the implemen-
4 tation of Next Generation 9–1–1 for that
5 State, except that such designation need not
6 vest such officer or governmental body with
7 direct legal authority to implement Next
8 Generation 9–1–1 or to manage emergency
9 communications operations; and

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

13 “(I) ensures interoperability by
14 requiring the use of commonly accepted
15 standards;

16 “(II) ensures reliability;

17 “(III) enables emergency commu-
18 nications centers to process, analyze,
19 and store multimedia, data, and other
20 information;

21 “(IV) incorporates cybersecurity
22 tools, including intrusion detection and
23 prevention measures;

24 “(V) includes strategies for coordi-
25 nating cybersecurity information shar-

1 *ing between Federal, State, Tribal, and*
2 *local government partners;*

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

8 *“(VII) documents how input was*
9 *received and accounted for from rel-*
10 *evant rural and urban emergency com-*
11 *munications centers, regional authori-*
12 *ties, local authorities, and Tribal au-*
13 *thorities;*

14 *“(VIII) includes a governance*
15 *body or bodies, either by creation of*
16 *new, or use of existing, body or bodies,*
17 *for the development and deployment of*
18 *Next Generation 9–1–1 that—*

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

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

1 “(IX) creates efficiencies related to
2 Next Generation 9–1–1 functions, in-
3 cluding cybersecurity and the
4 virtualization and sharing of infra-
5 structure, equipment, and services; and

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

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

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

18 “(cc) adhering to Federal
19 agency best practices such as those
20 promulgated by the National In-
21 stitute of Standards and Tech-
22 nology; and

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

1 “(4) *CRITERIA.*—

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

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

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

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

16 “(C) *UPDATES.*—The Assistant Secretary
17 shall update such rules as necessary.

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

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

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

21 “(C) 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 ac-
25 tivities using grant funds) has established, or has

1 committed to establish not later than 3 years fol-
2 lowing the date on which the grant funds are
3 distributed to the eligible entity—

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

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

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

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

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

22 “(6) *CONDITION OF GRANT.*—Each eligible entity
23 shall agree, as a condition of receipt of a grant under
24 this subsection, that if any State or taxing jurisdic-
25 tion within which the eligible entity will carry out

1 *activities using grant funds fails to comply with a*
2 *certification required under paragraph (5), during*
3 *any period of time during which the funds from the*
4 *grant are available to the eligible entity, all of the*
5 *funds from such grant shall be returned to the Assist-*
6 *ant Secretary.*

7 *“(7) PENALTY FOR PROVIDING FALSE INFORMA-*
8 *TION.—Any eligible entity that provides a certifi-*
9 *cation under paragraph (5) knowing that the infor-*
10 *mation provided in the certification was false shall—*

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

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

15 *“(C) not be eligible to receive any subse-*
16 *quent grants under this subsection.*

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

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

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

1 “(d) *DEFINITIONS.*—*In this section and sections 160*
 2 *and 161:*

3 “(1) *9–1–1 FEE OR CHARGE.*—*The term ‘9–1–1*
 4 *fee or charge’ has the meaning given such term in sec-*
 5 *tion 6(f)(3)(D) of the Wireless Communications and*
 6 *Public Safety Act of 1999 (47 U.S.C. 615a–*
 7 *1(f)(3)(D)).*

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

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

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

22 “(A) *enable interoperability; and*

23 “(B) *are—*

24 “(i) *developed and approved by a*
 25 *standards development organization that is*

1 *accredited by an American standards body*
 2 *(such as the American National Standards*
 3 *Institute) or an equivalent international*
 4 *standards body in a process—*

5 *“(I) that is open to the public, in-*
 6 *cluding open for participation by any*
 7 *person; and*

8 *“(II) provides for a conflict reso-*
 9 *lution process;*

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

13 *“(iii) consensus-based; and*

14 *“(iv) made publicly available once ap-*
 15 *proved.*

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

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

21 *“(B) travel expenses;*

22 *“(C) instructor expenses; or*

23 *“(D) facility costs and training materials.*

24 “(6) *ELIGIBLE ENTITY.—The term ‘eligible enti-*
 25 *ty’—*

1 “(A) means—

2 “(i) a State or a Tribe; or

3 “(ii) an entity, including a public au-
4 thority, board, or commission, established
5 by one or more entities described in clause
6 (i); and

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

10 “(7) EMERGENCY COMMUNICATIONS CENTER.—

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

13 “(i) a facility that—

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

17 “(II) performs one or more of the
18 functions described in subparagraph
19 (B); or

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

23 “(B) FUNCTIONS DESCRIBED.—The func-
24 tions described in this subparagraph are the fol-
25 lowing:

1 “(i) *Processing and analyzing 9–1–1*
2 *requests for emergency assistance and infor-*
3 *mation and data related to such requests.*

4 “(ii) *Dispatching appropriate emer-*
5 *gency response providers.*

6 “(iii) *Transferring or exchanging 9–1–*
7 *1 requests for emergency assistance and in-*
8 *formation and data related to such requests*
9 *with one or more other emergency commu-*
10 *nications centers and emergency response*
11 *providers.*

12 “(iv) *Analyzing any communications*
13 *received from emergency response providers.*

14 “(v) *Supporting incident command*
15 *functions.*

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

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

1 “(10) *INTEROPERABILITY*.—The term ‘interoper-

2 *ability*’ means the capability of emergency commu-

3 *nications centers to receive 9–1–1 requests for emer-*

4 *gency assistance and information and data related to*

5 *such requests, such as location information and call-*

6 *back numbers from a person initiating the request,*

7 *then process and share the 9–1–1 requests for emer-*

8 *gency assistance and information and data related to*

9 *such requests with other emergency communications*

10 *centers and emergency response providers without the*

11 *need for proprietary interfaces and regardless of juris-*

12 *isdiction, equipment, device, software, service provider,*

13 *or other relevant factors.*

14 “(11) *NATIONWIDE PUBLIC SAFETY BROADBAND*

15 *NETWORK*.—The term ‘nationwide public safety

16 *broadband network*’ has the meaning given the term

17 *in section 6001 of the Middle Class Tax Relief and*

18 *Job Creation Act of 2012 (47 U.S.C. 1401).*

19 “(12) *NEXT GENERATION 9–1–1*.—The term ‘Next

20 *Generation 9–1–1*’ means an Internet Protocol-based

21 *system that—*

22 “(A) ensures interoperability;

23 “(B) is secure;

24 “(C) employs commonly accepted standards;

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- and
15 network-agnostic elements that provide more than one
16 route between end points with no common points
17 where a single failure at that point would cause all
18 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 Islands,
23 and any other territory or possession of the United
24 States.

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

6 “(16) *TRIBE.*—The term ‘Tribe’ has the meaning
 7 *given to the term ‘Indian Tribe’ in section 4(e) of the*
 8 *Indian Self-Determination and Education Assistance*
 9 *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 Ad-*
 13 *ministrators and the Director of the Cybersecurity and In-*
 14 *frastructure Security Agency of the Department of Home-*
 15 *land Security, shall establish a Next Generation 9–1–1 Cy-*
 16 *bersecurity Center to coordinate with State, local, and re-*
 17 *gional governments on the sharing of cybersecurity informa-*
 18 *tion about, the analysis of cybersecurity threats to, and*
 19 *guidelines for strategies to detect and prevent cybersecurity*
 20 *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 Secretary
 24 *shall establish a ‘Public Safety Next Generation 9–1–*
 25 *1 Advisory Board’ (in this section referred to as the*

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

3 “(A) with respect to carrying out the duties
4 and responsibilities of the Assistant Secretary in
5 issuing the rules required under section
6 159(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 16
13 public safety members to the Board, of which—

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

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

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

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

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

1 *well as public safety organizations at the na-*
2 *tional level across the United States.*

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

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

17 “(3) *PERIOD OF APPOINTMENT.*—

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

21 “(B) *REMOVAL FOR CAUSE.*—*A member of*
22 *the Board may be removed for cause upon the*
23 *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 Chair-
8 person from among the voting members of the Board.

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

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

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

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

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

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

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

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

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

17 *“(b) RULE OF CONSTRUCTION.—Nothing in this sec-*
18 *tion may be construed as limiting the authority of the As-*
19 *stant Secretary to seek comment from stakeholders and the*
20 *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 interference between non-Federal users and incumbent

1 *Federal entities sharing a band of covered spectrum*
2 *and between Federal entities sharing a band of cov-*
3 *ered spectrum.*

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

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

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

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

19 “(i) *Sensing.*

20 “(ii) *Identification.*

21 “(iii) *Reporting.*

22 “(iv) *Analysis.*

23 “(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 Com-*
 8 *mission.*

9 “(4) *INPUT OF INFORMATION.—Each incumbent*
 10 *Federal entity sharing a band of covered spectrum*
 11 *shall—*

12 “(A) *input into the system required by*
 13 *paragraph (1) such information as the Assistant*
 14 *Secretary may require, including the frequency,*
 15 *time, and location of the use of the band by such*
 16 *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 INFORMATION*
 21 *AND CONTROLLED UNCLASSIFIED INFORMATION.—*

22 “(A) *IN GENERAL.—The system required by*
 23 *paragraph (1) shall contain appropriate meas-*
 24 *ures to protect classified information and con-*
 25 *trolled unclassified information, including any*

1 *such classified information or controlled unclas-*
2 *sified information that relates to military oper-*
3 *ations.*

4 “(B) *MECHANISM.*—*The Assistant Secretary*
5 *shall develop a mechanism—*

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

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

10 “(6) *CONSULTATION.*—

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

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

22 “(i) *how best to mitigate risks to in-*
23 *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 harmful*
 6 *mission impact, including how the impact*
 7 *to Federal missions would be assessed.*

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

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

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

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

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

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

1 *with an incumbent Federal entity in accordance*
 2 *with the rules of the Commission; and*

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

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

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

11 “(e) *RULE OF CONSTRUCTION.—Nothing in this sec-*
 12 *tion shall be construed to alter or expand the authority of*
 13 *the NTIA as described in section 113(j)(1).’.*

14 “(b) *FUNDING.—On the date of the enactment of this*
 15 *Act, the Director of the Office of Management and Budget*
 16 *shall transfer \$120,000,000 from the Spectrum Relocation*
 17 *Fund established under section 118 of the National Tele-*
 18 *communications and Information Administration Organi-*
 19 *zation Act (47 U.S.C. 928) to the National Telecommuni-*
 20 *cations and Information Administration for the purpose of*
 21 *establishing the incumbent informing capability under sec-*
 22 *tion 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 AUTHORITY.**

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

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

9 **SEC. 601. DEPOSIT OF PROCEEDS.**

10 *(a) COVERED AUCTION DEFINED.—In this title, the*
 11 *term “covered auction” means a system of competitive bid-*
 12 *ding—*

13 *(1) conducted under section 309(j) of the Com-*
 14 *munications Act of 1934 (47 U.S.C. 309(j)), as*
 15 *amended by this Act, that commences during the pe-*
 16 *riod beginning on the date of the enactment of this*
 17 *Act and ending on September 30, 2026;*

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

23 *(3)(A) that involves a band of frequencies de-*
 24 *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 (8)(G)*
6 *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 auction*
13 *shall be deposited or available as follows:*

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

1 *posit described in this paragraph shall be deposited in*
 2 *accordance with section 602 of this Act.*

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

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

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

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

24 *(b) DEFICIT REDUCTION.—*

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

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

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

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

22 (A) *the first \$300,000,000 of the proceeds of*
23 *the system of competitive bidding required under*
24 *section 1004 of the Spectrum Pipeline Act of*
25 *2015 (47 U.S.C. 921 note) shall be deposited in*

1 *the general fund of the Treasury, where such pro-*
 2 *ceeds shall be dedicated for the sole purpose of*
 3 *deficit reduction; and*

4 *(B) the remainder of the proceeds of the sys-*
 5 *tem of competitive bidding described in subpara-*
 6 *graph (A) shall be deposited in accordance with*
 7 *subsection (c).*

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

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

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 depos-
10 ited in the Fund as follows:

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

16 (B) 30 percent of any such amounts, but no
17 more than \$14,800,000,000 cumulatively, shall
18 be made available to the Assistant Secretary of
19 Commerce for Communications and Information
20 until expended to carry out sections 159, 160,
21 and 161 of the National Telecommunications
22 and Information Administration Organization
23 Act, as added by section 301 of this Act, except
24 that not more than 4 percent of the amount
25 made available by this subparagraph may be

1 *used for administrative purposes (including car-*
2 *rying out such sections 160 and 161).*

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

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

14 *(2) DISTRIBUTION.—If the maximum amount*
15 *permitted under a subparagraph of paragraph (1) is*
16 *met, whether through covered auction proceeds or ap-*
17 *propriations to the program specified in such sub-*
18 *paragraph, any remaining proceeds shall be deposited*
19 *pro rata based on the original distribution to all sub-*
20 *paragraphs of paragraph (1) for which the maximum*
21 *amount permitted has not been met.*

22 *(3) DEFICIT REDUCTION.—After the amount re-*
23 *quired to be made available by paragraphs (1) and*
24 *(2) is so made available, any remaining amounts*
25 *shall be deposited in the general fund of the Treasury,*

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

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

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

22 *(f) REPORTING REQUIREMENT.—Not later than 2*
23 *years after the date of the enactment of this Act, and every*
24 *year thereafter until funds are fully expended, the agencies*
25 *to which the funds are made available shall submit to the*

1 *Committee on Energy and Commerce of the House of Rep-*
 2 *resentatives and the Committee on Commerce, Science, and*
 3 *Transportation of the Senate a report on the amount trans-*
 4 *ferred or made available under each subparagraph of sub-*
 5 *section (c)(1).*

6 ***TITLE VII—CREATION OF A***
 7 ***SPECTRUM PIPELINE***

8 ***SEC. 701. CREATION OF A SPECTRUM PIPELINE.***

9 *(a) FEASIBILITY ASSESSMENT.—*

10 *(1) IN GENERAL.—The Assistant Secretary shall*
 11 *complete, not later than June 15, 2025, a feasibility*
 12 *assessment of making available electromagnetic spec-*
 13 *trum for non-Federal use, shared Federal and non-*
 14 *Federal use, or a combination thereof, in the bands of*
 15 *frequencies—*

16 *(A) between 4400 and 4940 megahertz, in-*
 17 *clusive; and*

18 *(B) between 7125 and 8500 megahertz, in-*
 19 *clusive.*

20 *(2) OTHER REQUIREMENTS.—In conducting the*
 21 *feasibility assessment under paragraph (1), the As-*
 22 *stant Secretary shall—*

23 *(A) coordinate directly with covered agen-*
 24 *cies with respect to frequencies assigned to, and*
 25 *used by, those agencies in the bands described in*

paragraph (1) and in affected adjacent or near adjacent bands; and

(B) conduct each analysis in accordance with section 113(j) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(j)).

(b) REPORT TO THE COMMISSION AND CONGRESS.—

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

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

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

(B) the necessary steps to make the bands of frequencies considered under subsection (a)(1) available for non-Federal use, shared Federal

1 *and non-Federal use, or a combination thereof,*
2 *including—*

3 *(i) the technical requirements necessary*
4 *to make available bands in the frequencies*
5 *considered under subsection (a)(1) for—*

6 *(I) exclusive non-Federal use; and*

7 *(II) shared Federal and non-Fed-*
8 *eral use; and*

9 *(ii) an estimate of the cost to covered*
10 *agencies to make available bands in the fre-*
11 *quencies considered under subsection (a)(1)*
12 *for—*

13 *(I) exclusive non-Federal use; and*

14 *(II) shared Federal and non-Fed-*
15 *eral use;*

16 *(C) an assessment of the likelihood that au-*
17 *thorizing mobile or fixed terrestrial operations in*
18 *any of the frequencies considered under sub-*
19 *section (a)(1) would result in harmful inter-*
20 *ference to an affected Federal entity; and*

21 *(D) an assessment of the potential impact*
22 *that authorizing mobile or fixed terrestrial wire-*
23 *less operations, including advanced mobile serv-*
24 *ices operations, in any of the frequencies consid-*

1 *ered under subsection (a)(1) could have on the*
 2 *mission of an affected Federal entity.*

3 (3) *PUBLIC AVAILABILITY.—The Assistant Sec-*
 4 *retary shall make the report submitted under this sub-*
 5 *section publicly available.*

6 (4) *CLASSIFIED INFORMATION.—To the extent*
 7 *that there is classified material in the report required*
 8 *to be submitted under paragraph (1), the Assistant*
 9 *Secretary shall provide the Committee on Energy and*
 10 *Commerce of the House of Representatives and the*
 11 *Committee on Commerce, Science and Transportation*
 12 *of the Senate a briefing on the classified components*
 13 *of the report submitted under this subsection.*

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

20 (c) *DEFINITIONS.—In this section:*

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

23 (2) *ASSISTANT SECRETARY.—The term “Assist-*
 24 *ant Secretary” means the Assistant Secretary of Com-*
 25 *merce for Communications and Information.*

1 (3) *COVERED AGENCY*.—The term “covered agen-
 2 cy” means any agency with operations in a band of
 3 frequencies described in subsection (a)(1).

4 ***TITLE VIII—IMPROVING***
 5 ***SPECTRUM MANAGEMENT***

6 ***SEC. 801. IMPROVING SPECTRUM MANAGEMENT.***

7 *Part A of the National Telecommunications and Infor-*
 8 *mation Administration Organization Act (47 U.S.C. 901*
 9 *et seq.) is amended by adding at the end the following:*

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

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

12 *“(1) CHAIR.—The term ‘Chair’ means the Chair-*
 13 *man of the Commission.*

14 *“(2) COMMISSION.—The term ‘Commission’*
 15 *means the Federal Communications Commission.*

16 *“(3) MEMORANDUM.—The term ‘Memorandum’*
 17 *means the Memorandum of Understanding between*
 18 *the Commission and the NTIA (relating to increased*
 19 *coordination between Federal spectrum management*
 20 *agencies to promote the efficient use of the radio spec-*
 21 *trum in the public interest), signed on August 1,*
 22 *2022, or any successor memorandum.*

23 *“(4) PPSG.—The term ‘PPSG’ means the inter-*
 24 *agency advisory body that, as of the date of the enact-*

1 *ment of this section, is known as the Policy and*
2 *Plans Steering Group.*

3 “(5) *SPECTRUM ACTION.*—*The term ‘spectrum*
4 *action’ means any proposed action by the Commis-*
5 *sion to reallocate radio frequency spectrum that is*
6 *anticipated to result in a system of competitive bid-*
7 *ding conducted under section 309(j) of the Commu-*
8 *nications Act of 1934 (47 U.S.C. 309(j)) or licensing*
9 *that could potentially impact the spectrum operations*
10 *of a Federal entity.*

11 “(6) *ASSISTANT SECRETARY.*—*The term ‘Assist-*
12 *ant Secretary’ means the Assistant Secretary of Com-*
13 *merce for Communications and Information.*

14 “(b) *FEDERAL COORDINATION PROCEDURES.*—

15 “(1) *NOTICE.*—*With respect to each spectrum ac-*
16 *tion, the Assistant Secretary shall file in the public*
17 *record with respect to the spectrum action informa-*
18 *tion (redacted as necessary if the information is pro-*
19 *ected from disclosure for a reason described in para-*
20 *graph (3)) not later than the end of the period for*
21 *submitting comments to the Commission in such pro-*
22 *ceeding regarding—*

23 “(A) *when the Commission provided notice*
24 *to the Assistant Secretary regarding the spec-*

1 *trum action, as required under the Memo-*
2 *randum;*

3 *“(B) the Federal entities that may be im-*
4 *pacted by the spectrum action;*

5 *“(C) when the Assistant Secretary provided*
6 *notice to the Federal entities described in sub-*
7 *paragraph (B) regarding the spectrum action;*
8 *and*

9 *“(D) a summary of the general technical or*
10 *procedural concerns of Federal entities with the*
11 *spectrum action.*

12 *“(2) FINAL RULE.—If the Commission promul-*
13 *gates a final rule under section 553 of title 5, United*
14 *States Code, involving a spectrum action, the Com-*
15 *mission shall prepare, make available to the public,*
16 *and publish in the Federal Register along with the*
17 *final rule an interagency coordination summary that*
18 *describes—*

19 *“(A) when the Commission provided notice*
20 *to the Assistant Secretary regarding the spec-*
21 *trum action, as required under the Memo-*
22 *randum;*

23 *“(B) whether the Assistant Secretary raised*
24 *technical, procedural, or policy concerns of Fed-*
25 *eral entities regarding the spectrum action; and*

1 “(C) *how any concerns described in sub-*
 2 *paragraph (B) were resolved.*

3 “(3) *RULE OF CONSTRUCTION.—Nothing in this*
 4 *subsection may be construed to require the disclosure*
 5 *of classified information, or other information reflect-*
 6 *ing technical, procedural, or policy concerns that are*
 7 *exempt from disclosure under section 552 of title 5,*
 8 *United States Code (commonly known as the ‘Free-*
 9 *dom of Information Act’).*

10 “(c) *FEDERAL SPECTRUM COORDINATION RESPON-*
 11 *SIBILITIES.—*

12 “(1) *IN GENERAL.—Not later than 180 days*
 13 *after the date of the enactment of this Act, the Assist-*
 14 *ant Secretary shall establish a charter for the PPSG.*

15 “(2) *PPSG REPRESENTATIVE.—*

16 “(A) *IN GENERAL.—The head of each Fed-*
 17 *eral entity that is reflected in the membership of*
 18 *the PPSG, as identified in the charter estab-*
 19 *lished under paragraph (1), shall appoint a sen-*
 20 *ior-level employee (or an individual occupying a*
 21 *Senior Executive Service position, as defined in*
 22 *section 3132(a) of title 5, United States Code)*
 23 *who is eligible to receive a security clearance*
 24 *that allows for access to sensitive compartmented*

1 *information to serve as the representative of the*
2 *Federal entity to the PPSG.*

3 “(B) *SECURITY CLEARANCE REQUIRE-*
4 *MENT.—If an individual appointed under sub-*
5 *paragraph (A) is not eligible to receive a secu-*
6 *rity clearance described in that subparagraph—*

7 *“(i) the appointment shall be invalid;*
8 *and*

9 *“(ii) the head of the Federal entity*
10 *making the appointment shall appoint an-*
11 *other individual who satisfies the require-*
12 *ments of that subparagraph, including the*
13 *requirement that the individual is eligible*
14 *to receive such a security clearance.*

15 “(3) *DUTIES.—An individual appointed under*
16 *paragraph (2) shall—*

17 *“(A) oversee the spectrum coordination poli-*
18 *cies and procedures of the applicable Federal en-*
19 *tity;*

20 *“(B) be responsible for timely notification*
21 *of technical or procedural concerns of the appli-*
22 *cable Federal entity to the PPSG; and*

23 *“(C) work closely with the representative of*
24 *the applicable Federal entity to the Interdepart-*
25 *ment Radio Advisory Committee.*

1 “(4) *PUBLIC CONTACT.*—

2 “(A) *IN GENERAL.*—*Each Federal entity*
3 *shall list, on the website of the Federal entity, the*
4 *name and contact information of the representa-*
5 *tive of the Federal entity to the PPSG, as ap-*
6 *pointed under paragraph (2).*

7 “(B) *NTIA RESPONSIBILITY.*—*The Assistant*
8 *Secretary shall publish on the public website of*
9 *the NTIA a complete list of the representatives to*
10 *the PPSG appointed under paragraph (2).*

11 “(d) *COORDINATION BETWEEN FEDERAL AGENCIES*
12 *AND THE NTIA.*—

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

18 “(2) *NATURE OF UPDATE.*—*In updating the*
19 *Memorandum as required in paragraph (1), such up-*
20 *dates shall reflect changing technological, procedural,*
21 *and policy circumstances as determined are necessary*
22 *and appropriate by the Commission and NTIA.”.*

**TITLE IX—MINORITY SERVING
INSTITUTIONS PROGRAM**

SEC. 901. DEFINITIONS.

In this title:

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

(A) *having—*

(i) *a speed of not less than—*

(I) *100 megabits per second for
downloads; and*

(II) *20 megabits per second for
uploads; and*

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

(B) *with respect to an eligible community,
offered with a low-cost option that is affordable
to low- and middle-income residents of the eligi-
ble community, including through the Affordable
Connectivity Program established under section
904(b) of division N of the Consolidated Appro-
priations Act, 2021 (47 U.S.C. 1752(b)) or any
successor program, and a low-cost program
available through a provider.*

1 (2) *COVERED PLANNING GRANT.*—*The term “cov-*
 2 *ered planning grant” means funding made available*
 3 *to an eligible applicant for the purpose of developing*
 4 *or carrying out a local broadband plan from—*

5 *(A) an administering entity through a*
 6 *subgrant under section 60304(c)(3)(E) of the In-*
 7 *frastructure Investment and Jobs Act (47 U.S.C.*
 8 *1723(c)(3)(E)); or*

9 *(B) an eligible entity—*

10 *(i) carrying out pre-deployment plan-*
 11 *ning activities under subparagraph (A) of*
 12 *section 60102(d)(2) of the Infrastructure In-*
 13 *vestment and Jobs Act (47 U.S.C.*
 14 *1702(d)(2)) or carrying out the administra-*
 15 *tion of the grant under subparagraph (B) of*
 16 *such section; or*

17 *(ii) carrying out planning activities*
 18 *under section 60102(e)(1)(C)(iii) of the In-*
 19 *frastructure Investment and Jobs Act (47*
 20 *U.S.C. 1702(e)(1)(C)(iii)).*

21 (3) *DIGITAL EQUITY.*—*The term “digital equity”*
 22 *has the meaning given the term in section 60302 of*
 23 *the Infrastructure Investment and Jobs Act (47*
 24 *U.S.C. 1721).*

1 (4) *ELIGIBLE APPLICANT.*—*The term “eligible*
2 *applicant” means an organization that does not re-*
3 *ceive a covered planning grant and—*

4 *(A) is described in section 501(c)(3) of the*
5 *Internal Revenue Code of 1986 and is exempt*
6 *from taxation under section 501(a) of that Code;*

7 *(B) has a mission that is aligned with ad-*
8 *vancing digital equity;*

9 *(C) has relevant experience and expertise*
10 *supporting eligible community anchor institu-*
11 *tions to engage in the planning for the expansion*
12 *and adoption of reliable and affordable*
13 *broadband and deployment of broadband, and*
14 *the advancement of digital equity—*

15 *(i) on campus at such institutions; and*

16 *(ii) to low-income residents in eligible*
17 *communities with respect to those institu-*
18 *tions; and*

19 *(D) employs staff with expertise in the de-*
20 *velopment of broadband plans, the construction*
21 *of internet infrastructure, or the design and de-*
22 *livery of digital equity programs, including*
23 *through the use of contractors and consultants,*
24 *except that the employment of such staff does not*
25 *rely solely on outsourced contracts.*

1 (5) *ELIGIBLE COMMUNITY.*—The term “eligible
2 *community*” means a community that—

3 (A) *is located—*

4 (i) *within a census tract any portion*
5 *of which is not more than 15 miles from an*
6 *eligible community anchor institution; and*

7 (ii) *with respect to a Tribal College or*
8 *University located on land held in trust by*
9 *the United States—*

10 (I) *not more than 15 miles from*
11 *the Tribal College or University; or*

12 (II) *within a maximum distance*
13 *established by the Assistant Secretary,*
14 *in consultation with the Secretary of*
15 *the Interior, to ensure that the area is*
16 *statistically comparable to other areas*
17 *described in clause (i); and*

18 (B) *has an estimated median annual house-*
19 *hold income of not more than 250 percent of the*
20 *poverty line, as defined in section 673 of the*
21 *Community Services Block Grant Act (42 U.S.C.*
22 *9902).*

23 (6) *ELIGIBLE COMMUNITY ANCHOR INSTITU-*
24 *TION.*—The term “eligible community anchor institu-
25 *tion*” means a historically Black college or university,

1 *a Tribal College or University, or a Minority-serving*
 2 *institution.*

3 (7) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
 4 *ty” has the meaning given such term in section 60102*
 5 *of the Infrastructure Investment and Jobs Act (47*
 6 *U.S.C. 1702).*

7 (8) *HISTORICALLY BLACK COLLEGE OR UNIVER-*
 8 *SITY; TRIBAL COLLEGE OR UNIVERSITY; MINORITY-*
 9 *SERVING INSTITUTION.*—*The terms “historically Black*
 10 *college or university”, “Tribal College or University”,*
 11 *and “Minority-serving institution” have the mean-*
 12 *ings given those terms in section 902(a) of title IX of*
 13 *division N of the Consolidated Appropriations Act,*
 14 *2021 (47 U.S.C. 1306(a)), and include an established*
 15 *fiduciary of such educational institution, such as an*
 16 *affiliated foundation, or a district or State system af-*
 17 *filiated with such educational institution.*

18 (9) *IMPROPER PAYMENT.*—*The term “improper*
 19 *payment” has the meaning given such term in section*
 20 *3351 of title 31, United States Code.*

21 (10) *LOCAL BROADBAND PLAN.*—*The term “local*
 22 *broadband plan” means a plan developed pursuant to*
 23 *section 902(c).*

24 (11) *PROGRAM.*—*The term “program” means the*
 25 *pilot program established under section 902(a).*

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

4 **SEC. 902. PROGRAM.**

5 (a) *ESTABLISHMENT*.—*The Assistant Secretary, act-*
6 *ing through the head of the Office of Minority Broadband*
7 *Initiatives, shall use the amounts made available under sec-*
8 *tion 602(e) of this Act to establish within the National Tele-*
9 *communications and Information Administration a pro-*
10 *gram for the purposes described in subsection (c), provided*
11 *that not more than 6 percent of the amounts used to estab-*
12 *lish the program may be used for salary, expenses, adminis-*
13 *tration, and oversight with respect to the program.*

14 (b) *AUTHORITY*.—*The Assistant Secretary may use*
15 *funding mechanisms, including grants, cooperative agree-*
16 *ments, and contracts, for the effective implementation of the*
17 *program.*

18 (c) *PURPOSES*.—*Funding made available under the*
19 *program shall enable an eligible applicant to work with an*
20 *eligible community anchor institution, and each eligible*
21 *community with respect to the eligible community anchor*
22 *institution, to develop a local broadband plan to—*

23 (1) *identify barriers to broadband deployment*
24 *and adoption in order to expand the availability and*
25 *adoption of broadband at the eligible community an-*

1 *chor institution and within each such eligible commu-*
 2 *nity;*

3 *(2) advance digital equity at the eligible commu-*
 4 *nity anchor institution and within each such eligible*
 5 *community; and*

6 *(3) help each such eligible community to prepare*
 7 *applications for funding from multiple sources, in-*
 8 *cluding from—*

9 *(A) the various programs authorized under*
 10 *the Infrastructure Investment and Jobs Act*
 11 *(Public Law 117–58; 135 Stat. 429); and*

12 *(B) other Federal, State, and Tribal sources*
 13 *of funding for broadband deployment, affordable*
 14 *broadband internet service, or digital equity.*

15 *(d) CONTENTS OF LOCAL BROADBAND PLAN.—A local*
 16 *broadband plan shall—*

17 *(1) be developed in coordination with stakeholder*
 18 *representatives; and*

19 *(2) with respect to support for infrastructure*
 20 *funding—*

21 *(A) reflect an approach that is performance-*
 22 *based and does not favor any particular tech-*
 23 *nology, provider, or type of provider; and*

24 *(B) include—*

1 (i) a description of the demographic
2 profile of each applicable eligible commu-
3 nity;

4 (ii) an assessment of the needs of each
5 applicable eligible community, including
6 with respect to digital literacy, workforce
7 development, and device access needs;

8 (iii) a summary of current (as of the
9 date of the most current data published by
10 the Federal Communications Commission)
11 service providers operating in each applica-
12 ble eligible community and the broadband
13 offerings and related services in each appli-
14 cable eligible community;

15 (iv) an estimate of capital and oper-
16 ational expenditures for the course of action
17 recommended in the local broadband plan;

18 (v) a preliminary implementation
19 schedule for the deployment of broadband
20 required under the local broadband plan;
21 and

22 (vi) a summary of the potential em-
23 ployment, development, and revenue cre-
24 ation opportunities for the eligible commu-

1 *nity anchor institution and each applicable*
2 *eligible community.*

3 *(e) APPLICATION.—*

4 *(1) IN GENERAL.—To be eligible to receive fund-*
5 *ing under the program, an eligible applicant shall*
6 *submit to the Assistant Secretary, acting through the*
7 *head of the Office of Minority Broadband Initiatives,*
8 *an application containing—*

9 *(A) the name and mailing address of the el-*
10 *igible applicant;*

11 *(B) the name and email address of the*
12 *point of contact for the eligible applicant;*

13 *(C) documentation providing evidence that*
14 *the applicant is an eligible applicant;*

15 *(D) a summary description of the proposed*
16 *approach that the eligible applicant will take to*
17 *expand the availability and adoption of*
18 *broadband;*

19 *(E) an outline or sample of the proposed*
20 *local broadband plan with respect to the funds;*

21 *(F) a draft proposal for carrying out the*
22 *local broadband plan with respect to the funds,*
23 *describing with specificity how funds will be*
24 *used;*

1 (G) a summary of past performance in
 2 which the eligible applicant created plans simi-
 3 lar to the local broadband plan for communities
 4 similar to each applicable eligible community;

5 (H) a description of the approach the eligi-
 6 ble applicant will take to engage each applicable
 7 eligible community and the applicable eligible
 8 community anchor institution and report out-
 9 comes relating to that engagement;

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

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

15 (2) DEADLINES.—The Assistant Secretary, act-
 16 ing through the head of the Office of Minority
 17 Broadband Initiatives, shall publish a notice for the
 18 program not later than 60 days after the date of the
 19 enactment of this Act.

20 (f) SELECTION CRITERIA.—When selecting an eligible
 21 applicant to receive funding under the program, the Assist-
 22 ant Secretary may give preference or priority to an eligible
 23 applicant, the application of which, if awarded, would en-
 24 able a greater number of eligible communities to be served.

25 (g) REPORT.—

1 (1) *IN GENERAL.*—Not later than 540 days after
2 the date of the enactment of this Act, the Assistant
3 Secretary, acting through the head of the Office of Mi-
4 nority Broadband Initiatives, shall submit to the
5 Committee on Commerce, Science, and Transpor-
6 tation of the Senate and the Committee on Energy
7 and Commerce of the House of Representatives a re-
8 port, which the Assistant Secretary, acting through
9 the head of the Office of Minority Broadband Initia-
10 tives, shall make available to the public.

11 (2) *CONTENTS.*—The report described in para-
12 graph (1) shall include, for the period covered by the
13 report—

14 (A) the number of eligible applicants that
15 submitted applications under the program;

16 (B) the number of eligible applicants that
17 received funding under the program;

18 (C) a summary of the funding amounts
19 made available to eligible applicants under the
20 program and the list of eligible community an-
21 chor institutions the eligible applicants propose
22 to serve;

23 (D) the number of eligible communities that
24 ultimately received funding or financing to pro-
25 mote broadband adoption and to deploy

1 *broadband in the eligible community under the*
 2 *program;*

3 *(E) information determined necessary by*
 4 *the Assistant Secretary to measure progress to-*
 5 *ward the goals described in subsection (h)(2)(A)*
 6 *and assess whether the goals described in such*
 7 *subsection are being met; and*

8 *(F) an identification of each eligible appli-*
 9 *cant that received funds through the program*
 10 *and a description of the progress each eligible*
 11 *applicant has made toward accomplishing the*
 12 *purpose of the program, as described in sub-*
 13 *section (c).*

14 *(h) PUBLIC NOTICE; REQUIREMENTS.—*

15 *(1) PUBLIC NOTICE.—Not later than 90 days*
 16 *after the date on which the Assistant Secretary pro-*
 17 *vides public notice of the program, the Assistant Sec-*
 18 *retary, in consultation with the head of the Office of*
 19 *Minority Broadband Initiatives, shall issue the Notice*
 20 *of Funding Opportunity governing the program.*

21 *(2) REQUIREMENTS.—In the notice required*
 22 *under paragraph (1), the Assistant Secretary shall—*

23 *(A) establish short-term and long-term goals*
 24 *for eligible applicants that receive funds under*
 25 *the program;*

1 (B) establish performance metrics by which
2 to evaluate whether an entity has met the goals
3 described in subparagraph (A); and

4 (C) identify the selection criteria described
5 in subsection (f) that the Assistant Secretary will
6 use to award funds under the program if de-
7 mand for funds under the program exceeds the
8 amount appropriated for carrying out the pro-
9 gram.

10 (i) OVERSIGHT.—

11 (1) AUDITS.—The Inspector General of the De-
12 partment of Commerce (referred to in this subsection
13 as the “Inspector General”) shall conduct an audit of
14 the program in order to—

15 (A) ensure that eligible applicants use funds
16 awarded under the program in accordance
17 with—

18 (i) the requirements of this title; and

19 (ii) the purposes of the program, as de-
20 scribed in subsection (c); and

21 (B) prevent waste, fraud, abuse, and im-
22 proper payments.

23 (2) REVOCATION OF FUNDS.—The Assistant Sec-
24 retary shall revoke funds awarded to an eligible ap-
25 plicant that is not in compliance with the require-

1 *ments of this section or the purposes of the program,*
2 *as described in subsection (c).*

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

7 (A) *The name of the eligible applicant.*

8 (B) *The amount of funding made available*
9 *under the program to the eligible applicant.*

10 (C) *The amount of funding determined to be*
11 *an improper payment made to an eligible appli-*
12 *cant involved in the waste, fraud, abuse, or im-*
13 *proper payment.*

14 (4) *NOTIFICATION OF AUDIT FINDINGS.—Not*
15 *later than 7 days after the date of a finding described*
16 *under paragraph (3), the Inspector General shall con-*
17 *currently notify the Assistant Secretary, the Com-*
18 *mittee on Commerce, Science, and Transportation of*
19 *the Senate, and the Committee on Energy and Com-*
20 *merce of the House of Representatives of the informa-*
21 *tion described in that paragraph.*

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

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

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

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

7 (D) collect and analyze data from reporting
8 mechanisms and instances of detected fraud for
9 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 and
14 assess risks to determine a fraud risk profile;

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

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

21 (I) establish collaborative relationships with
22 stakeholders and create incentives to help ensure
23 effective implementation of the anti-fraud strat-
24 egy described in subparagraph (G).

Union Calendar No. 526

118TH CONGRESS
2^D Session

H. R. 3565

[Report No. 118-629, Part I]

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.

AUGUST 13, 2024
Reported from the Committee on Energy and Commerce
with an amendment

AUGUST 13, 2024
Committee on Armed Services discharged: committed to
the Committee of the Whole House on the State of the
Union and ordered to be printed