

118TH CONGRESS  
1ST SESSION

# H. R. 4510

To reauthorize the National Telecommunications and Information Administration, to update the mission and functions of the agency, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2023

Mr. LATTA (for himself and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To reauthorize the National Telecommunications and Information Administration, to update the mission and functions of the agency, 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 “National Telecommunications and Information Adminis-  
6 tration Reauthorization Act of 2023” or the “NTIA Reau-  
7 thorization Act of 2023”.

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

- Sec. 1. Short title; table of contents.  
 Sec. 2. Definitions.

#### TITLE I—REAUTHORIZATION

- Sec. 101. Reauthorization of the National Telecommunications and Information Administration Organization Act.  
 Sec. 102. NTIA Consolidated Reporting Act.

#### TITLE II—OFFICE OF SPECTRUM MANAGEMENT

- Sec. 201. Office of Spectrum Management.  
 Sec. 202. Improving spectrum management.  
 Sec. 203. Spectrum management improvements.  
 Sec. 204. Institute for Telecommunication Sciences.  
 Sec. 205. Commerce Spectrum Management Advisory Committee.  
 Sec. 206. Incumbent informing capability.  
 Sec. 207. Working group on performance criteria for radio receivers.

#### TITLE III—OFFICE OF INTERNET CONNECTIVITY AND GROWTH

- Sec. 301. National Strategy to Close Digital Divide.

#### TITLE IV—OFFICE OF POLICY DEVELOPMENT AND CYBERSECURITY

- Sec. 401. Office of Policy Development and Cybersecurity.  
 Sec. 402. Economic competitiveness of information and communication technology supply chain.  
 Sec. 403. Digital Economy and Cybersecurity Board of Advisors.  
 Sec. 404. Cybersecurity literacy.  
 Sec. 405. Understanding cybersecurity of mobile networks.  
 Sec. 406. Open RAN outreach.

#### TITLE V—OFFICE OF PUBLIC SAFETY COMMUNICATIONS

- Sec. 501. Establishment of the Office of Public Safety Communications.

#### TITLE VI—OFFICE OF INTERNATIONAL AFFAIRS

- Sec. 601. Office of International Affairs.  
 Sec. 602. Establishment of interagency national security review process.

### 1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

1           (3) UNDER SECRETARY.—The term “Under  
2       Secretary” means the Under Secretary of Commerce  
3       for Communications and Information.

## 4       **TITLE I—REAUTHORIZATION**

### 5       **SEC. 101. REAUTHORIZATION OF THE NATIONAL TELE-** 6                       **COMMUNICATIONS AND INFORMATION AD-** 7                       **MINISTRATION ORGANIZATION ACT.**

8           (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
9       151 of the National Telecommunications and Information  
10      Administration Organization Act is amended by striking  
11      “\$17,600,000 for fiscal year 1992 and \$17,900,000 for  
12      fiscal year 1993” and inserting “\$62,000,000 for fiscal  
13      year 2024 and \$62,000,000 for fiscal year 2025”.

14          (b) UNDER SECRETARY OF COMMERCE FOR COMMU-  
15      NICATIONS AND INFORMATION.—

16               (1) UNDER SECRETARY; DEPUTY UNDER SEC-  
17      RETARY.—

18               (A) UNDER SECRETARY.—The National  
19      Telecommunications and Information Adminis-  
20      tration Organization Act (47 U.S.C. 901 et  
21      seq.) is amended by striking “Assistant Sec-  
22      retary” each place it appears and inserting  
23      “Under Secretary”.

24               (B) DEPUTY UNDER SECRETARY.—Section  
25      103(a) of the National Telecommunications and

1 Information Administration Organization Act  
2 (47 U.S.C. 902(a)), as amended by this section,  
3 is amended by adding at the end the following:

4 “(3) DEPUTY UNDER SECRETARY.—The Dep-  
5 uty Under Secretary of Commerce for Communica-  
6 tions and Information shall—

7 “(A) be the principal policy advisor of the  
8 Under Secretary;

9 “(B) perform such other functions as the  
10 Under Secretary shall from time to time assign  
11 or delegate; and

12 “(C) act as Under Secretary during the  
13 absence or disability of the Under Secretary or  
14 in the event of a vacancy in the office of the  
15 Under Secretary.”.

16 (2) CONTINUATION OF CIVIL ACTIONS.—This  
17 subsection, and the amendments made by this sub-  
18 section, shall not abate any civil action commenced  
19 by or against the Assistant Secretary of Commerce  
20 for Communications and Information before the date  
21 of the enactment of this Act, except that the Under  
22 Secretary shall be substituted as a party to the ac-  
23 tion on and after such date.

24 (3) CONTINUATION IN OFFICE.—The individual  
25 serving as the Assistant Secretary of Commerce for

1 Communications and Information and the individual  
2 serving as the Deputy Assistant Secretary of Com-  
3 merce for Communications and Information on the  
4 day before the date of the enactment of this Act may  
5 serve as the Under Secretary and the Deputy Under  
6 Secretary of Commerce for Communications and In-  
7 formation, respectively, on and after that date with-  
8 out the need for renomination or reappointment.

9 (4) REFERENCES.—Any reference in a law, reg-  
10 ulation, document, paper, or other record of the  
11 United States to the Assistant Secretary of Com-  
12 merce for Communications and Information shall, on  
13 and after the date of the enactment of this Act, be  
14 deemed to be a reference to the Under Secretary.

15 (5) EXECUTIVE SCHEDULE.—

16 (A) IN GENERAL.—Subchapter II of chap-  
17 ter 53 of title 5, United States Code, is amend-  
18 ed—

19 (i) in section 5314, by adding at the  
20 end the following:

21 “Under Secretary of Commerce for Commu-  
22 nications and Information.”; and

23 (ii) in section 5315, in the item relat-  
24 ing to the Assistant Secretaries of Com-

1                   merce, by striking “(11)” and inserting  
2                   “(10)”.

3                   (B) EFFECTIVE DATE.—The amendment  
4                   made by subparagraph (A) (establishing the an-  
5                   nual rate of the basic pay of the Under Sec-  
6                   retary) shall take effect on the first day of the  
7                   first pay period beginning after the date of the  
8                   enactment of this Act.

9                   (c) AUTHORITIES AND RESPONSIBILITIES.—

10                   (1) COORDINATION OF EXECUTIVE BRANCH  
11                   VIEWS ON MATTERS BEFORE THE FEDERAL COMMU-  
12                   NICATIONS COMMISSION.—Section 105(a)(1) of the  
13                   National Telecommunications and Information Ad-  
14                   ministration Organization Act (47 U.S.C. 904(a)(1))  
15                   is amended—

16                   (A) by striking “to ensure that the con-  
17                   duct” and inserting the following: “to ensure  
18                   that—

19                   “(A) the conduct”;

20                   (B) in subparagraph (A), as so redesign-  
21                   nated, by striking the period at the end and in-  
22                   serting “; and”; and

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

1 “(B) the views of the executive branch on  
2 matters presented to the Commission are, con-  
3 sistent with section 103(b)(2)(J)—

4 “(i) appropriately coordinated; and

5 “(ii) reflective of executive branch pol-  
6 icy.”.

7 (2) MODERNIZATION OF AGENCY MISSION.—

8 (A) POLICY.—Section 102(c) of the Na-  
9 tional Telecommunications and Information Ad-  
10 ministration Organization Act (47 U.S.C.  
11 901(c)) is amended by adding at the end the  
12 following:

13 “(6) Fostering the digital economy of the  
14 United States in order to ensure the competitive-  
15 ness, future economic growth, and security of the  
16 United States.

17 “(7) Working to ensure that global communica-  
18 tions networks remain open and innovative, includ-  
19 ing without inappropriate barriers to entry or oper-  
20 ation.

21 “(8) With respect to the United States, in co-  
22 ordination with the Commission, achieving the uni-  
23 versal availability of and access to telecommuni-  
24 cations service and information service (as those  
25 terms are defined in section 3 of the Communica-

tions Act of 1934) and any technology related to such service.”.

(B) ASSIGNED FUNCTIONS.—Section 103(b)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(b)(2)) is amended—

(i) in the matter preceding subparagraph (A), by inserting “, some of which were” before “transferred to the Secretary”;

(ii) in subparagraph (H)—

(I) by inserting “and information” after “telecommunications”; and

(II) by striking “and emergency readiness” and inserting “emergency readiness, the flow of information, and with respect to the United States, in coordination with the Commission, the universal availability of and access to telecommunications service and information service (as those terms are defined in section 3 of the Communications Act of 1934) and any technology related to such service”;



1 (iii) in subparagraph (M), by inserting

2 “, publish reports,” after “studies”; and

3 (iv) by inserting at the end the fol-

4 lowing:

5 “(V) The authority to conduct studies,

6 publish reports, and make recommendations—

7 “(i) on any Federal, State, local, or

8 private policy or practice relating to com-

9 munications, information, or the digital

10 economy of the United States; and

11 “(ii) that consider interoperability,

12 privacy, security, spectrum use, emergency

13 readiness, the flow of information, and

14 with respect to the United States, in co-

15 ordination with the Commission, the uni-

16 versal availability of and access to tele-

17 communications service and information

18 service (as those terms are defined in sec-

19 tion 3 of the Communications Act of 1934)

20 and any technology related to such serv-

21 ice.”.

22 (d) ACCEPTANCE OF GIFTS AND BEQUESTS FOR THE

23 UNDER SECRETARY.—The Under Secretary is hereby au-

24 thorized to accept, hold, administer, and utilize gifts and

25 bequests of property, both real and personal, for the pur-

1 pose of aiding or facilitating the work of the NTIA. Gifts  
2 and bequests of money and the proceeds from sales of  
3 other property received as gifts or bequests shall be depos-  
4 ited in the Treasury in a separate fund and shall be dis-  
5 bursed upon order of the Under Secretary. Property ac-  
6 cepted pursuant to this provision, and the proceeds there-  
7 of, shall be used as nearly as possible in accordance with  
8 the terms of the gift or bequest.

9 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

10 (1) PUBLIC TELECOMMUNICATIONS FINANCING  
11 ACT OF 1978.—Section 106(c) of the Public Tele-  
12 communications Financing Act of 1978 (5 U.S.C.  
13 5316 note; Public Law 95–567) is amended by strik-  
14 ing “The position of Deputy Assistant Secretary of  
15 Commerce for Communications and Information es-  
16 tablished in Department of Commerce Organization  
17 Order Numbered 10–10 (effective March 26,  
18 1978),” and inserting “The position of Deputy  
19 Under Secretary of Commerce for Communications  
20 and Information, established under section 103(a) of  
21 the National Telecommunications and Information  
22 Administration Organization Act (47 U.S.C.  
23 902(a)),”.

24 (2) COMMUNICATIONS ACT OF 1934.—Section  
25 344(d)(2) of the Communications Act of 1934 (47

1 U.S.C. 344(d)(2)) is amended by striking “Assistant  
2 Secretary” and inserting “Under Secretary”.

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

10 (4) AGRICULTURE IMPROVEMENT ACT OF  
11 2018.—Section 6212 of the Agriculture Improvement  
12 Act of 2018 (7 U.S.C. 950bb–6) is amended—

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

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

19 (5) TITLE 17, UNITED STATES CODE.—Section  
20 1201(a)(1)(C) of title 17, United States Code, is  
21 amended by striking “Assistant Secretary for Com-  
22 munications and Information of the Department of  
23 Commerce” and inserting “Under Secretary of Com-  
24 merce for Communications and Information”.

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

9           (7) COMMUNICATIONS SATELLITE ACT OF  
10          1962.—Section 625(a)(1) of the Communications  
11          Satellite Act of 1962 (47 U.S.C. 763d(a)(1)) is  
12          amended, in the matter preceding subparagraph (A),  
13          by striking “Assistant Secretary” and inserting  
14          “Under Secretary of Commerce”.

15          (8) SPECTRUM PIPELINE ACT OF 2015.—The  
16          Spectrum Pipeline Act of 2015 (47 U.S.C. 921 note;  
17          title X of Public Law 114–74) is amended—

18                 (A) in section 1002(1), in the heading, by  
19                 striking “ASSISTANT SECRETARY” and inserting  
20                 “UNDER SECRETARY”; and

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

24          (9) WARNING, ALERT, AND RESPONSE NET-  
25          WORK ACT.—Section 606 of the Warning, Alert, and

1 Response Network Act (47 U.S.C. 1205) is amend-  
2 ed—

3 (A) by striking “Assistant Secretary” each  
4 place the term appears and inserting “Under  
5 Secretary”; and

6 (B) in subsection (b), in the first sentence,  
7 by striking “for7Communications” and insert-  
8 ing “for Communications”.

9 (10) AMERICAN RECOVERY AND REINVESTMENT  
10 ACT OF 2009.—Section 6001 of the American Recov-  
11 ery and Reinvestment Act of 2009 (47 U.S.C. 1305)  
12 is amended—

13 (A) by striking “Assistant Secretary” each  
14 place the term appears and inserting “Under  
15 Secretary”; and

16 (B) in subsection (d), in the heading, by  
17 striking “ASSISTANT SECRETARY” and insert-  
18 ing “UNDER SECRETARY”.

19 (11) MIDDLE CLASS TAX RELIEF AND JOB CRE-  
20 ATION ACT OF 2012.—Title VI of the Middle Class  
21 Tax Relief and Job Creation Act of 2012 (47 U.S.C.  
22 1401 et seq.) is amended—

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

24 (i) by striking paragraph (4);

1 (ii) by redesignating paragraphs (5)  
2 through (32) as paragraphs (4) through  
3 (31), respectively; and

4 (iii) by inserting after paragraph (31),  
5 as so redesignated, the following:

6 “(32) UNDER SECRETARY.—The term ‘Under  
7 Secretary’ means the Under Secretary of Commerce  
8 for Communications and Information.”; and

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

12 (12) RAY BAUM’S ACT OF 2018.—The RAY  
13 BAUM’S Act of 2018 (division P of Public Law  
14 115–141; 132 Stat. 348) is amended by striking  
15 “Assistant Secretary” each place the term appears  
16 and inserting “Under Secretary”.

17 (13) SECURE AND TRUSTED COMMUNICATIONS  
18 NETWORKS ACT OF 2019.—Section 8 of the Secure  
19 and Trusted Communications Networks Act of 2019  
20 (47 U.S.C. 1607) is amended—

21 (A) in subsection (c)(1), in the heading, by  
22 striking “ASSISTANT SECRETARY” and inserting  
23 “UNDER SECRETARY”; and

1 (B) by striking “Assistant Secretary” each  
2 place the term appears and inserting “Under  
3 Secretary”.

4 (14) TITLE 51, UNITED STATES CODE.—Section  
5 50112(3) of title 51, United States Code, is amend-  
6 ed, in the matter preceding subparagraph (A), by  
7 striking “Assistant Secretary” each place the term  
8 appears and inserting “Under Secretary”.

9 (15) CONSOLIDATED APPROPRIATIONS ACT,  
10 2021.—The Consolidated Appropriations Act, 2021  
11 (Public Law 116–260) is amended—

12 (A) in title IX of division N—

13 (i) in section 902(a)(2), in the head-  
14 ing, by striking “ASSISTANT SECRETARY”  
15 and inserting “UNDER SECRETARY”;

16 (ii) in section 905—

17 (I) in subsection (a)(1), in the  
18 heading, by striking “ASSISTANT SEC-  
19 RETARY” and inserting “UNDER SEC-  
20 RETARY”;

21 (II) in subsection (c)(3)(B), in  
22 the heading, by striking “ASSISTANT  
23 SECRETARY” and inserting “UNDER  
24 SECRETARY”; and

1 (III) in subsection (d)(2)(B), in  
 2 the heading, by striking “ASSISTANT  
 3 SECRETARY” and inserting “UNDER  
 4 SECRETARY”; and

5 (iii) by striking “Assistant Secretary”  
 6 each place the term appears and inserting  
 7 “Under Secretary”; and

8 (B) in title IX of division FF—

9 (i) in section 903(g)(2), in the head-  
 10 ing, by striking “ASSISTANT SECRETARY”  
 11 and inserting “UNDER SECRETARY”; and

12 (ii) by striking “Assistant Secretary”  
 13 each place the term appears and inserting  
 14 “Under Secretary”.

15 (16) INFRASTRUCTURE INVESTMENT AND JOBS  
 16 ACT.—The Infrastructure Investment and Jobs Act  
 17 (Public Law 117–58) is amended—

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

21 (B) in division F—

22 (i) in section 60102—

23 (I) in subsection (a)(2)(A), by  
 24 striking “ASSISTANT SECRETARY” and  
 25 inserting “UNDER SECRETARY”;



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

(III) in subsection (h)—

(aa) in paragraph (1)(B), by striking “ASSISTANT SECRETARY” and inserting “UNDER SECRETARY”; and

(bb) in paragraph (5)(B)(iii), by striking “ASSISTANT SECRETARY” and inserting “UNDER SECRETARY”;

(ii) in title III—

(I) in section 60302(5), by striking “ASSISTANT SECRETARY” and inserting “UNDER SECRETARY”; and

(II) in section 60305(d)(2)(B)(ii), by striking “ASSISTANT SECRETARY” and inserting “UNDER SECRETARY”;

(iii) in section 60401(a)(2), by striking “ASSISTANT SECRETARY” and inserting “UNDER SECRETARY”; and

1 (iv) by striking “Assistant Secretary”  
 2 each place the term appears and inserting  
 3 “Under Secretary”; and  
 4 (C) in division J, in title I, in the matter  
 5 under the heading “distance learning, telemedi-  
 6 cine, and broadband program” under the head-  
 7 ing “Rural Utilities Service” under the heading  
 8 “RURAL DEVELOPMENT PROGRAMS”, by  
 9 striking “Assistant Secretary” and inserting  
 10 “Under Secretary”.

11 **SEC. 102. NTIA CONSOLIDATED REPORTING ACT.**

12 (a) ELIMINATION OF CERTAIN OUTDATED OR COM-  
 13 PLETED REPORTING REQUIREMENTS.—

14 (1) BTOP QUARTERLY REPORT.—Section  
 15 6001(d) of the American Recovery and Reinvestment  
 16 Act of 2009 (47 U.S.C. 1305(d)) is amended—

17 (A) in paragraph (2), by striking the semi-  
 18 colon at the end and inserting “; and”;

19 (B) in paragraph (3), by striking “; and”  
 20 and inserting a period; and

21 (C) by striking paragraph (4).

22 (2) CERTAIN REPORTS REQUIRED BY NATIONAL  
 23 TELECOMMUNICATIONS AND INFORMATION ADMINIS-  
 24 TRATION ORGANIZATION ACT.—Sections 154, 155,  
 25 and 156 of the National Telecommunications and

1 Information Administration Organization Act are re-  
2 pealed.

3 (3) CERTAIN REPORTS RELATING TO 3  
4 GIGAHERTZ SPECTRUM.—

5 (A) IN GENERAL.—Section 605 of division  
6 P of the Consolidated Appropriations Act, 2018  
7 (Public Law 115–141; 132 Stat. 1100) is re-  
8 pealed.

9 (B) CLERICAL AMENDMENT.—The table of  
10 contents in section 1(b) of such division is  
11 amended by striking the item relating to section  
12 605.

13 (4) INITIAL REPORT REQUIRED BY SECTION  
14 9202(a)(1)(G) OF THE NDAA FOR FISCAL YEAR  
15 2021.—Section 9202(a)(1)(G) of the William M.  
16 (Mac) Thornberry National Defense Authorization  
17 Act for Fiscal Year 2021 (47 U.S.C. 906(a)(1)(G))  
18 is amended—

19 (A) in clause (ii), by redesignating sub-  
20 clauses (I), (II), and (III) as clauses (i), (ii),  
21 and (iii), respectively, and conforming the mar-  
22 gins of such clauses accordingly; and

23 (B) by striking “REPORTS TO CONGRESS”  
24 and all that follows through “For each fiscal

1           year” and inserting “ANNUAL REPORT TO CON-  
2           GRESS.—For each fiscal year”.

3           (5) REPORT TO PRESIDENT.—Section 105(a) of  
4           the National Telecommunications and Information  
5           Administration Organization Act (47 U.S.C. 904(a))  
6           is amended—

7                     (A) by striking paragraph (2); and

8                     (B) by redesignating paragraph (3) as  
9           paragraph (2).

10          (6) EFFECT ON AUTHORITY.—Nothing in this  
11          subsection or the amendments made by this sub-  
12          section shall be construed to expand or contract the  
13          authority of the Secretary, the Under Secretary, the  
14          NTIA, or the Commission.

15          (7) OTHER REPORTS.—Nothing in this sub-  
16          section or the amendments made by this subsection  
17          shall be construed to prohibit or otherwise prevent  
18          the Secretary, the Under Secretary, the NTIA, or  
19          the Commission from producing any additional re-  
20          ports otherwise within the authority of the Sec-  
21          retary, the Under Secretary, the NTIA, or the Com-  
22          mission, respectively.

23          (b) CONSOLIDATED ANNUAL REPORT.—

24                     (1) IN GENERAL.—In the first quarter of each  
25          calendar year, the Under Secretary shall publish on

1 the website of the NTIA and submit to the Com-  
2 mittee on Energy and Commerce of the House of  
3 Representatives and the Committee on Commerce,  
4 Science, and Transportation of the Senate a report  
5 that contains the reports described in paragraph (2)  
6 for the fiscal year ending most recently before the  
7 beginning of such quarter.

8 (2) REPORTS DESCRIBED.—The reports de-  
9 scribed in this paragraph are the following:

10 (A) The report required by section  
11 903(c)(2)(C) of division FF of the Consolidated  
12 Appropriations Act, 2021 (47 U.S.C.  
13 1307(c)(2)(C)).

14 (B) If amounts in the Public Wireless Sup-  
15 ply Chain Innovation Fund established by sec-  
16 tion 9202(a)(1)(A)(i) of the William M. (Mac)  
17 Thornberry National Defense Authorization Act  
18 for Fiscal Year 2021 (47 U.S.C.  
19 906(a)(1)(A)(i)) were available for the fiscal  
20 year described in paragraph (1) of this sub-  
21 section, the report required by section  
22 9202(a)(1)(G) of such Act (47 U.S.C.  
23 906(a)(1)(G)).

24 (C) If the Under Secretary awarded grants  
25 under section 60304(d)(1) of the Infrastructure

Investment and Jobs Act (47 U.S.C. 1723(d)(1)) in the fiscal year described in paragraph (1) of this subsection, the report required by section 60306(a)(1)(A) of such Act (47 U.S.C. 1725(a)(1)(A)).

(D) A summary of the reports for the fiscal year described in paragraph (1) that are required to be submitted to the Under Secretary by executive agencies under section 107(b)(5) of the National Telecommunications and Information Administration Organization Act, as added by this Act.

(3) TIMING OF UNDERLYING REPORTING REQUIREMENTS.—

(A) REPORT OF OFFICE OF INTERNET CONNECTIVITY AND GROWTH.—Section 903(c)(2)(C) of division FF of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1307(c)(2)(C)) is amended—

(i) in the matter preceding clause (i)—

(I) by striking “Not later than 1 year after the date of the enactment of this Act, and every year there-

1 after,” and inserting “In the first  
2 quarter of each calendar year,”; and

3 (II) by inserting “, for the fiscal  
4 year ending most recently before the  
5 beginning of such quarter,” after “a  
6 report”; and

7 (ii) in clause (i), by striking “for the  
8 previous year”.

9 (B) REPORT ON DIGITAL EQUITY GRANT  
10 PROGRAMS.—Section 60306(a)(1) of the Infra-  
11 structure Investment and Jobs Act (47 U.S.C.  
12 1725(a)(1)) is amended—

13 (i) in the matter preceding subpara-  
14 graph (A), by striking “Not later than 1  
15 year” and all that follows through “shall—  
16 ” and inserting the following: “For the  
17 first fiscal year in which the Under Sec-  
18 retary awards grants under section  
19 60304(d)(1), and each fiscal year there-  
20 after in which the Under Secretary awards  
21 grants under such section, the Under Sec-  
22 retary shall—”; and

23 (ii) in subparagraph (A)—

24 (I) by inserting “in the first  
25 quarter of the first calendar year that

1 begins after the end of such fiscal  
2 year,” before “submit”; and

3 (II) by striking “, for the year  
4 covered by the report”.

5 (4) SATISFACTION OF UNDERLYING REPORTING  
6 REQUIREMENTS.—

7 (A) IN GENERAL.—Except as provided in  
8 subparagraph (B), the publication and submis-  
9 sion of a report as required by paragraph (1)  
10 in the first quarter of a calendar year shall be  
11 treated as satisfying any requirement to publish  
12 or otherwise make publicly available or to sub-  
13 mit to Congress or to a committee of Congress  
14 a report described in paragraph (2) for the fis-  
15 cal year ending most recently before the begin-  
16 ning of such quarter.

17 (B) CERTAIN SUBMISSION REQUIRE-  
18 MENTS.—At the time when the Under Secretary  
19 submits a report required by paragraph (1) to  
20 the committees described in such paragraph,  
21 the Under Secretary shall submit any portion of  
22 such report that relates to a report described in  
23 paragraph (2)(C) to each committee of Con-  
24 gress not described in paragraph (1) to which  
25 such report would (without regard to subpara-



1 graph (A) of this paragraph) be required to be  
2 submitted.

3 (5) APPLICABILITY.—Paragraph (1), and the  
4 amendments made by paragraph (3), shall apply be-  
5 ginning on January 1 of the first calendar year that  
6 begins after the date of the enactment of this Act.

7 (c) EXTENSION OF CERTAIN AUDIT AND REPORTING  
8 REQUIREMENTS.—Section 902(c)(4)(A) of division N of  
9 the Consolidated Appropriations Act, 2021 (47 U.S.C.  
10 1306(c)(4)(A)) is amended by striking “fiscal years 2021  
11 and 2022” and inserting “fiscal years 2021, 2022, 2023,  
12 and 2024”.

13 (d) DEFINITION.—In this section, the term “Sec-  
14 retary” means the Secretary of Commerce.

## 15 **TITLE II—OFFICE OF SPECTRUM** 16 **MANAGEMENT**

### 17 **SEC. 201. OFFICE OF SPECTRUM MANAGEMENT.**

18 Part A of the National Telecommunications and In-  
19 formation Administration Organization Act (47 U.S.C.  
20 901 et seq.) is amended by adding at the end the fol-  
21 lowing:

#### 22 **“SEC. 106. OFFICE OF SPECTRUM MANAGEMENT.**

23 “(a) ESTABLISHMENT.—There is established within  
24 the NTIA an Office of Spectrum Management (in this sec-  
25 tion referred to as the ‘Office’).

1 “(b) HEAD OF OFFICE.—

2 “(1) IN GENERAL.—The head of the Office  
3 shall be an Associate Administrator for Spectrum  
4 Management (in this section referred to as the ‘As-  
5 sociate Administrator’).

6 “(2) CAREER POSITION.—The position of Asso-  
7 ciate Administrator shall be a career position in the  
8 Senior Executive Service occupied by a career ap-  
9 pointee (as that term is defined in section  
10 3132(a)(4) of title 5, United States Code).

11 “(3) REQUIREMENT TO REPORT.—The Asso-  
12 ciate Administrator shall report to the Under Sec-  
13 retary.

14 “(c) DUTIES.—The Associate Administrator shall, at  
15 the direction of the Under Secretary—

16 “(1) carry out responsibilities under section  
17 103(b)(2)(A) (relating to frequency assignments for  
18 radio stations belonging to and operated by the  
19 United States), make frequency allocations for fre-  
20 quencies that will be used by such stations, and de-  
21 velop and maintain techniques, databases, measure-  
22 ments, files, and procedures necessary for such allo-  
23 cations;

24 “(2) carry out responsibilities under section  
25 103(b)(2)(K) (relating to establishing policies con-

1 cerning spectrum assignments and use by radio sta-  
2 tions belonging to and operated by the United  
3 States) and provide Federal agencies with guidance  
4 to ensure that the conduct of telecommunications ac-  
5 tivities by such agencies is consistent with such poli-  
6 cies;

7 “(3) develop, in coordination with the Commis-  
8 sion, a comprehensive long-range plan for improved  
9 management of all electromagnetic spectrum re-  
10 sources, including through representing the interests  
11 of Federal agencies in the process through which the  
12 Commission and the NTIA jointly determine the Na-  
13 tional Table of Frequency Allocations;

14 “(4) appoint the chairpersons of and provide  
15 secretariat functions for the Interdepartmental  
16 Radio Advisory Committee and the PPSG (as de-  
17 fined in section 107(d));

18 “(5) carry out responsibilities under section  
19 103(b)(2)(B) (relating to authorizing a foreign gov-  
20 ernment to construct and operate a radio station at  
21 the seat of Government of the United States) and  
22 assign frequencies for use by such stations;

23 “(6) provide advice and assistance to the Under  
24 Secretary and coordinate with the Associate Admin-  
25 istrator for International Affairs in carrying out

1 spectrum management aspects of the international  
2 policy responsibilities of the NTIA, including spec-  
3 trum-related responsibilities under section  
4 103(b)(2)(G);

5 “(7) advise and assist the Under Secretary on  
6 spectrum-related technical and policy issues regard-  
7 ing—

8 “(A) the security of telecommunications in  
9 the United States; and

10 “(B) systems and means to ensure such  
11 security;

12 “(8) in coordination with the Associate Admin-  
13 istrator for Policy Development and Cybersecurity,  
14 carry out spectrum-related responsibilities under sec-  
15 tion 103(b)(2)(H) (relating to coordination of the  
16 telecommunications activities of the executive branch  
17 and assistance in the formulation of policies and  
18 standards for such activities);

19 “(9) carry out spectrum-related responsibilities  
20 under section 103(b)(2)(Q) (relating to certain ac-  
21 tivities with respect to telecommunications re-  
22 sources);

23 “(10) carry out responsibilities under section  
24 107 (relating to improving spectrum management);  
25 and

1 “(11) carry out any other duties of the NTIA  
 2 with respect to spectrum policy that the Under Sec-  
 3 retary may designate.”.

4 **SEC. 202. IMPROVING SPECTRUM MANAGEMENT.**

5 Part A of the National Telecommunications and In-  
 6 formation Administration Organization Act (47 U.S.C.  
 7 901 et seq.), as amended by the preceding provisions of  
 8 this Act, is further amended by adding at the end the fol-  
 9 lowing:

10 **“SEC. 107. IMPROVING SPECTRUM MANAGEMENT.**

11 **“(a) FEDERAL COORDINATION PROCEDURES.—**

12 **“(1) NOTICE.—**With respect to each spectrum  
 13 action, not later than the end of the period for sub-  
 14 mitting comments to the Commission in the pro-  
 15 ceeding relating to the spectrum action, the Under  
 16 Secretary shall file in the public record with respect  
 17 to the proceeding information (redacted as necessary  
 18 if the information is protected from disclosure for a  
 19 reason described in paragraph (3)) regarding—

20 **“(A)** when the Commission provided notice  
 21 to the Under Secretary regarding the spectrum  
 22 action, as required under the Memorandum;

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

1           “(C) when the Under Secretary provided  
2           notice to the Federal entities described in sub-  
3           paragraph (B) regarding the spectrum action;

4           “(D) a summary of any general technical  
5           or procedural concerns raised by Federal enti-  
6           ties to the Under Secretary regarding the spec-  
7           trum action; and

8           “(E) any policy concerns of the Under Sec-  
9           retary regarding the spectrum action.

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

17               “(A) when the Commission provided notice  
18               to the Under Secretary regarding the spectrum  
19               action, as required under the Memorandum;

20               “(B) whether the Under Secretary raised  
21               technical, procedural, or policy concerns regard-  
22               ing the spectrum action; and

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

1           “(3) RULE OF CONSTRUCTION.—Nothing in  
2           this subsection may be construed to require the dis-  
3           closure of classified information, or other informa-  
4           tion reflecting technical, procedural, or policy con-  
5           cerns that is exempt from disclosure under section  
6           552 of title 5, United States Code (commonly known  
7           as the ‘Freedom of Information Act’).

8           “(4) FCC CONSIDERATION.—The Commission  
9           may not consider any technical, procedural, or policy  
10          concerns of a Federal entity regarding a spectrum  
11          action unless such concerns are filed by the Under  
12          Secretary on behalf of the Federal entity in the pub-  
13          lic record with respect to the proceeding of the Com-  
14          mission relating to the spectrum action.

15          “(b) FEDERAL SPECTRUM COORDINATION RESPON-  
16          SIBILITIES.—

17                 “(1) IN GENERAL.—Not later than 180 days  
18                 after the date of the enactment of this section, the  
19                 Under Secretary shall establish a charter for the  
20                 PPSG.

21                 “(2) PPSG REPRESENTATIVE.—

22                         “(A) IN GENERAL.—The head of each  
23                         Federal entity that is reflected in the member-  
24                         ship of the PPSG, as identified in the charter  
25                         established under paragraph (1), shall appoint

1 a senior-level employee (or an individual occu-  
2 pying a Senior Executive Service position, as  
3 defined in section 3132(a) of title 5, United  
4 States Code) who is eligible to receive a security  
5 clearance that allows for access to sensitive  
6 compartmented information to serve as the rep-  
7 resentative of the Federal entity to the PPSG.

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

12 “(i) the appointment shall be invalid;

13 and

14 “(ii) the head of the Federal entity  
15 making the appointment shall appoint an-  
16 other individual who satisfies the require-  
17 ments of that subparagraph, including the  
18 requirement that the individual is eligible  
19 to receive such a security clearance.

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

22 “(A) oversee the spectrum coordination  
23 policies and procedures of the applicable Fed-  
24 eral entity;



1           “(B) be responsible for timely notification  
2           to the PPSG and to the Under Secretary of  
3           technical or procedural concerns of the applica-  
4           ble Federal entity regarding a spectrum action;  
5           and

6           “(C) work closely with the representative  
7           of the applicable Federal entity to the Inter-  
8           departmental Radio Advisory Committee.

9           “(4) PUBLIC CONTACT.—

10           “(A) IN GENERAL.—The head of each  
11           Federal entity described in paragraph (2) shall  
12           list, on the website of the Federal entity, the  
13           name and contact information of the represent-  
14           ative of the Federal entity to the PPSG, as ap-  
15           pointed under such paragraph.

16           “(B) NTIA RESPONSIBILITY.—The Under  
17           Secretary shall publish on the public website of  
18           the NTIA a complete list of the representatives  
19           to the PPSG appointed under paragraph (2).

20           “(5) ANNUAL REPORT.—In the last quarter of  
21           each calendar year, each executive agency that is au-  
22           thorized and directed to cooperate with the NTIA  
23           under section 105(c)(2) shall submit to the Under  
24           Secretary a report, for the fiscal year ending most  
25           recently before the beginning of such quarter, de-

1 scribing the steps taken in such fiscal year by the  
2 executive agency to comply with such section.

3 “(c) COORDINATION BETWEEN COMMISSION AND  
4 NTIA.—

5 “(1) UPDATES.—Not later than 3 years after  
6 the date of the enactment of this section, and every  
7 4 years thereafter or more frequently as appropriate,  
8 the Commission and the NTIA shall update the  
9 Memorandum.

10 “(2) NATURE OF UPDATE.—The updates re-  
11 quired by paragraph (1) shall reflect such changing  
12 technological, procedural, and policy circumstances  
13 as the Commission and the NTIA determine nec-  
14 essary and appropriate.

15 “(d) DEFINITIONS.—In this section:

16 “(1) 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  
21 spectrum in the public interest), signed on August 1,  
22 2022, or any successor memorandum.

23 “(2) PPSG.—The term ‘PPSG’ means the  
24 interagency advisory body that, as of the date of the

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

3 “(3) 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 licens-  
9 ing that could potentially impact the spectrum oper-  
10 ations of a Federal entity.”.

11 **SEC. 203. SPECTRUM MANAGEMENT IMPROVEMENTS.**

12 (a) PROTOTYPING.—Consistent with subparagraphs  
13 (F), (L), (P), and (U) of section 103(b)(2) of the National  
14 Telecommunications and Information Administration Or-  
15 ganization Act (47 U.S.C. 902(b)(2)), the Under Sec-  
16 retary shall develop, establish, prototype, and support the  
17 implementation of common models, common methodolo-  
18 gies, and common inputs to inform electromagnetic spec-  
19 trum management decisions with respect to frequencies  
20 assigned on a primary or co-primary basis to 1 or more  
21 Federal entities, such as—

22 (1) technologies and techniques to control radio  
23 frequency emissions and interference;

24 (2) advanced antenna arrays, and artificial in-  
25 telligence systems and technologies capable of oper-

1       ating advanced antenna arrays, including multiple-  
2       input, multiple-output antennas, beam forming and  
3       steering technology, antenna nulling technology, and  
4       conformal arrays;

5           (3) network sensing and monitoring tech-  
6       nologies;

7           (4) advanced receivers that incorporate new  
8       technologies supporting new waveforms and multiple  
9       bands;

10          (5) dynamic spectrum access technologies  
11       across wireless systems and frequencies, including  
12       local-to-the-radio and cognitive multidomain access;

13          (6) novel spectrum access technologies;

14          (7) artificial intelligence systems to enable dy-  
15       namic spectrum access, Internet of Things networks,  
16       and other advanced communications technologies;  
17       and

18          (8) optical and quantum communications tech-  
19       nologies.

20       (b) SPECTRUM MANAGEMENT AND ADVANCED COM-  
21       MUNICATIONS TECHNOLOGIES.—Section 104 of the Na-  
22       tional Telecommunications and Information Administra-  
23       tion Organization Act (47 U.S.C. 903) is amended by add-  
24       ing at the end the following:

1       “(f) IDENTIFICATION AND IMPLEMENTATION OF  
 2 SPECTRUM MANAGEMENT TECHNOLOGIES.—The Under  
 3 Secretary shall identify and implement technologies that  
 4 promote, with respect to frequencies assigned on a pri-  
 5 mary or co-primary basis to 1 or more Federal entities—

6               “(1) dynamic spectrum access;

7               “(2) network sensing and monitoring; and

8               “(3) optical and quantum communications.

9       “(g) PROTOTYPING OF ADVANCED COMMUNICATIONS  
 10 TECHNOLOGIES.—The Under Secretary shall, with re-  
 11 spect to frequencies assigned on a primary or co-primary  
 12 basis to 1 or more Federal entities—

13               “(1) encourage the development of, and broad  
 14 participation in, a skilled workforce to conduct  
 15 prototyping of advanced communications tech-  
 16 nologies; and

17               “(2) support partnerships among institutions to  
 18 develop a skilled workforce to conduct prototyping of  
 19 advanced communications technologies.”.

20 **SEC. 204. INSTITUTE FOR TELECOMMUNICATION**  
 21 **SCIENCES.**

22       Part A of the National Telecommunications and In-  
 23 formation Administration Organization Act (47 U.S.C.  
 24 901 et seq.), as amended by the preceding provisions of

1 this Act, is further amended by adding at the end the fol-  
2 lowing:

3 **“SEC. 108. INSTITUTE FOR TELECOMMUNICATION**  
4 **SCIENCES.**

5 “(a) ESTABLISHMENT.—

6 “(1) IN GENERAL.—Under the authority pro-  
7 vided to the Under Secretary under section 103, the  
8 Under Secretary shall operate a test center to be  
9 known as the Institute for Telecommunication  
10 Sciences (in this section referred to as ‘ITS’).

11 “(2) FUNCTIONS.—

12 “(A) IN GENERAL.—In addition to any  
13 functions delegated by the Under Secretary  
14 under subparagraph (B), ITS shall serve as the  
15 primary laboratory for the executive branch of  
16 the Federal Government to—

17 “(i) study radio frequency emissions,  
18 including technologies and techniques to  
19 control such emissions and interference  
20 caused by such emissions;

21 “(ii) determine spectrum propagation  
22 characteristics;

23 “(iii) conduct tests on technology that  
24 enhances the sharing of electromagnetic

1 spectrum between Federal and non-Federal  
2 users;

3 “(iv) improve the interference toler-  
4 ance of Federal systems operating with, or  
5 using, Federal spectrum;

6 “(v) promote activities relating to ac-  
7 cess to Federal spectrum by non-Federal  
8 users and the sharing of Federal spectrum  
9 between Federal and non-Federal users;  
10 and

11 “(vi) conduct such other activities as  
12 determined necessary by the Under Sec-  
13 retary.

14 “(B) ADDITIONAL FUNCTIONS.—The  
15 Under Secretary may delegate to ITS any of  
16 the functions assigned to the Under Secretary  
17 under section 103(b)(1).

18 “(3) AGREEMENTS AND TRANSACTIONS.—In  
19 carrying out the functions described in paragraph  
20 (2), the Under Secretary, acting through the head of  
21 ITS, may enter into agreements as provided under  
22 the following authorities:

23 “(A) Sections 11 and 12 of the Stevenson–  
24 Wydler Technology Innovation Act of 1980.

1                   “(B) Section 1535 of title 31, United  
2                   States Code.

3                   “(C) Sections 207 and 209 of title 35,  
4                   United States Code.

5                   “(D) Section 103(b)(2) of this Act.

6                   “(E) Section 113(g) of this Act.

7                   “(F) The first undesignated section of  
8                   Public Law 91–412.

9                   “(G) Authority provided under any other  
10                  Federal statute.

11                  “(4) FEDERAL SPECTRUM DEFINED.—In this  
12                  subsection, the term ‘Federal spectrum’ means fre-  
13                  quencies assigned on a primary basis to a Federal  
14                  entity (as defined in section 113(l)).

15                  “(b) EMERGENCY COMMUNICATION AND TRACKING  
16                  TECHNOLOGIES INITIATIVE.—

17                  “(1) ESTABLISHMENT.—The Under Secretary,  
18                  acting through the head of ITS, shall establish an  
19                  initiative to support the development of emergency  
20                  communication and tracking technologies for use in  
21                  locating trapped individuals in confined spaces, such  
22                  as underground mines, and other shielded environ-  
23                  ments, such as high-rise buildings or collapsed struc-  
24                  tures, where conventional radio communication is  
25                  limited.



1           “(2) ACTIVITIES.—In order to carry out this  
2       subsection, the Under Secretary, acting through the  
3       head of ITS, shall work with private sector entities  
4       and the heads of appropriate Federal agencies, to—

5           “(A) perform a needs assessment to iden-  
6       tify and evaluate the measurement, technical  
7       specifications, and conformity assessment needs  
8       required to improve the operation and reliability  
9       of such emergency communication and tracking  
10      technologies; and

11          “(B) support the development of technical  
12      specifications and conformance architecture to  
13      improve the operation and reliability of such  
14      emergency communication and tracking tech-  
15      nologies.

16          “(3) REPORT.—Not later than 18 months after  
17      the date of the enactment of this section, the Under  
18      Secretary shall submit to Congress, and make pub-  
19      licly available, a report on the assessment performed  
20      under paragraph (2)(A).”.

21   **SEC. 205. COMMERCE SPECTRUM MANAGEMENT ADVISORY**  
22                   **COMMITTEE.**

23      Part A of the National Telecommunications and In-  
24      formation Administration Organization Act (47 U.S.C.  
25      901 et seq.), as amended by the preceding provisions of

1 this Act, is further amended by adding at the end the fol-  
2 lowing:

3 **“SEC. 109. COMMERCE SPECTRUM MANAGEMENT ADVI-**  
4 **SORY COMMITTEE.**

5 “(a) ESTABLISHMENT.—There is established within  
6 NTIA a Commerce Spectrum Management Advisory Com-  
7 mittee (referred to in this section as the ‘CSMAC’).

8 “(b) DUTIES.—The CSMAC shall advise and make  
9 recommendations to the Under Secretary with respect  
10 to—

11 “(1) developing and maintaining spectrum man-  
12 agement policies that enable the United States to  
13 maintain or strengthen its global leadership role in  
14 the introduction of innovative communications tech-  
15 nologies and services, including those that enable the  
16 United States to support the needs of homeland se-  
17 curity, national defense, and other critical missions  
18 of the Federal Government;

19 “(2) objectives that advance spectrum-based in-  
20 novation, including—

21 “(A) facilitating access to mobile  
22 broadband internet access service;

23 “(B) space-based services; and

24 “(C) other emerging technologies;

1           “(3) fostering increased spectrum sharing  
2 among all users;

3           “(4) promoting innovation and rapid advances  
4 in technology that support the more efficient use of  
5 spectrum;

6           “(5) authorizing radio systems and frequencies  
7 in a way that maximizes the benefits to the public;

8           “(6) establishing a long-range spectrum plan-  
9 ning process and identifying international opportuni-  
10 ties to advance the economic interests of the United  
11 States through spectrum management;

12           “(7) how best to leverage radio frequency-re-  
13 lated research, development, and testing and evalua-  
14 tion efforts;

15           “(8) ways to foster more efficient and innova-  
16 tive uses of electromagnetic spectrum resources  
17 across the Federal Government, subject to and con-  
18 sistent with the needs and missions of Federal agen-  
19 cies;

20           “(9) new issues associated with spectrum shar-  
21 ing on frequencies assigned on a primary or co-pri-  
22 mary basis to 1 or more Federal entities, including  
23 harmful interference and associated enforcement  
24 challenges; and

1           “(10) developing balanced policies that promote  
2           both licensed and unlicensed access to spectrum.

3           “(c) MEMBERS.—

4           “(1) COMPOSITION OF COMMITTEE.—The  
5           CSMAC shall be composed of not less than 5 but  
6           not more than 30 members appointed by the Under  
7           Secretary that provide a balanced representation  
8           of—

9                   “(A) non-Federal spectrum users;

10                   “(B) State government and local govern-  
11           ment;

12                   “(C) technology developers and manufac-  
13           turers;

14                   “(D) academia;

15                   “(E) civil society;

16                   “(F) providers of mobile broadband inter-  
17           net access service and providers of fixed  
18           broadband internet access service, including—

19                           “(i) providers with customers in both  
20                   domestic and international markets;

21                           “(ii) small providers; and

22                           “(iii) rural providers; and

23                   “(G) providers of communications services  
24           using satellite communications networks.

25           “(2) APPOINTMENTS.—

1           “(A) IN GENERAL.—The Under Secretary  
2           shall appoint members to the CSMAC for up to  
3           a two-year term, except that members may be  
4           reappointed for additional terms by the Under  
5           Secretary.

6           “(B) REMOVAL.—Each member appointed  
7           under subparagraph (A) shall serve on the  
8           CSMAC at the pleasure and discretion of the  
9           Under Secretary.

10          “(3) CHAIR.—

11               “(A) APPOINTMENT.—The Under Sec-  
12               retary shall appoint one or more members from  
13               among those appointed to the CSMAC to serve  
14               as Chair or Co-Chairs of the CSMAC.

15               “(B) SERVICE.—The Chair, or Co-Chairs,  
16               as the case may be, shall serve at the pleasure  
17               and discretion of the Under Secretary.

18          “(4) VACANCY.—A vacancy on the CSMAC  
19               shall be filled in the manner in which the original  
20               appointment was made and the member so ap-  
21               pointed shall serve for the remainder of the term.

22          “(5) COMPENSATION.—The members of the  
23               CSMAC shall serve without compensation.

24          “(d) SUBCOMMITTEES.—

1           “(1) **AUTHORITY.**—Subject to the approval of  
 2           the Under Secretary, as the Under Secretary deter-  
 3           mines necessary for the performance by the CSMAC  
 4           of the duties described under subsection (b), the  
 5           CSMAC may establish subcommittees, working  
 6           groups, standing committees, ad hoc groups, task  
 7           groups, or other subgroups of the CSMAC.

8           “(2) **LIMITATION.**—Any subcommittee, working  
 9           group, standing committee, ad hoc group, task  
 10          group, or other subgroup established under para-  
 11          graph (1)—

12                   “(A) shall report to the CSMAC; and

13                   “(B) may not provide any advice, rec-  
 14                   ommendation, or other work product directly to  
 15                   the Under Secretary.

16          “(e) **TERMINATION OF CSMAC.**—Notwithstanding  
 17          section 1013 of title 5, United States Code, the CSMAC  
 18          shall terminate on December 31, 2028.”.

19   **SEC. 206. INCUMBENT INFORMING CAPABILITY.**

20          Part B of the National Telecommunications and In-  
 21          formation Administration Organization Act (47 U.S.C.  
 22          921 et seq.) is amended by adding at the end the fol-  
 23          lowing:

24   **“SEC. 120. INCUMBENT INFORMING CAPABILITY.**

25          “(a) **IN GENERAL.**—The Under Secretary shall—

1           “(1) not later than 120 days after the date of  
2           the enactment of this section, begin to amend the  
3           Department of Commerce spectrum management  
4           document entitled ‘Manual of Regulations and Pro-  
5           cedures for Federal Radio Frequency Management’  
6           so as to incorporate an incumbent informing capa-  
7           bility; and

8           “(2) not later than the date on which amounts  
9           appropriated to carry out this section are first made  
10          available, begin to implement such capability, includ-  
11          ing the development and testing of such capability.

12          “(b) ESTABLISHMENT OF THE INCUMBENT INFORM-  
13          ING CAPABILITY.—

14               “(1) IN GENERAL.—The incumbent informing  
15          capability required by subsection (a) shall include a  
16          system to enable sharing, including time-based shar-  
17          ing, to securely manage harmful interference be-  
18          tween non-Federal users and incumbent Federal en-  
19          tities sharing a band of covered spectrum and be-  
20          tween Federal entities sharing a band of covered  
21          spectrum.

22               “(2) REQUIREMENTS FOR SYSTEM.—The sys-  
23          tem required by paragraph (1) shall contain, at a  
24          minimum, the following:

1           “(A) One or more mechanisms to allow  
2 non-Federal use in covered spectrum, as au-  
3 thorized by the rules of the Commission. Such  
4 mechanism or mechanisms shall include inter-  
5 faces to commercial sharing systems, as appro-  
6 priate.

7           “(B) One or more mechanisms to facilitate  
8 Federal-to-Federal sharing, as authorized by  
9 the NTIA.

10           “(C) One or more mechanisms to prevent,  
11 eliminate, or mitigate harmful interference to  
12 incumbent Federal entities, including one or  
13 more of the following functions:

14                   “(i) Sensing.

15                   “(ii) Identification.

16                   “(iii) Reporting.

17                   “(iv) Analysis.

18                   “(v) Resolution.

19           “(D) Dynamic coordination area analysis,  
20 definition, and control, if appropriate for a  
21 band.

22           “(3) COMPLIANCE WITH COMMISSION RULES.—  
23 The incumbent informing capability required by sub-  
24 section (a) shall ensure that use of covered spectrum



1 is in accordance with the applicable rules of the  
2 Commission.

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

6 “(A) input into the system required by  
7 paragraph (1) such information as the Under  
8 Secretary may require, including the frequency,  
9 time, and location of the use of the band by  
10 such Federal entity; and

11 “(B) to the extent practicable, input such  
12 information into such system on an automated  
13 basis.

14 “(5) PROTECTION OF CLASSIFIED INFORMA-  
15 TION AND CONTROLLED UNCLASSIFIED INFORMA-  
16 TION.—The system required by paragraph (1) shall  
17 contain appropriate measures to protect classified  
18 information and controlled unclassified information,  
19 including any such classified information or con-  
20 trolled unclassified information that relates to mili-  
21 tary operations.

22 “(c) BRIEFING.—Not later than 1 year after the date  
23 on which amounts appropriated to carry out this section  
24 are first made available, the Under Secretary shall provide  
25 a briefing on the implementation of this section to the

1 Committee on Energy and Commerce of the House of  
2 Representatives and the Committee on Commerce,  
3 Science, and Transportation of the Senate.

4 “(d) DEFINITIONS.—In this section:

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

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

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

18 “(2) FEDERAL ENTITY.—The term ‘Federal en-  
19 tity’ has the meaning given such term in section  
20 113(l).

21 “(3) INCUMBENT INFORMING CAPABILITY.—  
22 The term ‘incumbent informing capability’ means a  
23 capability to facilitate the sharing of covered spec-  
24 trum.

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

4       **SEC. 207. WORKING GROUP ON PERFORMANCE CRITERIA**  
5               **FOR RADIO RECEIVERS.**

6       (a) ESTABLISHMENT.—

7               (1) IN GENERAL.—Not later than 90 days after  
8       the date of the enactment of this section, the Under  
9       Secretary shall convene a working group to develop,  
10      and periodically update, criteria, ratings, and other  
11      measures, including voluntary standards, for radio  
12      receivers operating in Federal systems in spectrum  
13      bands used only by Federal entities.

14             (2) PURPOSE.—The purpose of the criteria, rat-  
15      ings, and other measures, including voluntary stand-  
16      ards, developed, and periodically updated, by the  
17      working group shall be to provide guidance on the  
18      design, manufacture, and sale of radio receivers op-  
19      erating in Federal systems in spectrum bands used  
20      only by Federal entities with respect to the incorpo-  
21      ration of appropriate measures to mitigate, or en-  
22      hance resiliency to, potential harmful interference to  
23      ensure that the reasonable current and future use of  
24      cochannel and non-cochannel spectrum, including  
25      use by non-Federal systems of spectrum designated

1 by the Commission for commercial operations, will  
 2 not result in receiver operations being seriously de-  
 3 graded or obstructed, including operations being re-  
 4 peatedly interrupted.

5 (3) CRITERIA.—In developing, and periodically  
 6 updating, criteria, ratings, and other measures, the  
 7 working group shall take into consideration the  
 8 unique technical and operational characteristics of  
 9 the different Federal systems.

10 (4) ADOPTION.—In developing, and periodically  
 11 updating, criteria, ratings, and other measures, the  
 12 working group may not publish under this section a  
 13 criteria, rating, or other measure unless the Under  
 14 Secretary determines—

15 (A) the criteria, rating, or other measure;

16 and

17 (B) the specific technical parameters of the  
 18 criteria, rating, or other measure.

19 (5) FEDERAL ADVISORY COMMITTEE ACT EX-  
 20 EMPTION.—Chapter 10 of title 5, United States  
 21 Code, shall not apply to the working group.

22 (b) CHAIR; MEMBERS; PARTICIPATION BY FEDERAL  
 23 ENTITIES.—

24 (1) CHAIR AND MEMBERS.—The Chair of the  
 25 working group shall be the Under Secretary and the

1       working group shall include representatives from the  
2       following:

3               (A) The Commission.

4               (B) The communications industry.

5               (C) Academia.

6               (D) Entities that manufacture radio receiv-  
7       ers.

8               (E) Entities that establish technical speci-  
9       fications for radio receivers.

10       (2) PARTICIPATION BY FEDERAL ENTITIES.—

11       The Under Secretary shall invite a representative  
12       from each Federal entity to participate in the work-  
13       ing group.

14       (c) PUBLICATION OF CRITERIA, RATINGS, AND  
15       OTHER MEASURES.—Not later than 18 months after the  
16       date on which the working group is convened, the Under  
17       Secretary shall publish, consistent with the protection of  
18       classified information and intelligence sources and meth-  
19       ods, the criteria, ratings, and other measures developed  
20       pursuant to subsection (a) on a publicly accessible page  
21       on the website of the NTIA and in the Federal Register.

22       (d) PERIODIC REVIEW AND UPDATE.—Not less fre-  
23       quently than every 4 years, the working group shall review  
24       and update, if appropriate, the criteria, ratings, and other  
25       measures published under subsection (c). Any such update

1 shall be published as described in subsection (c) not later  
2 than 14 days after the date on which the update is com-  
3 pleted.

4 (e) SAVINGS CLAUSE.—No action taken by the Under  
5 Secretary pursuant to this section shall be used to impose  
6 any obligation on manufacturers with respect to any radio  
7 receivers designed to operate exclusively in a system that  
8 is not a Federal system.

9 (f) DEFINITIONS.—In this section:

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

12 (2) FEDERAL ENTITY.—The term “Federal en-  
13 tity” has the meaning given such term in section  
14 113(l) of the National Telecommunications and In-  
15 formation Administration Organization Act (47  
16 U.S.C. 923(l)).

17 (3) FEDERAL SYSTEM.—The term “Federal  
18 system” means a system of radio stations belonging  
19 to and operated by the Federal Government that re-  
20 ceives radio frequency signals on spectrum that is al-  
21 located exclusively for Federal Government use or al-  
22 located for both Federal and non-Federal operations.

23 (4) WORKING GROUP.—The term “working  
24 group” means the working group convened under  
25 subsection (a)(1).

1 **TITLE III—OFFICE OF INTERNET**  
2 **CONNECTIVITY AND GROWTH**

3 **SEC. 301. NATIONAL STRATEGY TO CLOSE DIGITAL DIVIDE.**

4 (a) NATIONAL STRATEGY.—

5 (1) IN GENERAL.—Not later than 18 months  
6 after the date of the enactment of this Act, the  
7 Under Secretary, in consultation with the heads of  
8 the covered agencies, shall develop and submit to the  
9 appropriate committees of Congress a National  
10 Strategy to Close the Digital Divide to—

11 (A) support better management of Federal  
12 broadband programs to deliver on the goal of  
13 providing high-speed, affordable broadband  
14 internet access service to all individuals in the  
15 United States;

16 (B) synchronize interagency coordination  
17 among covered agencies for Federal broadband  
18 programs;

19 (C) synchronize interagency coordination  
20 regarding the process for approving the grant  
21 of an easement, right of way, or lease to, in,  
22 over, or on a building or any other property  
23 owned by the Federal Government for the right  
24 to install, construct, modify, or maintain infra-

1 structure with respect to broadband internet ac-  
2 cess service; and

3 (D) reduce barriers, lower costs, and ease  
4 administrative burdens for State, local, and  
5 Tribal governments to participate in Federal  
6 broadband programs.

7 (2) REQUIRED CONTENTS.—The Strategy  
8 shall—

9 (A) list all—

10 (i) Federal broadband programs; and

11 (ii) programs known to the NTIA that  
12 exist at the State and local levels that are  
13 directly or indirectly intended to increase  
14 the deployment of, access to, the afford-  
15 ability of, or the adoption of broadband  
16 internet access service;

17 (B) describe current, as of the date on  
18 which the Strategy is submitted, Federal efforts  
19 to coordinate Federal broadband programs;

20 (C) identify gaps and limitations, including  
21 with respect to laws and data, that hinder, or  
22 may hinder, coordination across Federal  
23 broadband programs;

24 (D) establish clear roles and responsibil-  
25 ities for the heads of the covered agencies, as



1 well as clear goals, objectives, and performance  
2 measures, for—

3 (i) the management of all Federal  
4 broadband programs; and

5 (ii) interagency coordination efforts  
6 with respect to Federal broadband pro-  
7 grams;

8 (E) address the cost of the Strategy, the  
9 sources and types of resources and investments  
10 needed to carry out the Strategy, and where  
11 those resources and investments should be tar-  
12 geted based on balancing risk reductions with  
13 costs;

14 (F) address factors that increase the costs  
15 and administrative burdens for State, local, and  
16 Tribal governments with respect to participa-  
17 tion in Federal broadband programs;

18 (G) recommend incentives, legislative solu-  
19 tions, and administrative actions to help State,  
20 local, and Tribal governments more effi-  
21 ciently—

22 (i) distribute, and effectively admin-  
23 ister, funding received from Federal  
24 broadband programs; and

1 (ii) resolve conflicts with respect to  
2 the funding described in clause (i);

3 (H) recommend incentives, legislative solu-  
4 tions, and administrative actions to—

5 (i) improve the coordination and man-  
6 agement of Federal broadband programs;  
7 and

8 (ii) eliminate duplication with respect  
9 to Federal broadband programs;

10 (I) describe current, as of the date on  
11 which the Strategy is submitted, efforts by cov-  
12 ered agencies to streamline the process for  
13 granting access to an easement, right of way, or  
14 lease to, in, over, or on a building or any other  
15 property owned by the Federal Government for  
16 the right to install, construct, modify, or main-  
17 tain infrastructure with respect to broadband  
18 internet access service;

19 (J) identify gaps and limitations with re-  
20 spect to allowing regional, interstate, or cross-  
21 border economic development organizations to  
22 participate in Federal broadband programs; and

23 (K) address specific issues relating to clos-  
24 ing the digital divide on Tribal lands.

1           (3) PUBLIC CONSULTATION.—In developing the  
2       Strategy, the Under Secretary shall consult with—

3           (A) groups that represent consumers or  
4       the interests of the public, including economi-  
5       cally or socially disadvantaged individuals;

6           (B) subject matter experts;

7           (C) providers of broadband internet access  
8       service;

9           (D) Tribal entities; and

10          (E) State and local agencies and entities.

11       (b) IMPLEMENTATION PLAN.—

12           (1) IN GENERAL.—Not later than 240 days  
13       after the date on which the Under Secretary submits  
14       the Strategy to the appropriate committees of Con-  
15       gress under subsection (a)(1), the Under Secretary  
16       shall develop and submit to the appropriate commit-  
17       tees of Congress an implementation plan for the  
18       Strategy.

19           (2) REQUIRED CONTENTS.—The Implementa-  
20       tion Plan shall, at a minimum—

21           (A) provide a plan for implementing the  
22       roles, responsibilities, goals, objectives, and per-  
23       formance measures for the management of Fed-  
24       eral broadband programs and interagency co-  
25       ordination efforts identified in the Strategy;

1           (B) provide a plan for holding the covered  
2 agencies accountable for the roles, responsibil-  
3 ities, goals, objectives, and performance meas-  
4 ures identified in the Strategy;

5           (C) describe the roles and responsibilities  
6 of the covered agencies, and the interagency  
7 mechanisms, to coordinate the implementation  
8 of the Strategy;

9           (D) provide a plan for regular meetings  
10 among the heads of the covered agencies to co-  
11 ordinate the implementation of the Strategy  
12 and improve coordination among Federal  
13 broadband programs and for permitting proc-  
14 esses for infrastructure with respect to  
15 broadband internet access service;

16           (E) provide a plan for regular engagement  
17 with interested members of the public to evalu-  
18 ate Federal broadband programs, permitting  
19 processes for infrastructure with respect to  
20 broadband internet access service, and progress  
21 in implementing the Strategy;

22           (F) with respect to the awarding of Fed-  
23 eral funds or subsidies to support the deploy-  
24 ment of broadband internet access service, pro-  
25 vide a plan for the adoption of—

1 (i) common data sets regarding those  
2 awards, including a requirement that cov-  
3 ered agencies use the maps created under  
4 title VIII of the Communications Act of  
5 1934 (47 U.S.C. 641 et seq.); and

6 (ii) applications regarding those  
7 awards, as described in section 903(e) of  
8 the ACCESS BROADBAND Act (47  
9 U.S.C. 1307(e));

10 (G) provide a plan to monitor and reduce  
11 waste, fraud, and abuse in Federal broadband  
12 programs, including wasteful spending resulting  
13 from fragmented, overlapping, and unneces-  
14 sarily duplicative programs;

15 (H) require consistent obligation and ex-  
16 penditure reporting by covered agencies for  
17 Federal broadband programs, which shall be  
18 consistent with section 903(c)(2) of the AC-  
19 CESS BROADBAND Act (47 U.S.C.  
20 1307(c)(2));

21 (I) provide a plan to—

22 (i) increase awareness of, and partici-  
23 pation and enrollment in, Federal  
24 broadband programs relating to the afford-

1 ability and adoption of broadband internet  
2 access service;

3 (ii) adopt common data sets with re-  
4 spect to such Federal broadband programs  
5 and make such data sets available as open  
6 Government data assets; and

7 (iii) address barriers to participation  
8 in such Federal broadband programs for  
9 eligible households;

10 (J) provide a plan to monitor the consist-  
11 ency, affordability, and quality of broadband  
12 internet access service supported by Federal  
13 broadband programs; and

14 (K) describe the administrative and legisla-  
15 tive action that is necessary to carry out the  
16 Strategy.

17 (3) PUBLIC COMMENT.—Not later than 30 days  
18 after the date on which the Under Secretary submits  
19 the Strategy to the appropriate committees of Con-  
20 gress under subsection (a)(1), the Under Secretary  
21 shall seek public comment regarding the develop-  
22 ment and implementation of the Implementation  
23 Plan.

24 (c) BRIEFINGS AND IMPLEMENTATION.—

1           (1) BRIEFING.—Not later than 21 days after  
2           the date on which the Under Secretary submits the  
3           Implementation Plan to the appropriate committees  
4           of Congress under subsection (b)(1), the Under Sec-  
5           retary, and appropriate representatives from the cov-  
6           ered agencies involved in the formulation of the  
7           Strategy, shall provide a briefing on the implementa-  
8           tion of the Strategy to the appropriate committees  
9           of Congress.

10          (2) IMPLEMENTATION.—

11                (A) IN GENERAL.—The Under Secretary  
12                shall—

13                       (i) implement the Strategy in accord-  
14                       ance with the terms of the Implementation  
15                       Plan; and

16                       (ii) not later than 90 days after the  
17                       date on which the Under Secretary begins  
18                       to implement the Strategy, and not less  
19                       frequently than once every 90 days there-  
20                       after until the date on which the Imple-  
21                       mentation Plan is fully implemented, brief  
22                       the appropriate committees of Congress on  
23                       the progress in implementing the Imple-  
24                       mentation Plan.

1 (B) RULE OF CONSTRUCTION.—Nothing in  
2 this paragraph may be construed to affect the  
3 authority or jurisdiction of the Commission or  
4 confer upon the Under Secretary or any execu-  
5 tive agency the power to direct the actions of  
6 the Commission, either directly or indirectly.

7 (d) GOVERNMENT ACCOUNTABILITY OFFICE STUDY  
8 AND REPORT.—

9 (1) STUDY.—The Comptroller General of the  
10 United States shall conduct a study that shall—

11 (A) examine the efficacy of the Strategy  
12 and the Implementation Plan in closing the dig-  
13 ital divide; and

14 (B) make recommendations regarding how  
15 to improve the Strategy and the Implementa-  
16 tion Plan.

17 (2) REPORT.—Not later than 1 year after the  
18 date on which the Under Secretary submits the Im-  
19 plementation Plan to the appropriate committees of  
20 Congress under subsection (b)(1), the Comptroller  
21 General shall submit to the appropriate committees  
22 of Congress a report on the results of the study con-  
23 ducted under paragraph (1).

24 (e) DEFINITIONS.—In this section:



1           (1) APPROPRIATE COMMITTEES OF CON-  
2       GRESS.—The term “appropriate committees of Con-  
3       gress” means—

4                   (A) the Committee on Commerce, Science,  
5                   and Transportation of the Senate; and

6                   (B) the Committee on Energy and Com-  
7                   merce of the House of Representatives.

8           (2) COVERED AGENCIES.—The term “covered  
9       agencies” means—

10                   (A) the Commission;

11                   (B) the Department of Agriculture;

12                   (C) the NTIA;

13                   (D) the Department of Health and Human  
14       Services;

15                   (E) the Appalachian Regional Commission;

16                   (F) the Delta Regional Authority;

17                   (G) the Economic Development Adminis-  
18       tration;

19                   (H) the Department of Education;

20                   (I) the Department of the Treasury;

21                   (J) the Department of Transportation;

22                   (K) the Institute of Museum and Library  
23       Services;

24                   (L) the Northern Border Regional Com-  
25       mission;

1 (M) the Department of Housing and  
2 Urban Development; and

3 (N) the Department of the Interior.

4 (3) FEDERAL BROADBAND PROGRAM.—The  
5 term “Federal broadband program” means any pro-  
6 gram administered by a covered agency that is di-  
7 rectly or indirectly intended to increase the deploy-  
8 ment of, access to, the affordability of, or the adop-  
9 tion of broadband internet access service.

10 (4) IMPLEMENTATION PLAN.—The term “Im-  
11 plementation Plan” means the implementation plan  
12 developed under subsection (b)(1).

13 (5) STATE.—The term “State” means each  
14 State of the United States, the District of Columbia,  
15 and each commonwealth, territory, or possession of  
16 the United States.

17 (6) STRATEGY.—The term “Strategy” means  
18 the National Strategy to Close the Digital Divide de-  
19 veloped under subsection (a)(1).

1 **TITLE IV—OFFICE OF POLICY**  
2 **DEVELOPMENT AND CYBER-**  
3 **SECURITY**

4 **SEC. 401. OFFICE OF POLICY DEVELOPMENT AND CYBER-**  
5 **SECURITY.**

6 (a) IN GENERAL.—Part A of the National Tele-  
7 communications and Information Administration Organi-  
8 zation Act (47 U.S.C. 901 et seq.), as amended by the  
9 preceding provisions of this Act, is further amended by  
10 adding at the end the following:

11 **“SEC. 110. OFFICE OF POLICY DEVELOPMENT AND CYBER-**  
12 **SECURITY.**

13 “(a) ESTABLISHMENT.—There is established within  
14 the NTIA an Office of Policy Development and Cybersecu-  
15 rity (in this section referred to as the ‘Office’).

16 “(b) HEAD OF OFFICE.—

17 “(1) IN GENERAL.—The head of the Office  
18 shall be an Associate Administrator for Policy Devel-  
19 opment and Cybersecurity (in this section referred to  
20 as the ‘Associate Administrator’).

21 “(2) CAREER POSITION.—The position of Asso-  
22 ciate Administrator shall be a career position in the  
23 Senior Executive Service occupied by a career ap-  
24 pointee (as that term is defined in section  
25 3132(a)(4) of title 5, United States Code).

1           “(3) REQUIREMENT TO REPORT.—The Asso-  
2       ciate Administrator shall report to the Under Sec-  
3       retary.

4       “(c) DUTIES.—

5           “(1) IN GENERAL.—The Associate Adminis-  
6       trator shall, at the direction of the Under Secretary,  
7       oversee and conduct national communications and  
8       information policy analysis and development for the  
9       internet and communications technologies.

10          “(2) PARTICULAR DUTIES.—In carrying out  
11       paragraph (1), the Associate Administrator shall, at  
12       the direction of the Under Secretary—

13               “(A) develop, analyze, and advocate for  
14       market-based policies that promote innovation,  
15       competition, consumer access, digital inclusion,  
16       workforce development, and economic growth in  
17       the communications, media, and technology  
18       markets;

19               “(B) conduct studies, as delegated by the  
20       Under Secretary or required by Congress, on  
21       how individuals in the United States access and  
22       use the internet, wireline and wireless teleph-  
23       ony, mass media, other digital services, and  
24       video services;

1           “(C) coordinate transparent, consensus-  
2           based, multistakeholder processes to create  
3           guidance for and to support the development  
4           and implementation of cybersecurity and pri-  
5           vacy policies with respect to the internet and  
6           other communications networks;

7           “(D) promote increased collaboration be-  
8           tween security researchers and providers of  
9           communications services and software system  
10          developers;

11          “(E) perform such duties as the Under  
12          Secretary considers appropriate relating to the  
13          program for preventing future vulnerabilities es-  
14          tablished under section 8(a) of the Secure and  
15          Trusted Communications Networks Act of 2019  
16          (47 U.S.C. 1607(a));

17          “(F) advocate for policies that promote the  
18          security and resilience to cybersecurity incidents  
19          of communications networks while fostering in-  
20          novation, including policies that promote secure  
21          communications network supply chains;

22          “(G) present security of the digital econ-  
23          omy and infrastructure and cybersecurity policy  
24          efforts before the Commission, Congress, and  
25          elsewhere;

1           “(H) provide advice and assistance to the  
2           Under Secretary in carrying out the policy re-  
3           sponsibilities of the NTIA with respect to cyber-  
4           security policy matters, including the evaluation  
5           of the impact of cybersecurity matters pending  
6           before the Commission, other Federal agencies,  
7           and Congress;

8           “(I) in addition to the duties described in  
9           subparagraph (H), perform such other duties  
10          regarding the policy responsibilities of the  
11          NTIA with respect to cybersecurity policy mat-  
12          ters as the Under Secretary considers appro-  
13          priate;

14          “(J) develop policies to accelerate innova-  
15          tion and commercialization with respect to ad-  
16          vances in technological understanding of com-  
17          munications technologies;

18          “(K) identify barriers to trust, security, in-  
19          novation, and commercialization with respect to  
20          communications technologies, including access  
21          to capital and other resources, and ways to  
22          overcome such barriers;

23          “(L) provide public access to relevant data,  
24          research, and technical assistance on innovation  
25          and commercialization with respect to commu-

1            communications technologies, consistent with the pro-  
2            tection of classified information;

3                 “(M) strengthen collaboration on and co-  
4            ordination of policies relating to innovation and  
5            commercialization with respect to communica-  
6            tions technologies, including policies focused on  
7            the needs of small businesses and rural commu-  
8            nities—

9                     “(i) within the Department of Com-  
10            merce;

11                    “(ii) between the Department of Com-  
12            merce and State government agencies, as  
13            appropriate; and

14                    “(iii) between the Department of  
15            Commerce and the Commission or any  
16            other Federal agency the Under Secretary  
17            determines to be necessary; and

18                 “(N) solicit and consider feedback from  
19            small and rural communications service pro-  
20            viders, as appropriate.”.

21           (b) REDESIGNATION OF ASSOCIATE ADMINISTRATOR;

22   CONTINUATION OF SERVICE.—

23                 (1) REDESIGNATION.—The position of Asso-  
24            ciate Administrator for Policy Analysis and Develop-  
25            ment at the NTIA is hereby redesignated as the po-

1 sition of Associate Administrator for Policy Develop-  
2 ment and Cybersecurity.

3 (2) CONTINUATION OF SERVICE.—The indi-  
4 vidual serving as Associate Administrator for Policy  
5 Analysis and Development at the NTIA on the date  
6 of the enactment of this Act shall become, as of such  
7 date, the Associate Administrator for Policy Develop-  
8 ment and Cybersecurity.

9 **SEC. 402. ECONOMIC COMPETITIVENESS OF INFORMATION**  
10 **AND COMMUNICATION TECHNOLOGY SUPPLY**  
11 **CHAIN.**

12 (a) REPORT.—Not later than 1 year after the date  
13 of the enactment of this Act, the Secretary shall submit  
14 to the Committee on Energy and Commerce of the House  
15 of Representatives and the Committee on Commerce,  
16 Science, and Transportation of the Senate a report on the  
17 information and communication technology supply chain  
18 that—

19 (1) identifies—

20 (A) information and communication tech-  
21 nology critical to the economic competitiveness  
22 of the United States; and

23 (B) the industrial capacity of—

24 (i) United States vendors that  
25 produce information and communication



1 technology identified under subparagraph  
2 (A); and

3 (ii) trusted information and commu-  
4 nication technology vendors that produce  
5 information and communication technology  
6 identified under subparagraph (A);

7 (2) assesses the economic competitiveness of  
8 vendors described under paragraph (1)(B);

9 (3) assesses whether, and to what extent, there  
10 is a dependence by providers of advanced tele-  
11 communications capability in the United States on  
12 information and communication technology identified  
13 under paragraph (1)(A) that is not trusted;

14 (4) identifies—

15 (A) what actions by the Federal Govern-  
16 ment are needed to support, and bolster the  
17 economic competitiveness of, trusted informa-  
18 tion and communication technology vendors;  
19 and

20 (B) what Federal resources are needed to  
21 reduce dependence by providers of advanced  
22 telecommunications capability in the United  
23 States on companies that—

24 (i) produce information and commu-  
25 nication technology; and

1 (ii) are not trusted; and

2 (5) defines lines of effort and assigns respon-  
3 sibilities for a whole-of-Government response to en-  
4 suring the competitiveness of the information and  
5 communication technology supply chain in the  
6 United States.

7 (b) WHOLE-OF-GOVERNMENT STRATEGY.—

8 (1) IN GENERAL.—The Secretary shall develop,  
9 on the basis of the report required by subsection (a),  
10 a whole-of-Government strategy to ensure the eco-  
11 nomic competitiveness of trusted information and  
12 communication technology vendors that includes—

13 (A) recommendations on how—

14 (i) to strengthen the structure, re-  
15 sources, and authorities of the Federal  
16 Government to support the economic com-  
17 petitiveness of trusted information and  
18 communication technology vendors, includ-  
19 ing United States vendors that are trusted  
20 information and communication technology  
21 vendors; and

22 (ii) the Federal Government can ad-  
23 dress any barriers to a market-based solu-  
24 tion for increasing the economic competi-

1                   tiveness of such information and commu-  
2                   nication technology vendors;

3                   (B) defined lines of effort and responsibil-  
4                   ities for Federal agencies to implement the  
5                   strategy; and

6                   (C) a description of—

7                   (i) any change to a Federal program,  
8                   Federal law, or structure of the Federal  
9                   Government necessary to implement any  
10                  recommendation under subparagraph (A);  
11                  and

12                  (ii) any additional Federal resource  
13                  necessary to implement any recommenda-  
14                  tion under subparagraph (A).

15                  (2) REPORT.—Not later than 180 days after  
16                  the submission of the report required by subsection  
17                  (a), the Secretary shall submit to the Committee on  
18                  Energy and Commerce of the House of Representa-  
19                  tives and the Committee on Commerce, Science, and  
20                  Transportation of the Senate a report containing the  
21                  strategy developed under paragraph (1).

22                  (c) CONSULTATION REQUIRED.—In carrying out sub-  
23                  sections (a) and (b), the Secretary shall consult with—

24                   (1) a cross-section of trusted information and  
25                   communication technology vendors; and

1           (2) the Secretary of State, the Secretary of  
2           Homeland Security, the Attorney General, the Direc-  
3           tor of National Intelligence, the Chair of the Com-  
4           mission, and any other head of an agency the Sec-  
5           retary determines necessary.

6           (d) DEFINITIONS.—In this section:

7           (1) ADVANCED TELECOMMUNICATIONS CAPA-  
8           BILITY.—The term “advanced telecommunications  
9           capability” has the meaning given that term in sec-  
10          tion 706(d) of the Telecommunications Act of 1996  
11          (47 U.S.C. 1302(d)).

12          (2) INFORMATION AND COMMUNICATION TECH-  
13          NOLOGY.—The term “information and communica-  
14          tion technology” means a technology (including soft-  
15          ware), component, or material that enables commu-  
16          nications by radio or wire.

17          (3) INFORMATION AND COMMUNICATION TECH-  
18          NOLOGY SUPPLY CHAIN.—The term “information  
19          and communication technology supply chain” means  
20          all of the companies that produce information and  
21          communication technology.

22          (4) NOT TRUSTED.—The term “not trusted”  
23          means, with respect to a company or information  
24          and communication technology, that the company or  
25          information and communication technology is deter-

1        mined by the Secretary to pose an unacceptable risk  
 2        to the national security of the United States or the  
 3        security and safety of United States persons based  
 4        solely on one or more determinations described  
 5        under paragraphs (1) through (4) of section 2(c) of  
 6        the Secure and Trusted Communications Networks  
 7        Act of 2019 (47 U.S.C. 1601(c)).

8            (5) SECRETARY.—The term “Secretary” means  
 9        the Secretary of Commerce, acting through the  
 10       Under Secretary.

11           (6) TRUSTED.—The term “trusted” means,  
 12        with respect to a company, that the Secretary has  
 13        not determined that the company is not trusted.

14           (7) TRUSTED INFORMATION AND COMMUNICA-  
 15        TION TECHNOLOGY VENDOR.—The term “trusted in-  
 16        formation and communication technology vendor”  
 17        means a company—

18                    (A) that produces information and commu-  
 19                    nication technology; and

20                    (B) that is trusted.

21        **SEC. 403. DIGITAL ECONOMY AND CYBERSECURITY BOARD**  
 22                    **OF ADVISORS.**

23        Part A of the National Telecommunications and In-  
 24        formation Administration Organization Act (47 U.S.C.  
 25        901 et seq.), as amended by the preceding provisions of

1 this Act, is further amended by adding at the end the fol-  
2 lowing:

3 **“SEC. 110A. DIGITAL ECONOMY AND CYBERSECURITY**  
4 **BOARD OF ADVISORS.**

5 “(a) ESTABLISHMENT.—There is established within  
6 the NTIA a Digital Economy and Cybersecurity Board of  
7 Advisors (in this section referred to as the ‘Board’).

8 “(b) DUTIES.—The Board shall provide to the Under  
9 Secretary recommendations (for implementation by the  
10 Under Secretary or that the Under Secretary could rec-  
11 ommend for implementation by other appropriate entities)  
12 with respect to the following:

13 “(1) Technical cybersecurity best practices that  
14 enable economic growth while securing information  
15 and communications networks, including practices  
16 that Federal and non-Federal entities can implement  
17 to secure internet routing protocols, including the  
18 Border Gateway Protocol used by Federal and non-  
19 Federal entities.

20 “(2) Cybersecurity policies to support the devel-  
21 opment and implementation of cybersecurity prac-  
22 tices with respect to the internet and information  
23 and communications networks.

24 “(3) Policies that foster collaboration through  
25 public-private partnerships to promote the security

1 and resilience to cybersecurity incidents of informa-  
2 tion and communications networks while fostering  
3 innovation, including policies that promote secure  
4 supply chains for information and communications  
5 networks.

6 “(4) Policies to remove barriers to trust, secu-  
7 rity, innovation, and commercialization with respect  
8 to information and communications networks.

9 “(c) MEMBERS.—

10 “(1) COMPOSITION.—

11 “(A) IN GENERAL.—The Board shall be  
12 composed of not fewer than 5, and not more  
13 than 25, members appointed by the Under Sec-  
14 retary.

15 “(B) EXPERTISE.—Each member of the  
16 Board shall have cybersecurity or supply chain  
17 security technical expertise, cybersecurity or  
18 supply chain security policy expertise, or exper-  
19 tise in managing or overseeing the cybersecurity  
20 or supply chain security functions of a business.

21 “(C) REPRESENTATION.—In appointing  
22 members of the Board under subparagraph (A),  
23 the Under Secretary shall ensure that the mem-  
24 bers appointed provide a balanced representa-  
25 tion of the following:

1 “(i) Chief cybersecurity officers or  
2 other qualified individuals employed in cy-  
3 bersecurity positions, representing both the  
4 public and private sectors.

5 “(ii) Persons who operate or maintain  
6 information and communications networks,  
7 including persons who operate or maintain  
8 small or rural information and communica-  
9 tions networks.

10 “(iii) Vendors that produce or provide  
11 equipment used in information and com-  
12 munications networks.

13 “(iv) Vendors that produce or provide  
14 software used in information and commu-  
15 nications networks.

16 “(v) Persons who operate or maintain  
17 internet applications.

18 “(2) TERMS.—

19 “(A) IN GENERAL.—Except as provided in  
20 subparagraphs (C) and (D), each member of  
21 the Board shall be appointed for a term of a  
22 length not to exceed 2 years, to be determined  
23 by the Under Secretary.

24 “(B) REAPPOINTMENT.—A member of the  
25 Board, including a member appointed to fill a



1           vacancy as provided in subparagraph (D), may  
2           be reappointed for 1 or more additional terms  
3           by the Under Secretary.

4           “(C) REMOVAL.—The Under Secretary  
5           may remove a member of the Board at the dis-  
6           cretion of the Under Secretary.

7           “(D) VACANCY.—Any member of the  
8           Board appointed to fill a vacancy occurring be-  
9           fore the expiration of the term for which the  
10          predecessor of the member was appointed shall  
11          be appointed only for the remainder of such  
12          term. A vacancy in the Board shall be filled in  
13          the manner in which the original appointment  
14          was made.

15          “(3) CHAIR.—The Chair of the Board shall be  
16          the Associate Administrator of the NTIA for Policy  
17          Development and Cybersecurity.

18          “(4) COMPENSATION.—The members of the  
19          Board shall serve without compensation.

20          “(d) SUBCOMMITTEES.—

21          “(1) AUTHORITY.—Subject to the approval of  
22          the Under Secretary, as the Under Secretary deter-  
23          mines necessary for the performance by the Board  
24          of the duties described in subsection (b), the Board  
25          may establish subcommittees, working groups,

1 standing committees, ad hoc groups, task groups, or  
2 other subgroups of the Board.

3 “(2) LIMITATION.—Any subcommittee, working  
4 group, standing committee, ad hoc group, task  
5 group, or other subgroup of the Board established  
6 under paragraph (1)—

7 “(A) shall report to the Board; and

8 “(B) may not provide any advice, rec-  
9 ommendation, or other work product directly to  
10 the Under Secretary.

11 “(e) TERMINATION.—Notwithstanding section 1013  
12 of title 5, United States Code, the Board shall terminate  
13 on the date that is 4 years after the date of the enactment  
14 of this section.

15 “(f) DEFINITIONS.—In this section:

16 “(1) BORDER GATEWAY PROTOCOL.—The term  
17 ‘Border Gateway Protocol’ means the routing pro-  
18 tocol used to exchange network reachability informa-  
19 tion among independently managed networks on the  
20 internet.

21 “(2) INFORMATION AND COMMUNICATIONS NET-  
22 WORK.—The term ‘information and communications  
23 network’ means a network that provides advanced  
24 telecommunications capability (as defined in section

1       706(d) of the Telecommunications Act of 1996 (47  
2       U.S.C. 1302(d)).”.

3   **SEC. 404. CYBERSECURITY LITERACY.**

4       (a) SENSE OF CONGRESS.—It is the sense of Con-  
5   gress that the United States has a national security and  
6   economic interest in promoting cybersecurity literacy  
7   amongst the general public.

8       (b) IN GENERAL.—The Under Secretary shall de-  
9   velop and conduct a cybersecurity literacy campaign  
10   (which shall be available in multiple languages and for-  
11   mats, if practicable) to increase the knowledge and aware-  
12   ness of individuals in the United States with respect to  
13   best practices to reduce cybersecurity risks.

14       (c) CAMPAIGN REQUIREMENTS.—In carrying out  
15   subsection (b), the Under Secretary shall—

16           (1) educate individuals in the United States on  
17       how to prevent and mitigate cyberattacks and cyber-  
18       security risks, including by—

19                   (A) instructing such individuals on how to  
20       identify—

21                           (i) phishing emails and messages; and

22                           (ii) secure websites;

23                   (B) instructing such individuals about the  
24       benefits of changing default passwords on hard-  
25       ware and software technology;

1 (C) encouraging the use of cybersecurity  
2 tools, including—

- 3 (i) multi-factor authentication;
- 4 (ii) complex passwords;
- 5 (iii) anti-virus software;
- 6 (iv) patching and updating software  
7 and applications; and
- 8 (v) virtual private networks;

9 (D) identifying the devices that could pose  
10 possible cybersecurity risks, including—

- 11 (i) personal computers;
- 12 (ii) smartphones;
- 13 (iii) tablets;
- 14 (iv) Wi-Fi routers;
- 15 (v) smart home appliances;
- 16 (vi) webcams;
- 17 (vii) internet-connected monitors; and
- 18 (viii) any other device that can be con-  
19 nected to the internet, including mobile de-  
20 vices other than smartphones and tablets;

21 (E) encouraging such individuals to—

- 22 (i) regularly review mobile application  
23 permissions;
- 24 (ii) decline privilege requests from mo-  
25 bile applications that are unnecessary;

1 (iii) download applications only from  
2 trusted vendors or sources; and

3 (iv) consider a product's life cycle and  
4 the developer or manufacturer's commit-  
5 ment to providing security updates during  
6 a connected device's expected period of use;  
7 and

8 (F) identifying the potential cybersecurity  
9 risks of using publicly available Wi-Fi networks  
10 and the methods a user may utilize to limit  
11 such risks; and

12 (2) encourage individuals in the United States  
13 to use resources to help mitigate the cybersecurity  
14 risks identified in this subsection.

15 **SEC. 405. UNDERSTANDING CYBERSECURITY OF MOBILE**  
16 **NETWORKS.**

17 (a) IN GENERAL.—Not later than 1 year after the  
18 date of the enactment of this Act, the Under Secretary,  
19 in consultation with the Department of Homeland Secu-  
20 rity, shall submit to the Committee on Energy and Com-  
21 merce of the House of Representatives and the Committee  
22 on Commerce, Science, and Transportation of the Senate  
23 a report examining the cybersecurity of mobile service net-  
24 works and the vulnerability of such networks and mobile

1 devices to cyberattacks and surveillance conducted by ad-  
2 versaries.

3 (b) MATTERS TO BE INCLUDED.—The report re-  
4 quired by subsection (a) shall include the following:

5 (1) An assessment of the degree to which pro-  
6 viders of mobile service have addressed, are address-  
7 ing, or have not addressed cybersecurity  
8 vulnerabilities (including vulnerabilities the exploi-  
9 tation of which could lead to surveillance conducted  
10 by adversaries) identified by academic and inde-  
11 pendent researchers, multistakeholder standards and  
12 technical organizations, industry experts, and Fed-  
13 eral agencies, including in relevant reports of—

14 (A) the NTIA;

15 (B) the National Institute of Standards  
16 and Technology; and

17 (C) the Department of Homeland Security,  
18 including—

19 (i) the Cybersecurity and Infrastruc-  
20 ture Security Agency; and

21 (ii) the Science and Technology Direc-  
22 torate.

23 (2) A discussion of—

24 (A) the degree to which customers (includ-  
25 ing consumers, companies, and government

1 agencies) consider cybersecurity as a factor  
2 when considering the purchase of mobile service  
3 and mobile devices; and

4 (B) the commercial availability of tools,  
5 frameworks, best practices, and other resources  
6 for enabling such customers to evaluate cyber-  
7 security risk and price tradeoffs.

8 (3) A discussion of the degree to which pro-  
9 viders of mobile service have implemented cybersecu-  
10 rity best practices and risk assessment frameworks.

11 (4) An estimate and discussion of the preva-  
12 lence and efficacy of encryption and authentication  
13 algorithms and techniques used in each of the fol-  
14 lowing:

15 (A) Mobile service.

16 (B) Mobile communications equipment or  
17 services.

18 (C) Commonly used mobile phones and  
19 other mobile devices.

20 (D) Commonly used mobile operating sys-  
21 tems and communications software and applica-  
22 tions.

23 (5) A discussion of the barriers for providers of  
24 mobile service to adopt more efficacious encryption  
25 and authentication algorithms and techniques and to

1 prohibit the use of older encryption and authentica-  
2 tion algorithms and techniques with established  
3 vulnerabilities in mobile service, mobile communica-  
4 tions equipment or services, and mobile phones and  
5 other mobile devices.

6 (6) An estimate and discussion of the preva-  
7 lence, usage, and availability of technologies that au-  
8 thenticate legitimate mobile service and mobile com-  
9 munications equipment or services to which mobile  
10 phones and other mobile devices are connected.

11 (7) An estimate and discussion of the preva-  
12 lence, costs, commercial availability, and usage by  
13 adversaries in the United States of cell site simula-  
14 tors (often known as international mobile subscriber  
15 identity catchers) and other mobile service surveil-  
16 lance and interception technologies.

17 (c) CONSULTATION.—In preparing the report re-  
18 quired by subsection (a), the Under Secretary shall, to the  
19 degree practicable, consult with—

20 (1) the Commission;

21 (2) the National Institute of Standards and  
22 Technology;

23 (3) the intelligence community;



1           (4) the Cybersecurity and Infrastructure Secu-  
2           rity Agency of the Department of Homeland Secu-  
3           rity;

4           (5) the Science and Technology Directorate of  
5           the Department of Homeland Security;

6           (6) academic and independent researchers with  
7           expertise in privacy, encryption, cybersecurity, and  
8           network threats;

9           (7) participants in multistakeholder standards  
10          and technical organizations (including the 3rd Gen-  
11          eration Partnership Project and the Internet Engi-  
12          neering Task Force);

13          (8) international stakeholders, in coordination  
14          with the Department of State as appropriate;

15          (9) providers of mobile service, including small  
16          providers (or the representatives of such providers)  
17          and rural providers (or the representatives of such  
18          providers);

19          (10) manufacturers, operators, and providers of  
20          mobile communications equipment or services and  
21          mobile phones and other mobile devices;

22          (11) developers of mobile operating systems and  
23          communications software and applications; and

24          (12) other experts that the Under Secretary  
25          considers appropriate.

1 (d) SCOPE OF REPORT.—The Under Secretary  
2 shall—

3 (1) limit the report required by subsection (a)  
4 to mobile service networks;

5 (2) exclude consideration of 5G protocols and  
6 networks in the report required by subsection (a);

7 (3) limit the assessment required by subsection  
8 (b)(1) to vulnerabilities that have been shown to  
9 be—

10 (A) exploited in non-laboratory settings; or

11 (B) feasibly and practicably exploitable in  
12 real-world conditions; and

13 (4) consider in the report required by sub-  
14 section (a) vulnerabilities that have been effectively  
15 mitigated by manufacturers of mobile phones and  
16 other mobile devices.

17 (e) FORM OF REPORT.—

18 (1) CLASSIFIED INFORMATION.—The report re-  
19 quired by subsection (a) shall be produced in unclas-  
20 sified form but may contain a classified annex.

21 (2) POTENTIALLY EXPLOITABLE UNCLASSIFIED  
22 INFORMATION.—The Under Secretary shall redact  
23 potentially exploitable unclassified information from  
24 the report required by subsection (a) but shall pro-

1       vide an unredacted form of the report to the com-  
2       mittees described in such subsection.

3       (f) DEFINITIONS.—In this section:

4               (1) ADVERSARY.—The term “adversary” in-  
5       cludes—

6                       (A) any unauthorized hacker or other in-  
7       truder into a mobile service network; and

8                       (B) any foreign government or foreign  
9       nongovernment person engaged in a long-term  
10      pattern or serious instances of conduct signifi-  
11      cantly adverse to the national security of the  
12      United States or security and safety of United  
13      States persons.

14              (2) ENTITY.—The term “entity” means a part-  
15      nership, association, trust, joint venture, corpora-  
16      tion, group, subgroup, or other organization.

17              (3) INTELLIGENCE COMMUNITY.—The term  
18      “intelligence community” has the meaning given  
19      that term in section 3 of the National Security Act  
20      of 1947 (50 U.S.C. 3003).

21              (4) MOBILE COMMUNICATIONS EQUIPMENT OR  
22      SERVICE.—The term “mobile communications equip-  
23      ment or service” means any equipment or service  
24      that is essential to the provision of mobile service.

1           (5) MOBILE SERVICE.—The term “mobile serv-  
2           ice” means, to the extent provided to United States  
3           customers, either or both of the following services:

4                   (A) Commercial mobile service (as defined  
5                   in section 332(d) of the Communications Act of  
6                   1934 (47 U.S.C. 332(d))).

7                   (B) Commercial mobile data service (as de-  
8                   fined in section 6001 of the Middle Class Tax  
9                   Relief and Job Creation Act of 2012 (47 U.S.C.  
10                  1401)).

11          (6) PERSON.—The term “person” means an in-  
12          dividual or entity.

13          (7) UNITED STATES PERSON.—The term  
14          “United States person” means—

15                   (A) an individual who is a United States  
16                   citizen or an alien lawfully admitted for perma-  
17                   nent residence to the United States;

18                   (B) an entity organized under the laws of  
19                   the United States or any jurisdiction within the  
20                   United States, including a foreign branch of  
21                   such an entity; or

22                   (C) any person in the United States.

1 **SEC. 406. OPEN RAN OUTREACH.**

2 (a) IN GENERAL.—The Under Secretary shall con-  
3 duct outreach and provide technical assistance to small  
4 communications network providers—

5 (1) to raise awareness regarding the uses, bene-  
6 fits, and challenges of Open RAN networks and  
7 other open network architectures; and

8 (2) regarding participation in the grant pro-  
9 gram established under section 9202(a)(1) of the  
10 William M. (Mac) Thornberry National Defense Au-  
11 thorization Act for Fiscal Year 2021 (47 U.S.C.  
12 906(a)(1)).

13 (b) DEFINITIONS.—In this section:

14 (1) UNDER SECRETARY.—The term “Under  
15 Secretary” means the Under Secretary, acting  
16 through the head of the Office of Internet  
17 Connectivity and Growth.

18 (2) OPEN NETWORK ARCHITECTURE.—The  
19 term “open network architecture” means Open RAN  
20 networks and other network elements that follow a  
21 set of published open standards for multi-vendor  
22 network equipment interoperability, including open  
23 core and open transport.

24 (3) OPEN RAN NETWORK.—The term “Open  
25 RAN network” means a wireless network that fol-  
26 lows the Open Radio Access Network approach to

1 standardization adopted by the O-RAN Alliance,  
 2 Telecom Infra Project, or Third Generation Partner-  
 3 ship Project (3GPP), or any similar set of published  
 4 open standards for multi-vendor network equipment  
 5 interoperability.

## 6 **TITLE V—OFFICE OF PUBLIC** 7 **SAFETY COMMUNICATIONS**

### 8 **SEC. 501. ESTABLISHMENT OF THE OFFICE OF PUBLIC** 9 **SAFETY COMMUNICATIONS.**

10 Part A of the National Telecommunications and In-  
 11 formation Administration Organization Act (47 U.S.C.  
 12 901 et seq.), as amended by the preceding provisions of  
 13 this Act, is further amended by adding at the end the fol-  
 14 lowing:

### 15 **“SEC. 110B. ESTABLISHMENT OF THE OFFICE OF PUBLIC** 16 **SAFETY COMMUNICATIONS.**

17 “(a) ESTABLISHMENT.—There is established within  
 18 the NTIA an Office of Public Safety Communications (in  
 19 this section referred to as the ‘Office’).

20 “(b) HEAD OF OFFICE.—

21 “(1) IN GENERAL.—The head of the Office  
 22 shall be an Associate Administrator for Public Safe-  
 23 ty Communications (in this section referred to as the  
 24 ‘Associate Administrator’).

1           “(2) CAREER POSITION.—The position of Asso-  
2       ciate Administrator shall be a career position in the  
3       Senior Executive Service occupied by a career ap-  
4       pointee (as that term is defined in section  
5       3132(a)(4) of title 5, United States Code).

6           “(3) REQUIREMENT TO REPORT.—The Asso-  
7       ciate Administrator shall report to the Under Sec-  
8       retary.

9           “(c) DUTIES.—The Associate Administrator shall, at  
10      the direction of the Under Secretary—

11           “(1) administer any grant program of the Fed-  
12      eral Government related to Next Generation 9–1–1  
13      on behalf of the Under Secretary;

14           “(2) analyze public safety policy communica-  
15      tions issues, including by obtaining such analysis;

16           “(3) provide to the Under Secretary advice and  
17      assistance with respect to the Under Secretary—

18           “(A) carrying out the responsibilities of the  
19      NTIA related to public safety communications  
20      policy; and

21           “(B) evaluating the domestic impact of  
22      public safety communications matters pending  
23      before the Commission, Congress, or other enti-  
24      ties of the executive branch of the Federal Gov-  
25      ernment;

1 “(4) carry out any duties established under sec-  
2 tion 10 of Department Organizational Order 25–7 of  
3 the Department of Commerce titled ‘National Tele-  
4 communications and Information Administration’,  
5 effective September 17, 2012;

6 “(5) be responsible for the oversight of—

7 “(A) the studies carried out by the Federal  
8 Government relating to enhancing public safety  
9 communication; and

10 “(B) the prototyping (including leading  
11 edge prototyping) and deployment by the Fed-  
12 eral Government of advanced communications  
13 technologies that enhance public safety commu-  
14 nications, including through test-protocol,  
15 model, or simulation tools for the testing and  
16 validation of such technologies;

17 “(6) communicate public safety communications  
18 policies to public entities, including the Commission  
19 and Congress, or private entities; and

20 “(7) carry out any duties regarding the respon-  
21 sibilities of the NTIA with respect to public safety  
22 communications policy as the Under Secretary may  
23 designate.”.



## **TITLE VI—OFFICE OF INTERNATIONAL AFFAIRS**

### **SEC. 601. OFFICE OF INTERNATIONAL AFFAIRS.**

Part A of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following:

### **“SEC. 110C. OFFICE OF INTERNATIONAL AFFAIRS.**

“(a) ESTABLISHMENT.—There is established within the NTIA an Office of International Affairs (in this section referred to as the ‘Office’).

“(b) HEAD OF OFFICE.—

“(1) IN GENERAL.—The head of the Office shall be an Associate Administrator for International Affairs (in this section referred to as the ‘Associate Administrator’).

“(2) CAREER POSITION.—The position of Associate Administrator shall be a career position in the Senior Executive Service occupied by a career appointee (as that term is defined in section 3132(a)(4) of title 5, United States Code).

“(3) REQUIREMENT TO REPORT.—The Associate Administrator shall report to the Under Secretary.

1       “(c) DUTIES.—The Associate Administrator shall, at  
2 the direction of the Under Secretary—

3               “(1) conduct analysis of, review, and formulate  
4 international telecommunications and information  
5 policy;

6               “(2) present on international telecommuni-  
7 cations and information policy before the Commis-  
8 sion, Congress, international telecommunications  
9 bodies, including the International Telecommuni-  
10 cation Union, and others;

11              “(3) conduct or obtain analysis on economic  
12 and other aspects of international telecommuni-  
13 cations and information policy;

14              “(4) formulate, and recommend to the Under  
15 Secretary, policies and plans with respect to prepara-  
16 tion for and participation in international tele-  
17 communications and information policy activities;

18              “(5) coordinate NTIA and interdepartmental  
19 economic, technical, operational, and other prepara-  
20 tions related to participation by the United States in  
21 international telecommunications and information  
22 policy conferences and negotiations;

23              “(6) ensure NTIA representation with respect  
24 to international telecommunications and information

1 policy meetings and the activities related to prepara-  
2 tion for such meetings;

3 “(7) coordinate with Federal agencies and pri-  
4 vate organizations engaged in activities involving  
5 international telecommunications and information  
6 policy matters and maintain cognizance of the activi-  
7 ties of United States signatories with respect to re-  
8 lated treaties, agreements, and other instruments;

9 “(8) provide advice and assistance related to  
10 international telecommunications and information  
11 policy to other Federal agencies charged with re-  
12 sponsibility for international negotiations, to  
13 strengthen the position and serve the best interests  
14 of the United States in the conduct of negotiations  
15 with foreign nations;

16 “(9) provide advice and assistance to the Under  
17 Secretary with respect to evaluating the inter-  
18 national impact of matters pending before the Com-  
19 mission, other Federal agencies, and Congress;

20 “(10) carry out responsibilities under the Com-  
21 munications Satellite Act of 1962 (47 U.S.C. 701 et  
22 seq.) and other Federal laws related to international  
23 telecommunications and information policy; and

24 “(11) carry out any other duties of the NTIA  
25 with respect to international telecommunications and

1 information policy that the Under Secretary may  
2 designate.”.

3 **SEC. 602. ESTABLISHMENT OF INTERAGENCY NATIONAL**  
4 **SECURITY REVIEW PROCESS.**

5 (a) IN GENERAL.—Part A of the National Tele-  
6 communications and Information Administration Organi-  
7 zation Act (47 U.S.C. 901 et seq.), as amended by the  
8 preceding provisions of this Act, is further amended by  
9 adding at the end the following:

10 **“SEC. 110D. ESTABLISHMENT OF INTERAGENCY NATIONAL**  
11 **SECURITY REVIEW PROCESS.**

12 “(a) ESTABLISHMENT.—Not later than 180 days  
13 after the date of the enactment of this section, the Under  
14 Secretary, in coordination with the head of each appro-  
15 priate Federal entity, shall develop and issue procedures  
16 for, and establish, an interagency review process (which  
17 shall include each appropriate Federal entity) that con-  
18 sideres the law enforcement and national security policy im-  
19 plications of the approval of a covered application that  
20 may arise from the foreign ownership interests held in the  
21 covered applicant that submitted the covered application.

22 “(b) APPLICABILITY.—Any covered application pend-  
23 ing before the Commission that was submitted by a cov-  
24 ered applicant with more than the threshold foreign own-  
25 ership limit, after the covered applicant declines an oppor-

1 tunity to remedy the foreign ownership of the covered ap-  
2 plicant, is subject to review under the review process es-  
3 tablished pursuant to subsection (a).

4 “(c) PROCESS AND PROCEDURAL REQUIREMENTS.—

5 “(1) REFERRAL FOR REVIEW.—

6 “(A) REQUIREMENT FOR FCC TO REFER  
7 COMPLETE APPLICATION.—The Commission  
8 shall refer any covered application subject to  
9 the review process established pursuant to sub-  
10 section (a) to the Under Secretary promptly  
11 after the Commission determines that the cov-  
12 ered application, under the rules and regula-  
13 tions of the Commission, is complete.

14 “(B) REFERRAL OF OTHER REQUESTS.—

15 The Commission may refer for review under the  
16 review process established pursuant to sub-  
17 section (a) any other request for action by the  
18 Commission for which the Commission deter-  
19 mines review is necessary under such process.

20 “(2) INTERAGENCY REVIEW DEADLINE; DETER-  
21 MINATION.—

22 “(A) IN GENERAL.—Not later than 120  
23 days after the date on which the Under Sec-  
24 retary receives a referral from the Commission  
25 pursuant to paragraph (1)—

1 “(i) the review of the covered applica-  
2 tion or other request under the review  
3 process established pursuant to subsection  
4 (a) shall be completed;

5 “(ii) the Under Secretary, in coordi-  
6 nation with the head of each appropriate  
7 Federal entity, shall make a determina-  
8 tion—

9 “(I) to recommend to the Com-  
10 mission that the Commission grant,  
11 grant conditioned on mitigation, or  
12 deny the covered application or other  
13 request; or

14 “(II) that the Under Secretary  
15 cannot make a recommendation with  
16 respect to the covered application or  
17 other request; and

18 “(iii) if the Under Secretary deter-  
19 mines under clause (ii) that the Under  
20 Secretary cannot make a recommendation  
21 with respect to the covered application or  
22 other request, the President shall make a  
23 determination to recommend to the Com-  
24 mission that the Commission grant, grant

1                   conditioned on mitigation, or deny the cov-  
2                   ered application or other request.

3                   “(B) EXTENSION.—The Under Secretary,  
4                   in coordination with the head of each appro-  
5                   priate Federal entity, may extend the deadline  
6                   described in subparagraph (A) an additional 45  
7                   days.

8                   “(C) NOTIFICATION OF EXTENSION.—If  
9                   the Under Secretary, in coordination with the  
10                  head of each appropriate Federal entity, ex-  
11                  tends the deadline pursuant to subparagraph  
12                  (B), the Under Secretary shall notify the cov-  
13                  ered applicant or other requesting party of the  
14                  extension.

15                  “(3) NOTIFICATION OF DETERMINATION.—Not  
16                  later than 3 days (excepting Saturdays, Sundays,  
17                  and legal holidays) after the Under Secretary or the  
18                  President (as the case may be) makes a determina-  
19                  tion under paragraph (2)(A) to recommend that the  
20                  Commission grant, grant conditioned on mitigation,  
21                  or deny the application or other request, the Under  
22                  Secretary shall notify, in writing, the Commission  
23                  and the covered applicant or other requesting party  
24                  of the determination.

1           “(4) DISCLOSURE OF STATUS OF REVIEW.—Not  
2       later than 5 days (excepting Saturdays, Sundays,  
3       and legal holidays) after receiving an inquiry from a  
4       covered applicant or other requesting party for an  
5       update with respect to the status of the review of the  
6       covered application or other request of the covered  
7       applicant or other requesting party that was referred  
8       by the Commission for review under the review proc-  
9       ess established pursuant to subsection (a), the  
10      Under Secretary, in coordination with the head of  
11      each appropriate Federal entity, shall provide, con-  
12      sistent with the protection of classified information  
13      and intelligence sources and methods, a complete  
14      and accurate written response to the covered appli-  
15      cant or other requesting party, the Commission, and  
16      the appropriate congressional committees.

17           “(5) STANDARDIZATION OF INFORMATION RE-  
18      QUIRED.—With respect to the review process estab-  
19      lished pursuant to subsection (a), the Under Sec-  
20      retary, in coordination with the head of each appro-  
21      priate Federal entity, shall establish a list of ques-  
22      tions requesting written information from a covered  
23      applicant or other requesting party that shall be  
24      made publicly available and posted on the internet  
25      website of the NTIA. Such questions shall, to the



1 maximum extent possible, be standardized for any  
2 potential covered applicant or other requesting  
3 party.

4 “(6) DEADLINE FOR PROVISION OF INFORMA-  
5 TION REQUESTED.—Not later than 10 days after the  
6 date on which the Under Secretary, in coordination  
7 with the head of each appropriate Federal entity, re-  
8 quests information from a covered applicant or other  
9 requesting party, the covered applicant or other re-  
10 questing party shall submit, in writing, to the NTIA  
11 complete and accurate responses.

12 “(d) CONFIDENTIALITY OF INFORMATION.—

13 “(1) IN GENERAL.—Except as provided in para-  
14 graph (2), any information or documentary material  
15 provided to the Under Secretary under the review  
16 process established pursuant to subsection (a) shall  
17 be exempt from disclosure under section 552 of title  
18 5, United States Code, and no such information or  
19 documentary material may be made public.

20 “(2) EXCEPTIONS.—Paragraph (1) does not  
21 prohibit disclosure of the following:

22 “(A) Information disclosed for purposes of  
23 an administrative or judicial action or pro-  
24 ceeding.

1           “(B) Information disclosed to Congress or  
2           a duly authorized committee or subcommittee of  
3           Congress.

4           “(C) Information disclosed to a domestic  
5           governmental entity, or to a foreign govern-  
6           mental entity of a United States ally or part-  
7           ner, under the exclusive direction and author-  
8           ization of the Under Secretary, only to the ex-  
9           tent necessary for national security purposes  
10          and subject to appropriate confidentiality and  
11          classification requirements.

12          “(D) Information disclosed to a third party  
13          by mutual agreement of a covered applicant and  
14          the Under Secretary, in consultation with ap-  
15          propriate Federal entities.

16          “(e) RULE OF CONSTRUCTION.—Except as provided  
17          in subsection (d), nothing in this section may be construed  
18          as limiting, superseding, or preventing the invocation of  
19          any privileges or defenses that are otherwise available at  
20          law or in equity to protect against the disclosure of infor-  
21          mation.

22          “(f) DEFINITIONS.—In this section:

23                 “(1) APPROPRIATE CONGRESSIONAL COMMIT-  
24                 TEES.—The term ‘appropriate congressional com-  
25                 mittees’ means the Committee on Energy and Com-

1 merce of the House of Representatives and the Com-  
2 mittee on Commerce, Science, and Transportation of  
3 the Senate.

4 “(2) APPROPRIATE FEDERAL ENTITIES.—The  
5 term ‘appropriate Federal entities’ means the fol-  
6 lowing:

7 “(A) The Department of Commerce.

8 “(B) The Department of Defense.

9 “(C) The Department of Homeland Secu-  
10 rity.

11 “(D) The Department of Justice.

12 “(E) The Department of the Treasury.

13 “(F) The Department of State.

14 “(G) The United States Trade Representa-  
15 tive.

16 “(H) The Federal Bureau of Investigation.

17 “(I) The Executive Office of the President.

18 “(J) The Office of the Director of National  
19 Intelligence.

20 “(3) CLASSIFIED INFORMATION.—The term  
21 ‘classified information’ means any information or  
22 material that has been determined by the Federal  
23 Government pursuant to an Executive order, statute,  
24 or regulation, to require protection against unau-  
25 thorized disclosure for reasons of national security.

1           “(4) COVERED APPLICANT.—The term ‘covered  
2       applicant’ means an entity seeking approval of a  
3       covered application from the Commission.

4           “(5) COVERED APPLICATION.—

5               “(A) IN GENERAL.—The term ‘covered ap-  
6       plication’ means—

7                   “(i) an application under section  
8                   214(a) of the Communications Act of 1934  
9                   (47 U.S.C. 214(a)) for authorization to  
10                  undertake the construction of a new line or  
11                  of an extension of any line, or to acquire  
12                  or operate any line, or extension thereof, or  
13                  to engage in transmission over or by  
14                  means of such additional or extended line;

15                  “(ii) an application under the Act ti-  
16                  tled ‘An Act relating to the landing and  
17                  operation of submarine cables in the  
18                  United States,’ approved May 27, 1921  
19                  (47 U.S.C. 34 et seq.; 42 Stat. 8) for—

20                   “(I) a submarine cable landing li-  
21                   cense; or

22                   “(II) an assignment or transfer  
23                   of control of a submarine cable land-  
24                   ing license; or

1 “(iii) an application for a new license,  
2 or for the transfer, assignment, or disposal  
3 of an existing license under section 310(d)  
4 of the Communications Act of 1934 (47  
5 U.S.C. 310(d)), that is—

6 “(I) subject to approval by the  
7 Commission under section 310(b)(4)  
8 of such Act (47 U.S.C. 310(b)(4)); or

9 “(II) eligible, under the rules of  
10 the Commission, for forbearance  
11 under section 10 of such Act (47  
12 U.S.C. 160) from the application of  
13 paragraph (1), (2), or (3) of section  
14 310(b) of such Act (47 U.S.C.  
15 310(b)).

16 “(B) LIMITATION.—The term ‘covered ap-  
17 plication’ does not include the following:

18 “(i) An application described in sub-  
19 paragraph (A) with respect to which the  
20 applicant seeks to transfer, assign, or oth-  
21 erwise dispose of an authorization or li-  
22 cense to an entity that—

23 “(I) is owned or controlled by  
24 such applicant;

1 “(II) owns or controls such appli-  
2 cant; or

3 “(III) is under common owner-  
4 ship or control with such applicant.

5 “(ii) An application described in sub-  
6 paragraph (A) with respect to which the  
7 applicant—

8 “(I) is an applicant that has been  
9 previously approved under the review  
10 process established pursuant to sub-  
11 section (a); and

12 “(II) at the time of such applica-  
13 tion does not have a level of foreign  
14 ownership that is more than 5 percent  
15 greater than the level of foreign own-  
16 ership of such applicant—

17 “(aa) except as provided in  
18 item (bb), at any time such appli-  
19 cant was previously approved  
20 under the review process estab-  
21 lished pursuant to subsection (a);  
22 or

23 “(bb) if such applicant has  
24 been subjected to the review  
25 process established pursuant to

1 subsection (a) as a result of ex-  
2 ceeding a level of foreign owner-  
3 ship pursuant to this clause, at  
4 the time such applicant was most  
5 recently approved under such re-  
6 view process after having been  
7 subjected to such review process  
8 as a result of exceeding a level of  
9 foreign ownership pursuant to  
10 this clause.

11 “(6) THRESHOLD FOREIGN OWNERSHIP  
12 LIMIT.—The term ‘threshold foreign ownership limit’  
13 means foreign ownership of, as applicable—

14 “(A) at least the amount determined by  
15 the Commission under section 214(a) of the  
16 Communications Act of 1934 (47 U.S.C.  
17 214(a)), in the case of an application described  
18 in paragraph (5)(A) of this subsection;

19 “(B) any amount, in the case of an appli-  
20 cation described in paragraph (5)(B) of this  
21 subsection; or

22 “(C) at least an amount sufficient for sec-  
23 tion 310(b) of such Act (47 U.S.C. 310(b)) to  
24 apply, in the case of an application described in  
25 paragraph (5)(C) of this subsection.”.

1       (b) APPLICABILITY.—This section, and the amend-  
2   ment made by this section, shall apply to any covered ap-  
3   plication (as such term is defined in section 110B of the  
4   National Telecommunications and Information Adminis-  
5   tration Organization Act, as added by subsection (a)) filed  
6   on or after the date on which the review process is estab-  
7   lished pursuant to such section 110B.

○