

118TH CONGRESS
2D SESSION

H. R. 4510

IN THE SENATE OF THE UNITED STATES

MAY 16, 2024

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “National Telecommunications and Information Adminis-
 4 tration Reauthorization Act of 2024” or the “NTIA Reau-
 5 thorization Act of 2024”.

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

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

TITLE I—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. Voluntary criteria, standards, ratings, and other measures for certain
 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 tech-
 nology 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.

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

11 **TITLE I—REAUTHORIZATION**

12 **SEC. 101. REAUTHORIZATION OF THE NATIONAL TELE-**
13 **COMMUNICATIONS AND INFORMATION AD-**
14 **MINISTRATION ORGANIZATION ACT.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
16 151 of the National Telecommunications and Information
17 Administration Organization Act is amended by striking
18 “\$17,600,000 for fiscal year 1992 and \$17,900,000 for
19 fiscal year 1993” and inserting “\$57,000,000 for fiscal
20 year 2024 and \$57,000,000 for fiscal year 2025”.

21 (b) UNDER SECRETARY OF COMMERCE FOR COMMU-
22 NICATIONS AND INFORMATION.—

23 (1) UNDER SECRETARY; DEPUTY UNDER SEC-
24 RETARY.—

25 (A) UNDER SECRETARY.—The National
26 Telecommunications and Information Adminis-

1 tration Organization Act (47 U.S.C. 901 et seq)
2 is amended by striking “Assistant Secretary”
3 each place it appears and inserting “Under Sec-
4 retary”.

5 (B) DEPUTY UNDER SECRETARY.—Section
6 103(a) of the National Telecommunications and
7 Information Administration Organization Act
8 (47 U.S.C. 902(a)), as amended by this section,
9 is amended by adding at the end the following:

10 “(3) DEPUTY UNDER SECRETARY.—The Dep-
11 uty Under Secretary of Commerce for Communica-
12 tions and Information shall—

13 “(A) be the principal policy advisor of the
14 Under Secretary;

15 “(B) perform such other functions as the
16 Under Secretary shall from time to time assign
17 or delegate; and

18 “(C) act as Under Secretary during the
19 absence or disability of the Under Secretary or
20 in the event of a vacancy in the office of the
21 Under Secretary.”.

22 (2) CONTINUATION OF CIVIL ACTIONS.—This
23 subsection, and the amendments made by this sub-
24 section, shall not abate any civil action commenced
25 by or against the Assistant Secretary of Commerce

1 for Communications and Information before the date
2 of the enactment of this Act, except that the Under
3 Secretary shall be substituted as a party to the ac-
4 tion on and after such date.

5 (3) CONTINUATION IN OFFICE.—The individual
6 serving as the Assistant Secretary of Commerce for
7 Communications and Information and the individual
8 serving as the Deputy Assistant Secretary of Com-
9 merce for Communications and Information on the
10 day before the date of the enactment of this Act may
11 serve as the Under Secretary and the Deputy Under
12 Secretary of Commerce for Communications and In-
13 formation, respectively, on and after that date with-
14 out the need for renomination or reappointment.

15 (4) REFERENCES.—Any reference in a law, reg-
16 ulation, document, paper, or other record of the
17 United States to the Assistant Secretary of Com-
18 merce for Communications and Information shall, on
19 and after the date of the enactment of this Act, be
20 deemed to be a reference to the Under Secretary.

21 (5) EXECUTIVE SCHEDULE.—

22 (A) IN GENERAL.—Subchapter II of chap-
23 ter 53 of title 5, United States Code, is amend-
24 ed—

1 (i) in section 5314, by adding at the
2 end the following:

3 “Under Secretary of Commerce for Commu-
4 nications and Information.”; and

5 (ii) in section 5315, in the item relat-
6 ing to the Assistant Secretaries of Com-
7 merce, by striking “(11)” and inserting
8 “(10)”.

9 (B) EFFECTIVE DATE.—The amendment
10 made by subparagraph (A) (establishing the an-
11 nual rate of the basic pay of the Under Sec-
12 retary) shall take effect on the first day of the
13 first pay period beginning after the date of the
14 enactment of this Act.

15 (c) AUTHORITIES AND RESPONSIBILITIES.—

16 (1) COORDINATION OF EXECUTIVE BRANCH
17 VIEWS ON MATTERS BEFORE THE FEDERAL COMMU-
18 NICATIONS COMMISSION.—Section 105(a)(1) of the
19 National Telecommunications and Information Ad-
20 ministration Organization Act (47 U.S.C. 904(a)(1))
21 is amended—

22 (A) by striking “to ensure that the con-
23 duct” and inserting the following: “to ensure
24 that—

25 “(A) the conduct”;

1 (B) in subparagraph (A), as so designated,
2 by striking the period at the end and inserting
3 “; and”; and

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

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

8 “(i) appropriately coordinated; and

9 “(ii) reflective of executive branch pol-
10 icy.”.

11 (2) MODERNIZATION OF AGENCY MISSION.—

12 (A) POLICY.—Section 102(c) of the Na-
13 tional Telecommunications and Information Ad-
14 ministration Organization Act (47 U.S.C.
15 901(c)) is amended by adding at the end the
16 following:

17 “(6) Fostering the digital economy of the
18 United States in order to ensure the competitive-
19 ness, future economic growth, and security of the
20 United States.

21 “(7) Working to ensure that global communica-
22 tions networks remain open and innovative, includ-
23 ing without inappropriate barriers to entry or oper-
24 ation.

1 “(8) With respect to the United States, in co-
2 ordination with the Commission, achieving the uni-
3 versal availability of and access to telecommuni-
4 cations service and information service (as those
5 terms are defined in section 3 of the Communica-
6 tions Act of 1934) and any technology related to
7 such service.”.

8 (B) ASSIGNED FUNCTIONS.—Section
9 103(b)(2) of the National Telecommunications
10 and Information Administration Organization
11 Act (47 U.S.C. 902(b)(2)) is amended—

12 (i) in the matter preceding subpara-
13 graph (A), by inserting “, some of which
14 were” before “transferred to the Sec-
15 retary”;

16 (ii) in subparagraph (H)—

17 (I) by inserting “and informa-
18 tion” after “telecommunications”; and

19 (II) by striking “and emergency
20 readiness” and inserting “emergency
21 readiness, the flow of information,
22 and with respect to the United States,
23 in coordination with the Commission,
24 the universal availability of and access
25 to telecommunications service and in-

1 formation service (as those terms are
2 defined in section 3 of the Commu-
3 nications Act of 1934) and any tech-
4 nology related to such service”;

5 (iii) in subparagraph (M), by inserting
6 “, publish reports,” after “studies”; and

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

9 “(V) The authority to conduct studies,
10 publish reports, and make recommendations—

11 “(i) on any Federal, State, local, or
12 private policy or practice relating to com-
13 munications, information, or the digital
14 economy of the United States; and

15 “(ii) that consider interoperability,
16 privacy, security, spectrum use, emergency
17 readiness, the flow of information, and
18 with respect to the United States, in co-
19 ordination with the Commission, the uni-
20 versal availability of and access to tele-
21 communications service and information
22 service (as those terms are defined in sec-
23 tion 3 of the Communications Act of 1934)
24 and any technology related to such serv-
25 ice.”.

1 (3) RULE OF CONSTRUCTION.—Nothing in the
2 amendments made by paragraphs (1) and (2) may
3 be construed to expand or contract the authority of
4 the Commission.

5 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

6 (1) PUBLIC TELECOMMUNICATIONS FINANCING
7 ACT OF 1978.—Section 106(c) of the Public Tele-
8 communications Financing Act of 1978 (5 U.S.C.
9 5316 note; Public Law 95–567) is amended by strik-
10 ing “The position of Deputy Assistant Secretary of
11 Commerce for Communications and Information, es-
12 tablished in Department of Commerce Organization
13 Order Numbered 10–10 (effective March 26,
14 1978),” and inserting “The position of Deputy
15 Under Secretary of Commerce for Communications
16 and Information, established under section 103(a) of
17 the National Telecommunications and Information
18 Administration Organization Act (47 U.S.C.
19 902(a)),”.

20 (2) COMMUNICATIONS ACT OF 1934.—Section
21 344(d)(2) of the Communications Act of 1934 (47
22 U.S.C. 344(d)(2)) is amended by striking “Assistant
23 Secretary” and inserting “Under Secretary”.

24 (3) HOMELAND SECURITY ACT OF 2002.—Sec-
25 tion 1805(d)(2) of the Homeland Security Act of

1 2002 (6 U.S.C. 575(d)(2)) is amended by striking
2 “Assistant Secretary for Communications and Infor-
3 mation of the Department of Commerce” and insert-
4 ing “Under Secretary of Commerce for Communica-
5 tions and Information”.

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

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

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

15 (5) TITLE 17, UNITED STATES CODE.—Section
16 1201(a)(1)(C) of title 17, United States Code, is
17 amended by striking “Assistant Secretary for Com-
18 munications and Information of the Department of
19 Commerce” and inserting “Under Secretary of Com-
20 merce for Communications and Information”.

21 (6) UNLOCKING CONSUMER CHOICE AND WIRE-
22 LESS COMPETITION ACT.—Section 2(b) of the
23 Unlocking Consumer Choice and Wireless Competi-
24 tion Act (17 U.S.C. 1201 note; Public Law 113–
25 144) is amended by striking “Assistant Secretary

1 for Communications and Information of the Depart-
2 ment of Commerce” and inserting “Under Secretary
3 of Commerce for Communications and Information”.

4 (7) COMMUNICATIONS SATELLITE ACT OF
5 1962.—Section 625(a)(1) of the Communications
6 Satellite Act of 1962 (47 U.S.C. 763d(a)(1)) is
7 amended, in the matter preceding subparagraph (A),
8 by striking “Assistant Secretary” and inserting
9 “Under Secretary of Commerce”.

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

13 (A) in section 1002(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 (9) WARNING, ALERT, AND RESPONSE NET-
20 WORK ACT.—Section 606 of the Warning, Alert, and
21 Response Network Act (47 U.S.C. 1205) is amend-
22 ed—

23 (A) by striking “Assistant Secretary” each
24 place the term appears and inserting “Under
25 Secretary”; and

1 (B) in subsection (b), in the first sentence,
 2 by striking “for7Communications” and insert-
 3 ing “for Communications”.

4 (10) AMERICAN RECOVERY AND REINVESTMENT
 5 ACT OF 2009.—Section 6001 of the American Recov-
 6 ery and Reinvestment Act of 2009 (47 U.S.C. 1305)
 7 is amended by striking “Assistant Secretary” each
 8 place the term appears and inserting “Under Sec-
 9 retary”.

10 (11) MIDDLE CLASS TAX RELIEF AND JOB CRE-
 11 ATION ACT OF 2012.—Title VI of the Middle Class
 12 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
 13 1401 et seq.) is amended—

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

15 (i) by striking paragraph (4);

16 (ii) by redesignating paragraphs (5)
 17 through (32) as paragraphs (4) through
 18 (31), respectively; and

19 (iii) by inserting after paragraph (31),
 20 as so redesignated, the following:

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

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

4 (12) RAY BAUM’S ACT OF 2018.—The RAY
5 BAUM’S Act of 2018 (division P of Public Law
6 115–141; 132 Stat. 348) is amended by striking
7 “Assistant Secretary” each place the term appears
8 and inserting “Under Secretary”.

9 (13) SECURE AND TRUSTED COMMUNICATIONS
10 NETWORKS ACT OF 2019.—Section 8 of the Secure
11 and Trusted Communications Networks Act of 2019
12 (47 U.S.C. 1607) is amended—

13 (A) in subsection (c)(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 (14) TITLE 51, UNITED STATES CODE.—Section
20 50112(3) of title 51, United States Code, is amend-
21 ed, in the matter preceding subparagraph (A), by
22 striking “Assistant Secretary” each place the term
23 appears and inserting “Under Secretary”.

1 (15) CONSOLIDATED APPROPRIATIONS ACT,
2 2021.—The Consolidated Appropriations Act, 2021
3 (Public Law 116–260) is amended—

4 (A) in title IX of division N—

5 (i) in section 902(a)(2), in the head-
6 ing, by striking “ASSISTANT SECRETARY”
7 and inserting “UNDER SECRETARY”;

8 (ii) in section 905—

9 (I) in subsection (a)(1), in the
10 heading, by striking “ASSISTANT SEC-
11 RETARY” and inserting “UNDER SEC-
12 RETARY”;

13 (II) in subsection (c)(3)(B), in
14 the heading, by striking “ASSISTANT
15 SECRETARY” and inserting “UNDER
16 SECRETARY”; and

17 (III) in subsection (d)(2)(B), in
18 the heading, by striking “ASSISTANT
19 SECRETARY” and inserting “UNDER
20 SECRETARY”; and

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

24 (B) in title IX of division FF—

1 (i) in section 903(g)(2), in the head-
 2 ing, by striking “ASSISTANT SECRETARY”
 3 and inserting “UNDER SECRETARY”; and
 4 (ii) by striking “Assistant Secretary”
 5 each place the term appears and inserting
 6 “Under Secretary”.

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

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

13 (B) in division F—

14 (i) in section 60102—

15 (I) in subsection (a)(2)(A), by
 16 striking “ASSISTANT SECRETARY”
 17 and inserting “UNDER SECRETARY”;

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

22 (III) in subsection (h)—

23 (aa) in paragraph (1)(B), by
 24 striking “ASSISTANT SEC-

1 RETARY” and inserting “UNDER
2 SECRETARY”; and

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

7 (ii) in title III—

8 (I) in section 60302(5), by strik-
9 ing “ASSISTANT SECRETARY” and in-
10 serting “UNDER SECRETARY”; and

11 (II) in section
12 60305(d)(2)(B)(ii), by striking “AS-
13 SISTANT SECRETARY” and inserting
14 “UNDER SECRETARY”;

15 (iii) in section 60401(a)(2), by strik-
16 ing “ASSISTANT SECRETARY” and insert-
17 ing “UNDER SECRETARY”; and

18 (iv) by striking “Assistant Secretary”
19 each place the term appears and inserting
20 “Under Secretary”; and

21 (C) in division J, in title I, in the matter
22 under the heading “distance learning, telemedi-
23 cine, and broadband program” under the head-
24 ing “Rural Utilities Service” under the heading
25 “RURAL DEVELOPMENT PROGRAMS”, by

1 striking “Assistant Secretary” and inserting
2 “Under Secretary”.

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

4 (a) ELIMINATION OF CERTAIN OUTDATED OR COM-
5 PLETED REPORTING REQUIREMENTS.—

6 (1) BTOP QUARTERLY REPORT.—Section
7 6001(d) of the American Recovery and Reinvestment
8 Act of 2009 (47 U.S.C. 1305(d)) is amended—

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

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

13 (C) by striking paragraph (4).

14 (2) CERTAIN REPORTS REQUIRED BY NATIONAL
15 TELECOMMUNICATIONS AND INFORMATION ADMINIS-
16 TRATION ORGANIZATION ACT.—Sections 154, 155,
17 and 156 of the National Telecommunications and
18 Information Administration Organization Act are re-
19 pealed.

20 (3) INITIAL REPORT REQUIRED BY SECTION
21 9202(a)(1)(G) OF THE NDAA FOR FISCAL YEAR
22 2021.—Section 9202(a)(1)(G) of the William M.
23 (Mac) Thornberry National Defense Authorization
24 Act for Fiscal Year 2021 (47 U.S.C. 906(a)(1)(G))
25 is amended—

1 (A) in clause (ii), by redesignating sub-
2 clauses (I), (II), and (III) as clauses (i), (ii),
3 and (iii), respectively, and conforming the mar-
4 gins of such clauses accordingly; and

5 (B) by striking “REPORTS TO CONGRESS”
6 and all that follows through “For each fiscal
7 year” and inserting “ANNUAL REPORT TO CON-
8 GRESS.—For each fiscal year”.

9 (4) REPORT TO PRESIDENT.—Section 105(a) of
10 the National Telecommunications and Information
11 Administration Organization Act (47 U.S.C. 904(a))
12 is amended—

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

14 (B) by redesignating paragraph (3) as
15 paragraph (2).

16 (5) EFFECT ON AUTHORITY.—Nothing in this
17 subsection or the amendments made by this sub-
18 section may be construed to expand or contract the
19 authority of the Secretary, the Under Secretary, the
20 NTIA, or the Commission.

21 (6) OTHER REPORTS.—Nothing in this sub-
22 section or the amendments made by this subsection
23 may be construed to prohibit or otherwise prevent
24 the Secretary, the Under Secretary, the NTIA, or
25 the Commission from producing any additional re-

ports otherwise within the authority of the Secretary, the Under Secretary, the NTIA, or the Commission, respectively.

(b) CONSOLIDATED ANNUAL REPORT.—

(1) IN GENERAL.—In the first quarter of each calendar year, the Under Secretary shall publish on the website of the NTIA and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains the reports described in paragraph (2) for the fiscal year ending most recently before the beginning of such quarter.

(2) REPORTS DESCRIBED.—The reports described in this paragraph are the following:

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

(B) If amounts in the Public Wireless Supply Chain Innovation Fund established by section 9202(a)(1)(A)(i) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (47 U.S.C. 906(a)(1)(A)(i)) were available for the fiscal

1 year described in paragraph (1) of this sub-
2 section, the report required by section
3 9202(a)(1)(G) of such Act (47 U.S.C.
4 906(a)(1)(G)).

5 (C) If the Under Secretary awarded grants
6 under section 60304(d)(1) of the Infrastructure
7 Investment and Jobs Act (47 U.S.C.
8 1723(d)(1)) in the fiscal year described in para-
9 graph (1) of this subsection, the report required
10 by section 60306(a)(1)(A) of such Act (47
11 U.S.C. 1725(a)(1)(A)).

12 (D) A summary of the reports for the fis-
13 cal year described in paragraph (1) that are re-
14 quired to be submitted to the Under Secretary
15 by executive agencies under section 107(b)(5) of
16 the National Telecommunications and Informa-
17 tion Administration Organization Act, as added
18 by this Act.

19 (3) TIMING OF UNDERLYING REPORTING RE-
20 QUIREMENTS.—

21 (A) REPORT OF OFFICE OF INTERNET
22 CONNECTIVITY AND GROWTH.—Section
23 903(c)(2)(C) of division FF of the Consolidated
24 Appropriations Act, 2021 (47 U.S.C.
25 1307(c)(2)(C)) is amended—

1 (i) in the matter preceding clause

2 (i)—

3 (I) by striking “Not later than 1
4 year after the date of the enactment
5 of this Act, and every year there-
6 after,” and inserting “In the first
7 quarter of each calendar year,”; and

8 (II) by inserting “, for the fiscal
9 year ending most recently before the
10 beginning of such quarter,” after “a
11 report”; and

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

14 (B) REPORT ON DIGITAL EQUITY GRANT
15 PROGRAMS.—Section 60306(a)(1) of the Infra-
16 structure Investment and Jobs Act (47 U.S.C.
17 1725(a)(1)) is amended—

18 (i) in the matter preceding subpara-
19 graph (A), by striking “Not later than 1
20 year” and all that follows through “shall—
21 ” and inserting the following: “For the
22 first fiscal year in which the Under Sec-
23 retary awards grants under section
24 60304(d)(1), and each fiscal year there-
25 after in which the Under Secretary awards

grants under such section, the Under Secretary shall—”; and

(ii) in subparagraph (A)—

(I) by inserting “in the first quarter of the first calendar year that begins after the end of such fiscal year,” before “submit”; and

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

(4) SATISFACTION OF UNDERLYING REPORTING REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the publication and submission of a report as required by paragraph (1) in the first quarter of a calendar year shall be treated as satisfying any requirement to publish or otherwise make publicly available or to submit to Congress or to a committee of Congress a report described in paragraph (2) for the fiscal year ending most recently before the beginning of such quarter.

(B) CERTAIN SUBMISSION REQUIREMENTS.—At the time when the Under Secretary submits a report required by paragraph (1) to the committees described in such paragraph,

1 the Under Secretary shall submit any portion of
2 such report that relates to a report described in
3 paragraph (2)(C) to each committee of Con-
4 gress not described in paragraph (1) to which
5 such report would (without regard to subpara-
6 graph (A) of this paragraph) be required to be
7 submitted.

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

12 (c) EXTENSION OF CERTAIN AUDIT AND REPORTING
13 REQUIREMENTS.—Section 902(c)(4)(A) of division N of
14 the Consolidated Appropriations Act, 2021 (47 U.S.C.
15 1306(c)(4)(A)) is amended by striking “fiscal years 2021
16 and 2022” and inserting “fiscal years 2021, 2022, 2023,
17 and 2024”.

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

20 **TITLE II—OFFICE OF SPECTRUM** 21 **MANAGEMENT**

22 **SEC. 201. OFFICE OF SPECTRUM MANAGEMENT.**

23 Part A of the National Telecommunications and In-
24 formation Administration Organization Act (47 U.S.C.

1 901 et seq.) is amended by adding at the end the fol-
2 lowing:

3 **“SEC. 106. OFFICE OF SPECTRUM MANAGEMENT.**

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

7 “(b) HEAD OF OFFICE.—

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

12 “(2) REQUIREMENT TO REPORT.—The Asso-
13 ciate Administrator shall report to the Under Sec-
14 retary (or a designee of the Under Secretary).

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

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

1 “(2) carry out responsibilities under section
2 103(b)(2)(K) (relating to establishing policies con-
3 cerning spectrum assignments and use by radio sta-
4 tions belonging to and operated by the United
5 States) and provide Federal agencies with guidance
6 to ensure that the conduct of telecommunications ac-
7 tivities by such agencies is consistent with such poli-
8 cies;

9 “(3) represent the interests of Federal agencies
10 in the process through which the Commission and
11 the NTIA jointly determine the National Table of
12 Frequency Allocations, and coordinate with the
13 Commission in the development of a comprehensive
14 long-range plan for improved management of all
15 electromagnetic spectrum resources;

16 “(4) appoint the chairpersons of and provide
17 secretariat functions for the Interdepartmental
18 Radio Advisory Committee and the ISAC (as defined
19 in section 107(d));

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

1 “(6) provide advice and assistance to the Under
2 Secretary and coordinate with the Associate Admin-
3 istrator for International Affairs in carrying out
4 spectrum management aspects of the international
5 policy responsibilities of the NTIA, including spec-
6 trum-related responsibilities under section
7 103(b)(2)(G);

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

11 “(A) the security of telecommunications in
12 the United States; and

13 “(B) systems and means to ensure such
14 security;

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

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

1 “(10) carry out responsibilities under section
 2 107 (relating to improving spectrum management);
 3 and

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

7 **SEC. 202. IMPROVING SPECTRUM MANAGEMENT.**

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

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

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

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

23 **“(A)** when the Commission provided notice
 24 to the Under Secretary regarding the spectrum
 25 action, as required under the Memorandum;

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

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

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

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

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

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

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

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

3 “(3) RULE OF CONSTRUCTION.—Nothing in
4 this subsection may be construed to require the dis-
5 closure of classified information, or other informa-
6 tion reflecting technical, procedural, or policy con-
7 cerns that is exempt from disclosure under section
8 552 of title 5, United States Code (commonly known
9 as the ‘Freedom of Information Act’).

10 “(4) FCC CONSIDERATION.—

11 “(A) IN GENERAL.—The Commission may
12 not consider any technical, procedural, or policy
13 concerns of a Federal entity regarding a spec-
14 trum action unless such concerns are filed by
15 the Under Secretary on behalf of the Federal
16 entity in the public record, or in a classified
17 non-public filing made in accordance with sub-
18 paragraph (B), with respect to the proceeding
19 of the Commission relating to the spectrum ac-
20 tion.

21 “(B) CLASSIFIED INFORMATION.—Any
22 classified information that is filed by the Under
23 Secretary on behalf of a Federal entity with re-
24 spect to the proceeding of the Commission re-
25 lating to a spectrum action shall be filed in ac-

1 cordance with Commission procedures and
2 using appropriate protective measures to pre-
3 vent unauthorized disclosure.

4 “(b) FEDERAL SPECTRUM COORDINATION RESPON-
5 SIBILITIES.—

6 “(1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this section, the
8 Under Secretary shall establish a charter for the
9 ISAC.

10 “(2) ISAC REPRESENTATIVE.—

11 “(A) IN GENERAL.—The head of each
12 Federal entity that is reflected in the member-
13 ship of the ISAC, as identified in the charter
14 established under paragraph (1), shall appoint
15 a senior-level employee (or an individual occu-
16 pying a Senior Executive Service position, as
17 defined in section 3132(a) of title 5, United
18 States Code) who is eligible to receive a security
19 clearance that allows for access to sensitive
20 compartmented information to serve as the rep-
21 resentative of the Federal entity to the ISAC.

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

1 “(i) the appointment shall be invalid;
2 and

3 “(ii) the head of the Federal entity
4 making the appointment shall appoint an-
5 other individual who satisfies the require-
6 ments of that subparagraph, including the
7 requirement that the individual is eligible
8 to receive such a security clearance.

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

11 “(A) oversee the spectrum coordination
12 policies and procedures of the applicable Fed-
13 eral entity;

14 “(B) be responsible for timely notification
15 to the ISAC and to the Under Secretary of
16 technical or procedural concerns of the applica-
17 ble Federal entity regarding a spectrum action;
18 and

19 “(C) work closely with the representative
20 of the applicable Federal entity to the Inter-
21 departmental Radio Advisory Committee.

22 “(4) PUBLIC CONTACT.—

23 “(A) IN GENERAL.—The head of each
24 Federal entity described in paragraph (2) shall
25 list, on the website of the Federal entity, the

1 name and contact information of the represent-
2 ative of the Federal entity to the ISAC, as ap-
3 pointed under such paragraph.

4 “(B) NTIA RESPONSIBILITY.—The Under
5 Secretary shall publish on the public website of
6 the NTIA a complete list of the representatives
7 to the ISAC appointed under paragraph (2).

8 “(5) ANNUAL REPORT.—In the last quarter of
9 each calendar year, each executive agency that is au-
10 thorized and directed to cooperate with the NTIA
11 under section 105(c)(2) shall submit to the Under
12 Secretary a report, for the fiscal year ending most
13 recently before the beginning of such quarter, de-
14 scribing the steps taken in such fiscal year by the
15 executive agency to comply with such section.

16 “(c) COORDINATION BETWEEN COMMISSION AND
17 NTIA.—

18 “(1) UPDATES.—Not later than 3 years after
19 the date of the enactment of this section, and every
20 4 years thereafter or more frequently as appropriate,
21 the Commission and the NTIA shall update the
22 Memorandum.

23 “(2) NATURE OF UPDATE.—The updates re-
24 quired by paragraph (1) shall reflect such changing
25 technological, procedural, and policy circumstances

1 as the Commission and the NTIA determine nec-
2 essary and appropriate.

3 “(d) DEFINITIONS.—In this section:

4 “(1) ISAC.—The term ‘ISAC’ means the inter-
5 agency advisory body that, as of the date of the en-
6 actment of this section, is known as the Interagency
7 Spectrum Advisory Council.

8 “(2) MEMORANDUM.—The term ‘Memorandum’
9 means the Memorandum of Understanding between
10 the Commission and the NTIA (relating to increased
11 coordination between Federal spectrum management
12 agencies to promote the efficient use of the radio
13 spectrum in the public interest), signed on August 1,
14 2022, or any successor memorandum.

15 “(3) SPECTRUM ACTION.—The term ‘spectrum
16 action’ means a proposed action by the Commission
17 to reallocate radio frequency spectrum that is antici-
18 pated to result in a system of competitive bidding
19 conducted under section 309(j) of the Communica-
20 tions Act of 1934 (47 U.S.C. 309(j)) or that could
21 potentially cause interference to the spectrum oper-
22 ations of a Federal entity.”.

23 **SEC. 203. SPECTRUM MANAGEMENT IMPROVEMENTS.**

24 (a) PROTOTYPING.—Consistent with subparagraphs
25 (F), (L), (P), and (U) of section 103(b)(2) of the National

1 Telecommunications and Information Administration Or-
2 ganization Act (47 U.S.C. 902(b)(2)), the Under Sec-
3 retary, in coordination with the Commission and in con-
4 sultation with other relevant Federal agencies, shall de-
5 velop, establish, prototype, and support the implementa-
6 tion of common models, common methodologies, and com-
7 mon inputs to inform, with respect to frequencies assigned
8 on a primary or co-primary basis to 1 or more Federal
9 entities, electromagnetic spectrum management decisions
10 relating to—

11 (1) technologies and techniques to control radio
12 frequency emissions and interference;

13 (2) advanced antenna arrays, and artificial in-
14 telligence systems and technologies capable of oper-
15 ating advanced antenna arrays, including multiple-
16 input, multiple-output antennas, beam forming and
17 steering technology, antenna nulling technology, and
18 conformal arrays;

19 (3) network sensing and monitoring tech-
20 nologies;

21 (4) advanced receivers that incorporate new
22 technologies supporting new waveforms and multiple
23 bands;

1 (5) dynamic spectrum access technologies
2 across wireless systems and frequencies, including
3 local-to-the-radio and cognitive multidomain access;

4 (6) novel spectrum access technologies;

5 (7) artificial intelligence systems to enable dy-
6 namic spectrum access, Internet of Things networks,
7 and other advanced communications technologies;
8 and

9 (8) optical and quantum communications tech-
10 nologies.

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

16 “(f) IDENTIFICATION AND FACILITATION OF IMPLE-
17 MENTATION OF SPECTRUM MANAGEMENT TECH-
18 NOLOGIES.—The Under Secretary shall identify and facili-
19 tate implementation of technologies that promote, with re-
20 spect to frequencies assigned on a primary or co-primary
21 basis to 1 or more Federal entities—

22 “(1) dynamic spectrum access;

23 “(2) network sensing and monitoring; and

24 “(3) optical and quantum communications.

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

5 “(1) encourage the development of, and broad
 6 participation in, a skilled workforce to conduct
 7 prototyping of advanced communications tech-
 8 nologies; and

9 “(2) support partnerships among institutions to
 10 develop a skilled workforce to conduct prototyping of
 11 advanced communications technologies.”.

12 **SEC. 204. INSTITUTE FOR TELECOMMUNICATION**
 13 **SCIENCES.**

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

19 **“SEC. 108. INSTITUTE FOR TELECOMMUNICATION**
 20 **SCIENCES.**

21 “(a) ESTABLISHMENT.—

22 “(1) IN GENERAL.—Under the authority pro-
 23 vided to the Under Secretary under section 103, the
 24 Under Secretary shall operate a test center to be

known as the Institute for Telecommunication
Sciences (in this section referred to as ‘ITS’).

“(2) FUNCTIONS.—

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

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

“(ii) determine spectrum propagation
characteristics;

“(iii) conduct tests on technology that
enhances the sharing of electromagnetic
spectrum between Federal and non-Federal
users;

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

“(v) promote activities relating to ac-
cess to Federal spectrum by non-Federal
users and the sharing of Federal spectrum

1 between Federal and non-Federal users;
2 and

3 “(vi) conduct such other activities as
4 determined necessary by the Under Sec-
5 retary.

6 “(B) ADDITIONAL FUNCTIONS.—The
7 Under Secretary may delegate to ITS any of
8 the functions assigned to the Under Secretary
9 under section 103(b)(1).

10 “(3) AGREEMENTS AND TRANSACTIONS.—In
11 carrying out the functions described in paragraph
12 (2), the Under Secretary, acting through the head of
13 ITS, may enter into agreements as provided under
14 the following authorities:

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

17 “(B) Section 1535 of title 31, United
18 States Code.

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

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

22 “(E) Section 113(g) of this Act.

23 “(F) The first undesignated section of
24 Public Law 91–412.

1 “(G) Authority provided under any other
2 Federal statute.

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

7 “(b) EMERGENCY COMMUNICATION AND TRACKING
8 TECHNOLOGIES INITIATIVE.—

9 “(1) ESTABLISHMENT.—The Under Secretary,
10 acting through the head of ITS, shall establish an
11 initiative to support the development of emergency
12 communication and tracking technologies for use in
13 locating trapped individuals in confined spaces, such
14 as underground mines, and other shielded environ-
15 ments, such as high-rise buildings or collapsed struc-
16 tures, where conventional radio communication is
17 limited.

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

22 “(A) perform a needs assessment to iden-
23 tify and evaluate the measurement, technical
24 specifications, and conformity assessment needs
25 required to improve the operation and reliability

1 of such emergency communication and tracking
 2 technologies; and

3 “(B) support the development of technical
 4 specifications and conformance architecture to
 5 improve the operation and reliability of such
 6 emergency communication and tracking tech-
 7 nologies.

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

13 **SEC. 205. COMMERCE SPECTRUM MANAGEMENT ADVISORY**
 14 **COMMITTEE.**

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

20 **“SEC. 109. COMMERCE SPECTRUM MANAGEMENT ADVI-**
 21 **SORY COMMITTEE.**

22 “(a) ESTABLISHMENT.—

23 “(1) IN GENERAL.—Not later than 90 days
 24 after the date of the enactment of this section, the
 25 Under Secretary shall establish within the NTIA a

1 Commerce Spectrum Management Advisory Com-
2 mittee (referred to in this section as the ‘CSMAC’).

3 “(2) EXISTING ADVISORY COMMITTEES.—A
4 Federal advisory committee of the NTIA that is op-
5 erating, on the date of the enactment of this section,
6 under a charter for the purpose of carrying out du-
7 ties substantially similar to the duties described in
8 subsection (b), satisfies the requirements of para-
9 graph (1) if the membership of such committee com-
10 plies with subsection (c) or is modified to comply
11 with such subsection not later than 90 days after
12 the date of the enactment of this section.

13 “(b) DUTIES.—The CSMAC shall advise and make
14 recommendations to the Under Secretary with respect
15 to—

16 “(1) developing and maintaining spectrum man-
17 agement policies that enable the United States to
18 maintain or strengthen its global leadership role in
19 the introduction of innovative communications tech-
20 nologies and services, including those that enable
21 critical missions of the Federal Government;

22 “(2) objectives that advance spectrum-based in-
23 novation, including facilitating access to—

24 “(A) wireless broadband internet access
25 service;

1 “(B) space-based services;

2 “(C) non-communications services, includ-
3 ing radiolocation services and sensing services;
4 and

5 “(D) other emerging technologies;

6 “(3) fostering increased spectrum sharing
7 among all users;

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

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

13 “(6) establishing a long-range spectrum plan-
14 ning process and identifying international opportuni-
15 ties to advance the economic interests of the United
16 States through spectrum management;

17 “(7) how best to leverage radio frequency-re-
18 lated research, development, and testing and evalua-
19 tion efforts;

20 “(8) ways to foster more efficient and innova-
21 tive uses of electromagnetic spectrum resources
22 across the Federal Government, subject to and con-
23 sistent with the needs and missions of Federal agen-
24 cies;

1 “(9) issues associated with spectrum sharing,
2 including harmful interference and associated en-
3 forcement challenges; and

4 “(10) developing balanced policies that promote
5 licensed, unlicensed, and other forms of access to
6 spectrum.

7 “(c) MEMBERS.—

8 “(1) COMPOSITION OF COMMITTEE.—To the ex-
9 tent practicable, the CSMAC shall be composed of
10 not less than 10 but not more than 30 members ap-
11 pointed by the Under Secretary with the goal of pro-
12 viding a balanced representation of—

13 “(A) non-Federal spectrum users;

14 “(B) State government and local govern-
15 ment;

16 “(C) technology developers and manufac-
17 turers;

18 “(D) academia;

19 “(E) civil society;

20 “(F) providers of mobile broadband inter-
21 net access service and providers of fixed
22 broadband internet access service, including—

23 “(i) providers with customers in both
24 domestic and international markets;

25 “(ii) small providers; and

1 “(iii) rural providers;

2 “(G) providers of communications services
3 using satellite communications networks;

4 “(H) Federal agency spectrum users; and

5 “(I) Tribal organizations.

6 “(2) APPOINTMENTS.—

7 “(A) IN GENERAL.—The Under Secretary
8 shall appoint members to the CSMAC for up to
9 a two-year term, except that members may be
10 reappointed for additional terms by the Under
11 Secretary.

12 “(B) REMOVAL.—Each member appointed
13 under subparagraph (A) shall serve on the
14 CSMAC at the pleasure and discretion of the
15 Under Secretary.

16 “(3) CHAIR.—

17 “(A) APPOINTMENT.—The Under Sec-
18 retary shall appoint one or more members from
19 among those appointed to the CSMAC to serve
20 as Chair or Co-Chairs of the CSMAC.

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

24 “(4) VACANCY.—A vacancy on the CSMAC
25 shall be filled in the manner in which the original

1 appointment was made and the member so ap-
2 pointed shall serve for the remainder of the term.

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

5 “(d) SUBCOMMITTEES.—

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

13 “(2) LIMITATIONS AND ADDITIONAL PARTICIPA-
14 TION.—Any subcommittee, working group, standing
15 committee, ad hoc group, task group, or other sub-
16 group established under paragraph (1)—

17 “(A) shall report to the CSMAC;

18 “(B) may not provide any advice, rec-
19 ommendation, or other work product directly to
20 the Under Secretary; and

21 “(C) may seek participation by any person
22 who is not a member of the CSMAC to inform
23 the activity of such subcommittee, working
24 group, standing committee, ad hoc group, task
25 group, or other subgroup.

1 “(e) DURATION.—Section 1013(a)(2)(B) of title 5,
2 United States Code (relating to the termination of advisory
3 committees) shall not apply to the CSMAC.”.

4 **SEC. 206. VOLUNTARY CRITERIA, STANDARDS, RATINGS,**
5 **AND OTHER MEASURES FOR CERTAIN RADIO**
6 **RECEIVERS.**

7 (a) ESTABLISHMENT OF WORKING GROUP.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the date of the enactment of this Act, the Under
10 Secretary shall convene a working group to assist
11 the Under Secretary in developing, and periodically
12 updating, voluntary criteria, standards, ratings, and
13 other measures with respect to radio receivers operating
14 in spectrum bands allocated for exclusive Federal
15 use.

16 (2) PURPOSE.—The purpose of the voluntary
17 criteria, standards, ratings, and other measures developed,
18 and periodically updated, by the Under Secretary under
19 this section, with the assistance of the working group,
20 shall be to provide guidance on the design, manufacture,
21 and sale of radio receivers designed (in whole or in part)
22 to operate in spectrum bands allocated for exclusive Federal
23 use—

1 (A) with respect to the incorporation of ap-
 2 propriate measures to mitigate, or enhance re-
 3 siliency to, potential harmful interference; and

4 (B) with the goal of ensuring that the rea-
 5 sonable current and future use of cochannel
 6 and non-cochannel spectrum, including use by
 7 non-Federal systems of spectrum designated by
 8 the Commission for commercial operations, will
 9 not result in the operation of such receivers
 10 being seriously degraded or obstructed, includ-
 11 ing such operation being repeatedly interrupted.

12 (3) CHAIR; MEMBERS; PARTICIPATION BY FED-
 13 ERAL ENTITIES.—

14 (A) CHAIR AND MEMBERS.—The Chair of
 15 the working group shall be the Under Secretary
 16 and the working group shall include representa-
 17 tives from the following:

18 (i) The Commission.

19 (ii) The communications industry.

20 (iii) Academia.

21 (iv) Entities that manufacture radio
 22 receivers.

23 (v) Entities that establish technical
 24 specifications for radio receivers.

1 (B) PARTICIPATION BY FEDERAL ENTI-
2 TIES.—The Under Secretary shall invite a rep-
3 resentative from each Federal entity to partici-
4 pate in the working group.

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

8 (b) PUBLICATION OF VOLUNTARY CRITERIA, STAND-
9 ARDS, RATINGS, AND OTHER MEASURES.—Not later than
10 18 months after the date on which the working group is
11 convened, the Under Secretary shall publish, consistent
12 with the protection of classified information and intel-
13 ligence sources and methods, the voluntary criteria, stand-
14 ards, ratings, and other measures developed pursuant to
15 subsection (a) on a publicly accessible page on the website
16 of the NTIA and in the Federal Register.

17 (c) PERIODIC REVIEW AND UPDATE.—Not less fre-
18 quently than every 4 years, the Under Secretary shall re-
19 view and update, if appropriate, the voluntary criteria,
20 standards, ratings, and other measures published under
21 subsection (b). Any such update shall be published as de-
22 scribed in subsection (b) not later than 14 days after the
23 date on which the update is completed.

24 (d) CONSIDERATION.—In developing, and periodically
25 updating, voluntary criteria, standards, ratings, and other

1 measures under this section, the Under Secretary shall
2 take into consideration the unique technical and oper-
3 ational characteristics of different Federal systems.

4 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion may be construed to provide authority for the estab-
6 lishment of any—

7 (1) mandatory criteria, standards, ratings, or
8 other measures; or

9 (2) voluntary criteria, standards, ratings, or
10 other measures with technical parameters not deter-
11 mined by the Under Secretary.

12 (f) DEFINITIONS.—In this section:

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

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

1 (3) WORKING GROUP.—The term “working
2 group” means the working group convened under
3 subsection (a)(1).

4 **TITLE III—OFFICE OF INTERNET**
5 **CONNECTIVITY AND GROWTH**

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

7 (a) NATIONAL STRATEGY.—

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

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

19 (B) synchronize interagency coordination
20 among covered agencies for Federal broadband
21 programs;

22 (C) synchronize interagency coordination
23 regarding the process for approving the grant
24 of an easement, right of way, or lease to, in,
25 over, or on a building or any other property

owned by the Federal Government for the right to install, construct, modify, or maintain infrastructure with respect to broadband internet access service; and

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

(2) REQUIRED CONTENTS.—The Strategy shall—

(A) list all—

(i) Federal broadband programs; and

(ii) programs known to the NTIA that exist at the State and local levels that are directly or indirectly intended to increase the deployment of, access to, the affordability of, or the adoption of broadband internet access service;

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

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

1 (D) establish clear roles and responsibil-
2 ities for the heads of the covered agencies, as
3 well as clear goals, objectives, and performance
4 measures, for—

5 (i) the management of all Federal
6 broadband programs; and

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

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

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

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

1 (i) distribute, and effectively admin-
2 ister, funding received from Federal
3 broadband programs; and

4 (ii) resolve conflicts with respect to
5 the funding described in clause (i);

6 (H) recommend incentives, legislative solu-
7 tions, and administrative actions to—

8 (i) improve the coordination and man-
9 agement of Federal broadband programs;
10 and

11 (ii) eliminate duplication with respect
12 to Federal broadband programs;

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

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

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

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

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

8 (B) subject matter experts;

9 (C) providers of broadband internet access
10 service;

11 (D) Tribal entities; and

12 (E) State and local agencies and entities.

13 (b) IMPLEMENTATION PLAN.—

14 (1) IN GENERAL.—Not later than 240 days
15 after the date on which the Under Secretary submits
16 the Strategy to the appropriate committees of Con-
17 gress under subsection (a)(1), the Under Secretary,
18 in consultation with the heads of the covered agen-
19 cies, shall develop and submit to the appropriate
20 committees of Congress an implementation plan for
21 the Strategy.

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

24 (A) provide a plan for implementing the
25 roles, responsibilities, goals, objectives, and per-

1 formance measures for the management of Fed-
2 eral broadband programs and interagency co-
3 ordination efforts identified in the Strategy;

4 (B) provide a plan for coordinating with
5 covered agencies on the roles, responsibilities,
6 goals, objectives, and performance measures
7 identified in the Strategy;

8 (C) describe the roles and responsibilities
9 of the covered agencies, and the interagency
10 mechanisms, to coordinate the implementation
11 of the Strategy;

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

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

1 (F) with respect to the awarding of Fed-
2 eral funds or subsidies to support the deploy-
3 ment of broadband internet access service, pro-
4 vide a plan for the adoption of—

5 (i) common data sets to use when
6 making awards, including a requirement
7 that covered agencies use the maps created
8 under title VIII of the Communications
9 Act of 1934 (47 U.S.C. 641 et seq.); and

10 (ii) applications regarding those
11 awards, as described in section 903(e) of
12 the ACCESS BROADBAND Act (47
13 U.S.C. 1307(e));

14 (G) provide a plan to monitor and reduce
15 waste, fraud, and abuse in Federal broadband
16 programs, including wasteful spending resulting
17 from fragmented, overlapping, and unneces-
18 sarily duplicative programs;

19 (H) require consistent obligation and ex-
20 penditure reporting by covered agencies for
21 Federal broadband programs, which shall be
22 consistent with section 903(c)(2) of the AC-
23 CESS BROADBAND Act (47 U.S.C.
24 1307(c)(2));

25 (I) provide a plan to—

1 (i) increase awareness of, and partici-
2 pation and enrollment in, Federal
3 broadband programs relating to the afford-
4 ability and adoption of broadband internet
5 access service;

6 (ii) adopt common data sets to evalu-
7 ate the performance of such Federal
8 broadband programs and make such data
9 sets available as open Government data as-
10 sets; and

11 (iii) address barriers to participation
12 in such Federal broadband programs for
13 eligible households;

14 (J) provide a plan to monitor the service
15 offerings, consistency, and quality of broadband
16 internet access service supported by Federal
17 broadband programs; and

18 (K) describe the administrative and legisla-
19 tive action that is necessary to carry out the
20 Strategy.

21 (3) PUBLIC COMMENT.—Not later than 30 days
22 after the date on which the Under Secretary submits
23 the Strategy to the appropriate committees of Con-
24 gress under subsection (a)(1), the Under Secretary

1 shall seek public comment regarding the develop-
2 ment and execution of the Implementation Plan.

3 (c) BRIEFINGS AND IMPLEMENTATION.—

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

13 (2) IMPLEMENTATION.—The Under Secretary
14 shall—

15 (A) implement the Strategy in accordance
16 with the terms of the Implementation Plan; and

17 (B) not later than 90 days after the date
18 on which the Under Secretary begins to imple-
19 ment the Strategy, and not less frequently than
20 once every 90 days thereafter until the date on
21 which the Implementation Plan is fully imple-
22 mented, brief the appropriate committees of
23 Congress on the progress in implementing the
24 Implementation Plan.

1 (d) GOVERNMENT ACCOUNTABILITY OFFICE STUDY
2 AND REPORT.—

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

5 (A) examine the efficacy of the Strategy
6 and the Implementation Plan in closing the dig-
7 ital divide; and

8 (B) make recommendations regarding how
9 to improve the Strategy and the Implementa-
10 tion Plan.

11 (2) REPORT.—Not later than 1 year after the
12 date on which the Under Secretary submits the Im-
13 plementation Plan to the appropriate committees of
14 Congress under subsection (b)(1), the Comptroller
15 General shall submit to the appropriate committees
16 of Congress a report on the results of the study con-
17 ducted under paragraph (1).

18 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion may be construed to affect the authority or jurisdic-
20 tion of the Commission or confer upon the Under Sec-
21 retary or any executive agency the power to direct the ac-
22 tions of the Commission, either directly or indirectly.

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

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) REQUIREMENT TO REPORT.—The Asso-
22 ciate Administrator shall report to the Under Sec-
23 retary (or a designee of the Under Secretary).

24 “(c) DUTIES.—

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

6 “(2) PARTICULAR DUTIES.—In carrying out
7 paragraph (1), the Associate Administrator shall, at
8 the direction of the Under Secretary—

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

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

21 “(C) coordinate transparent, consensus-
22 based, multistakeholder processes to create
23 guidance for and to support the development
24 and implementation of cybersecurity and pri-

1 vacy policies with respect to the internet and
2 other communications networks;

3 “(D) promote increased collaboration be-
4 tween security researchers and providers of
5 communications services and software system
6 developers;

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

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

18 “(G) present security of the digital econ-
19 omy and infrastructure and cybersecurity policy
20 efforts before the Commission, Congress, and
21 elsewhere;

22 “(H) provide advice and assistance to the
23 Under Secretary in carrying out the policy re-
24 sponsibilities of the NTIA with respect to cyber-
25 security policy matters, including the evaluation

1 of the impact of cybersecurity matters pending
2 before the Commission, other Federal agencies,
3 and Congress;

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

10 “(J) develop policies to accelerate innova-
11 tion and commercialization with respect to ad-
12 vances in technological understanding of com-
13 munications technologies;

14 “(K) identify barriers to trust, security, in-
15 novation, and commercialization with respect to
16 communications technologies, including access
17 to capital and other resources, and ways to
18 overcome such barriers;

19 “(L) provide public access to relevant data,
20 research, and technical assistance on innovation
21 and commercialization with respect to commu-
22 nications technologies, consistent with the pro-
23 tection of classified information;

24 “(M) strengthen collaboration on and co-
25 ordination of policies relating to innovation and

1 commercialization with respect to communica-
2 tions technologies, including policies focused on
3 the needs of small businesses and rural commu-
4 nities—

5 “(i) within the Department of Com-
6 merce;

7 “(ii) between the Department of Com-
8 merce and State government agencies, as
9 appropriate; and

10 “(iii) between the Department of
11 Commerce and the Commission or any
12 other Federal agency the Under Secretary
13 determines to be necessary; and

14 “(N) solicit and consider feedback from
15 small and rural communications service pro-
16 viders, as appropriate.”.

17 **SEC. 402. ECONOMIC COMPETITIVENESS OF INFORMATION**
18 **AND COMMUNICATION TECHNOLOGY SUPPLY**
19 **CHAIN.**

20 (a) REPORT.—Not later than 1 year after the date
21 of the enactment of this Act, the Secretary shall submit
22 to the Committee on Energy and Commerce of the House
23 of Representatives and the Committee on Commerce,
24 Science, and Transportation of the Senate a report on the

1 information and communication technology supply chain
2 that—

3 (1) identifies—

4 (A) information and communication tech-
5 nology critical to the economic competitiveness
6 of the United States; and

7 (B) the industrial capacity of—

8 (i) United States vendors that
9 produce information and communication
10 technology identified under subparagraph
11 (A); and

12 (ii) trusted information and commu-
13 nication technology vendors that produce
14 information and communication technology
15 identified under subparagraph (A);

16 (2) assesses the economic competitiveness of
17 vendors described under paragraph (1)(B);

18 (3) assesses whether, and to what extent, there
19 is a dependence by providers of advanced tele-
20 communications capability in the United States on
21 information and communication technology identified
22 under paragraph (1)(A) that is not trusted;

23 (4) identifies—

24 (A) what actions by the Federal Govern-
25 ment are needed to support, and bolster the

1 economic competitiveness of, trusted informa-
2 tion and communication technology vendors;
3 and

4 (B) what Federal resources are needed to
5 reduce dependence by providers of advanced
6 telecommunications capability in the United
7 States on companies that—

8 (i) produce information and commu-
9 nication technology; and

10 (ii) are not trusted; and

11 (5) defines lines of effort and assigns respon-
12 sibilities for a whole-of-Government response to en-
13 suring the competitiveness of the information and
14 communication technology supply chain in the
15 United States.

16 (b) WHOLE-OF-GOVERNMENT STRATEGY.—

17 (1) IN GENERAL.—The Secretary shall develop,
18 on the basis of the report required by subsection (a),
19 a whole-of-Government strategy to ensure the eco-
20 nomic competitiveness of trusted information and
21 communication technology vendors that includes—

22 (A) recommendations on how—

23 (i) to strengthen the structure, re-
24 sources, and authorities of the Federal
25 Government to support the economic com-

1 petitiveness of trusted information and
2 communication technology vendors, includ-
3 ing United States vendors that are trusted
4 information and communication technology
5 vendors; and

6 (ii) the Federal Government can ad-
7 dress any barriers to a market-based solu-
8 tion for increasing the economic competi-
9 tiveness of such information and commu-
10 nication technology vendors;

11 (B) defined lines of effort and responsibil-
12 ities for Federal agencies to implement the
13 strategy; and

14 (C) a description of—

15 (i) any change to a Federal program,
16 Federal law, or structure of the Federal
17 Government necessary to implement any
18 recommendation under subparagraph (A);
19 and

20 (ii) any additional Federal resource
21 necessary to implement any recommenda-
22 tion under subparagraph (A).

23 (2) REPORT.—Not later than 180 days after
24 the submission of the report required by subsection
25 (a), the Secretary shall submit to the Committee on

1 Energy and Commerce of the House of Representa-
2 tives and the Committee on Commerce, Science, and
3 Transportation of the Senate a report containing the
4 strategy developed under paragraph (1).

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

7 (1) a cross-section of trusted information and
8 communication technology vendors; and

9 (2) the Secretary of State, the Secretary of
10 Homeland Security, the Attorney General, the Direc-
11 tor of National Intelligence, the Secretary of De-
12 fense, the Chair of the Commission, and any other
13 head of an agency the Secretary determines nec-
14 essary.

15 (d) DEFINITIONS.—In this section:

16 (1) ADVANCED TELECOMMUNICATIONS CAPA-
17 BILITY.—The term “advanced telecommunications
18 capability” has the meaning given that term in sec-
19 tion 706(d) of the Telecommunications Act of 1996
20 (47 U.S.C. 1302(d)).

21 (2) INFORMATION AND COMMUNICATION TECH-
22 NOLOGY.—The term “information and communica-
23 tion technology” means a technology (including soft-
24 ware), component, or material that enables commu-
25 nications by radio or wire.

1 (3) INFORMATION AND COMMUNICATION TECH-
2 NOLOGY SUPPLY CHAIN.—The term “information
3 and communication technology supply chain” means
4 all of the companies that produce information and
5 communication technology.

6 (4) NOT TRUSTED.—The term “not trusted”
7 means, with respect to a company or information
8 and communication technology, that the company or
9 information and communication technology is deter-
10 mined by the Secretary to pose an unacceptable risk
11 to the national security of the United States or the
12 security and safety of United States persons based
13 solely on one or more determinations described
14 under paragraphs (1) through (4) of section 2(c) of
15 the Secure and Trusted Communications Networks
16 Act of 2019 (47 U.S.C. 1601(c)).

17 (5) SECRETARY.—The term “Secretary” means
18 the Secretary of Commerce, acting through the
19 Under Secretary.

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

23 (7) TRUSTED INFORMATION AND COMMUNICA-
24 TION TECHNOLOGY VENDOR.—The term “trusted in-

1 formation and communication technology vendor”
2 means a company—

3 (A) that produces information and commu-
4 nication technology; and

5 (B) that is trusted.

6 **SEC. 403. DIGITAL ECONOMY AND CYBERSECURITY BOARD**
7 **OF ADVISORS.**

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

13 **“SEC. 110A. DIGITAL ECONOMY AND CYBERSECURITY**
14 **BOARD OF ADVISORS.**

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

18 “(b) DUTIES.—The Board shall provide to the Under
19 Secretary recommendations (for implementation by the
20 Under Secretary or that the Under Secretary could rec-
21 ommend for implementation by other appropriate entities)
22 with respect to the following:

23 “(1) Technical cybersecurity best practices that
24 enable economic growth while securing information
25 and communications networks, including practices

1 that Federal and non-Federal entities can implement
2 to secure internet routing protocols, including the
3 Border Gateway Protocol used by Federal and non-
4 Federal entities.

5 “(2) Cybersecurity policies to support the devel-
6 opment and implementation of cybersecurity prac-
7 tices with respect to the internet and information
8 and communications networks.

9 “(3) Policies that foster collaboration through
10 public-private partnerships to promote the security
11 and resilience to cybersecurity incidents of informa-
12 tion and communications networks while fostering
13 innovation, including policies that promote secure
14 supply chains for information and communications
15 networks.

16 “(4) Policies to remove barriers to trust, secu-
17 rity, innovation, and commercialization with respect
18 to information and communications networks.

19 “(c) MEMBERS.—

20 “(1) COMPOSITION.—

21 “(A) IN GENERAL.—The Board shall be
22 composed of not fewer than 5, and not more
23 than 25, members appointed by the Under Sec-
24 retary.

1 “(B) EXPERTISE.—Each member of the
2 Board shall have cybersecurity or supply chain
3 security technical expertise, cybersecurity or
4 supply chain security policy expertise, or exper-
5 tise in managing or overseeing the cybersecurity
6 or supply chain security functions of a business.

7 “(C) REPRESENTATION.—In appointing
8 members of the Board under subparagraph (A),
9 the Under Secretary shall ensure that the mem-
10 bers appointed provide a balanced representa-
11 tion of the following:

12 “(i) Chief cybersecurity officers or
13 other qualified individuals employed in cy-
14 bersecurity positions, representing both the
15 public and private sectors.

16 “(ii) Persons who operate or maintain
17 information and communications networks,
18 including persons who operate or maintain
19 small or rural information and communica-
20 tions networks.

21 “(iii) Vendors that produce or provide
22 equipment used in information and com-
23 munications networks.

1 “(iv) Vendors that produce or provide
2 software used in information and commu-
3 nications networks.

4 “(v) Persons who operate or maintain
5 internet applications.

6 “(2) TERMS.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraphs (C) and (D), each member of
9 the Board shall be appointed for a term of a
10 length not to exceed 2 years, to be determined
11 by the Under Secretary.

12 “(B) REAPPOINTMENT.—A member of the
13 Board, including a member appointed to fill a
14 vacancy as provided in subparagraph (D), may
15 be reappointed for 1 or more additional terms
16 by the Under Secretary.

17 “(C) REMOVAL.—The Under Secretary
18 may remove a member of the Board at the dis-
19 cretion of the Under Secretary.

20 “(D) VACANCY.—Any member of the
21 Board appointed to fill a vacancy occurring be-
22 fore the expiration of the term for which the
23 predecessor of the member was appointed shall
24 be appointed only for the remainder of such
25 term. A vacancy in the Board shall be filled in

1 the manner in which the original appointment
2 was made.

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

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

8 “(d) SUBCOMMITTEES.—

9 “(1) AUTHORITY.—Subject to the approval of
10 the Under Secretary, as the Under Secretary deter-
11 mines necessary for the performance by the Board
12 of the duties described in subsection (b), the Board
13 may establish subcommittees, working groups,
14 standing committees, ad hoc groups, task groups, or
15 other subgroups of the Board.

16 “(2) LIMITATION.—Any subcommittee, working
17 group, standing committee, ad hoc group, task
18 group, or other subgroup of the Board established
19 under paragraph (1)—

20 “(A) shall report to the Board; and

21 “(B) may not provide any advice, rec-
22 ommendation, or other work product directly to
23 the Under Secretary.

24 “(e) TERMINATION.—Notwithstanding section 1013
25 of title 5, United States Code, the Board shall terminate

1 on the date that is 4 years after the date of the enactment
2 of this section.

3 “(f) DEFINITIONS.—In this section:

4 “(1) BORDER GATEWAY PROTOCOL.—The term
5 ‘Border Gateway Protocol’ means the routing pro-
6 tocol used to exchange network reachability informa-
7 tion among independently managed networks on the
8 internet.

9 “(2) INFORMATION AND COMMUNICATIONS NET-
10 WORK.—The term ‘information and communications
11 network’ means a network that provides advanced
12 telecommunications capability (as defined in section
13 706(d) of the Telecommunications Act of 1996 (47
14 U.S.C. 1302(d))).”.

15 **SEC. 404. CYBERSECURITY LITERACY.**

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

20 (b) IN GENERAL.—The Under Secretary shall de-
21 velop and conduct a cybersecurity literacy campaign
22 (which shall be available in multiple languages and for-
23 mats, if practicable) to increase the knowledge and aware-
24 ness of individuals in the United States with respect to
25 best practices to reduce cybersecurity risks.

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

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

6 (A) instructing such individuals on how to
7 identify—

8 (i) phishing emails and messages; and

9 (ii) secure websites;

10 (B) instructing such individuals about the
11 benefits of changing default passwords on hard-
12 ware and software technology;

13 (C) encouraging the use of cybersecurity
14 tools, including—

15 (i) multi-factor authentication;

16 (ii) complex passwords;

17 (iii) anti-virus software;

18 (iv) patching and updating software
19 and applications; and

20 (v) virtual private networks;

21 (D) identifying the devices that could pose
22 possible cybersecurity risks, including—

23 (i) personal computers;

24 (ii) smartphones;

25 (iii) tablets;

- 1 (iv) Wi-Fi routers;
- 2 (v) smart home appliances;
- 3 (vi) webcams;
- 4 (vii) internet-connected monitors; and
- 5 (viii) any other device that can be con-
- 6 nected to the internet, including mobile de-
- 7 vices other than smartphones and tablets;
- 8 (E) encouraging such individuals to—
- 9 (i) regularly review mobile application
- 10 permissions;
- 11 (ii) decline privilege requests from mo-
- 12 bile applications that are unnecessary;
- 13 (iii) download applications only from
- 14 trusted vendors or sources; and
- 15 (iv) consider a product’s life cycle and
- 16 the developer or manufacturer’s commit-
- 17 ment to providing security updates during
- 18 a connected device’s expected period of use;
- 19 and
- 20 (F) identifying the potential cybersecurity
- 21 risks of using publicly available Wi-Fi networks
- 22 and the methods a user may utilize to limit
- 23 such risks; and

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

4 **SEC. 405. UNDERSTANDING CYBERSECURITY OF MOBILE**
5 **NETWORKS.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of the enactment of this Act, the Under Secretary,
8 in consultation with the Department of Homeland Secu-
9 rity, shall submit to the Committee on Energy and Com-
10 merce of the House of Representatives and the Committee
11 on Commerce, Science, and Transportation of the Senate
12 a report examining the cybersecurity of mobile service net-
13 works and the vulnerability of such networks and mobile
14 devices to cyberattacks and surveillance conducted by ad-
15 versaries.

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

18 (1) An assessment of the degree to which pro-
19 viders of mobile service have addressed, are address-
20 ing, or have not addressed cybersecurity
21 vulnerabilities (including vulnerabilities the exploi-
22 tation of which could lead to surveillance conducted
23 by adversaries) identified by academic and inde-
24 pendent researchers, multistakeholder standards and

1 technical organizations, industry experts, and Fed-
2 eral agencies, including in relevant reports of—

3 (A) the NTIA;

4 (B) the National Institute of Standards
5 and Technology; and

6 (C) the Department of Homeland Security,
7 including—

8 (i) the Cybersecurity and Infrastruc-
9 ture Security Agency; and

10 (ii) the Science and Technology Direc-
11 torate.

12 (2) A discussion of—

13 (A) the degree to which customers (includ-
14 ing consumers, companies, and government
15 agencies) consider cybersecurity as a factor
16 when considering the purchase of mobile service
17 and mobile devices; and

18 (B) the commercial availability of tools,
19 frameworks, best practices, and other resources
20 for enabling such customers to evaluate cyber-
21 security risk and price tradeoffs.

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

1 (4) An estimate and discussion of the preva-
2 lence and efficacy of encryption and authentication
3 algorithms and techniques used in each of the fol-
4 lowing:

5 (A) Mobile service.

6 (B) Mobile communications equipment or
7 services.

8 (C) Commonly used mobile phones and
9 other mobile devices.

10 (D) Commonly used mobile operating sys-
11 tems and communications software and applica-
12 tions.

13 (5) A discussion of the barriers for providers of
14 mobile service to adopt more efficacious encryption
15 and authentication algorithms and techniques and to
16 prohibit the use of older encryption and authentica-
17 tion algorithms and techniques with established
18 vulnerabilities in mobile service, mobile communica-
19 tions equipment or services, and mobile phones and
20 other mobile devices.

21 (6) An estimate and discussion of the preva-
22 lence, usage, and availability of technologies that au-
23 thenticate legitimate mobile service and mobile com-
24 munications equipment or services to which mobile
25 phones and other mobile devices are connected.

1 (7) An estimate and discussion of the preva-
2 lence, costs, commercial availability, and usage by
3 adversaries in the United States of cell site simula-
4 tors (often known as international mobile subscriber
5 identity catchers) and other mobile service surveil-
6 lance and interception technologies.

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

10 (1) the Commission;

11 (2) the National Institute of Standards and
12 Technology;

13 (3) the intelligence community;

14 (4) the Cybersecurity and Infrastructure Secu-
15 rity Agency of the Department of Homeland Secu-
16 rity;

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

19 (6) academic and independent researchers with
20 expertise in privacy, encryption, cybersecurity, and
21 network threats;

22 (7) participants in multistakeholder standards
23 and technical organizations (including the 3rd Gen-
24 eration Partnership Project and the Internet Engi-
25 neering Task Force);

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

3 (9) providers of mobile service, including small
4 providers (or the representatives of such providers)
5 and rural providers (or the representatives of such
6 providers);

7 (10) manufacturers, operators, and providers of
8 mobile communications equipment or services and
9 mobile phones and other mobile devices;

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

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

14 (d) SCOPE OF REPORT.—The Under Secretary
15 shall—

16 (1) limit the report required by subsection (a)
17 to mobile service networks;

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

20 (3) limit the assessment required by subsection
21 (b)(1) to vulnerabilities that have been shown to
22 be—

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

24 (B) feasibly and practicably exploitable in
25 real-world conditions; and

(4) consider in the report required by subsection (a) vulnerabilities that have been effectively mitigated by manufacturers of mobile phones and other mobile devices.

(e) FORM OF REPORT.—

(1) CLASSIFIED INFORMATION.—The report required by subsection (a) shall be produced in unclassified form but may contain a classified annex.

(2) POTENTIALLY EXPLOITABLE UNCLASSIFIED INFORMATION.—The Under Secretary shall redact potentially exploitable unclassified information from the report required by subsection (a) but shall provide an unredacted form of the report to the committees described in such subsection.

(f) DEFINITIONS.—In this section:

(1) ADVERSARY.—The term “adversary” includes—

(A) any unauthorized hacker or other intruder into a mobile service network; and

(B) any foreign government or foreign nongovernment person engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons.

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

4 (3) INTELLIGENCE COMMUNITY.—The term
5 “intelligence community” has the meaning given
6 that term in section 3 of the National Security Act
7 of 1947 (50 U.S.C. 3003).

8 (4) MOBILE COMMUNICATIONS EQUIPMENT OR
9 SERVICE.—The term “mobile communications equip-
10 ment or service” means any equipment or service
11 that is essential to the provision of mobile service.

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

15 (A) Commercial mobile service (as defined
16 in section 332(d) of the Communications Act of
17 1934 (47 U.S.C. 332(d))).

18 (B) Commercial mobile data service (as de-
19 fined in section 6001 of the Middle Class Tax
20 Relief and Job Creation Act of 2012 (47 U.S.C.
21 1401)).

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

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

1 (A) an individual who is a United States
 2 citizen or an alien lawfully admitted for perma-
 3 nent residence to the United States;

4 (B) an entity organized under the laws of
 5 the United States or any jurisdiction within the
 6 United States, including a foreign branch of
 7 such an entity; or

8 (C) any person in the United States.

9 **SEC. 406. OPEN RAN OUTREACH.**

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

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

16 (2) regarding participation in the grant pro-
 17 gram established under section 9202(a)(1) of the
 18 William M. (Mac) Thornberry National Defense Au-
 19 thorization Act for Fiscal Year 2021 (47 U.S.C.
 20 906(a)(1)).

21 (b) DEFINITIONS.—In this section:

22 (1) UNDER SECRETARY.—The term “Under
 23 Secretary” means the Under Secretary, acting
 24 through the head of the Office of Internet
 25 Connectivity and Growth.

1 (2) OPEN NETWORK ARCHITECTURE.—The
 2 term “open network architecture” means Open RAN
 3 networks and other network elements that follow a
 4 set of published open standards for multi-vendor
 5 network equipment interoperability, including open
 6 core and open transport.

7 (3) OPEN RAN NETWORK.—The term “Open
 8 RAN network” means a wireless network that fol-
 9 lows the Open Radio Access Network architecture
 10 and published open standards for multi-vendor net-
 11 work equipment interoperability.

12 **TITLE V—OFFICE OF PUBLIC** 13 **SAFETY COMMUNICATIONS**

14 **SEC. 501. ESTABLISHMENT OF THE OFFICE OF PUBLIC** 15 **SAFETY COMMUNICATIONS.**

16 Part A of the National Telecommunications and In-
 17 formation Administration Organization Act (47 U.S.C.
 18 901 et seq.), as amended by the preceding provisions of
 19 this Act, is further amended by adding at the end the fol-
 20 lowing:

21 **“SEC. 110B. ESTABLISHMENT OF THE OFFICE OF PUBLIC** 22 **SAFETY COMMUNICATIONS.**

23 “(a) ESTABLISHMENT.—There is established within
 24 the NTIA an Office of Public Safety Communications (in
 25 this section 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 Public Safe-
4 ty Communications (in this section referred to as the
5 ‘Associate Administrator’).

6 “(2) REQUIREMENT TO REPORT.—The Asso-
7 ciate Administrator shall report to the Under Sec-
8 retary (or a designee of the Under Secretary).

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 the
7 studies carried out by the Federal Government relat-
8 ing to enhancing public safety communications;

9 “(6) coordinate with the head of the Institute
10 of Telecommunication Sciences with respect to the
11 initiative established under section 108(b);

12 “(7) communicate public safety communications
13 policies to public entities, including the Commission
14 and Congress, or private entities; and

15 “(8) carry out any duties regarding the respon-
16 sibilities of the NTIA with respect to public safety
17 communications policy as the Under Secretary may
18 designate.

19 “(d) COORDINATION.—The Associate Administrator
20 shall, as the Under Secretary determines applicable, co-
21 ordinate with Federal, State, local, and tribal government
22 entities that are engaged in public safety communications
23 in carrying out the duties of the Office.”.

**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) REQUIREMENT TO REPORT.—The Associate Administrator shall report to the Under Secretary (or a designee of the Under Secretary).

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

“(1) in coordination with the Secretary of State, conduct analysis of, review, and formulate

1 international telecommunications and information
2 policy;

3 “(2) present on international telecommuni-
4 cations and information policy—

5 “(A) before the Commission, Congress,
6 and others; and

7 “(B) in coordination with the Secretary of
8 State, before international telecommunications
9 bodies, including the International Tele-
10 communication Union;

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) in coordination with the Secretary of
19 State, coordinate NTIA and interdepartmental eco-
20 nomic, technical, operational, and other preparations
21 related to participation by the United States in
22 international telecommunications and information
23 policy conferences and negotiations;

24 “(6) ensure NTIA representation with respect
25 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, at the request of the Secretary,
21 the responsibilities of the Secretary under the Com-
22 munications Satellite Act of 1962 (47 U.S.C. 701 et
23 seq.) and other Federal laws related to international
24 telecommunications and information policy; and

1 “(11) carry out any other duties of the NTIA
2 with respect to international telecommunications and
3 information policy that the Under Secretary may
4 designate.”.

5 **SEC. 602. ESTABLISHMENT OF INTERAGENCY NATIONAL**
6 **SECURITY REVIEW PROCESS.**

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

12 **“SEC. 110D. ESTABLISHMENT OF INTERAGENCY NATIONAL**
13 **SECURITY REVIEW PROCESS.**

14 “(a) ESTABLISHMENT AND TRANSITION.—

15 “(1) ESTABLISHMENT.—Not later than 180
16 days after the date of the enactment of this section,
17 the Under Secretary, in coordination with the head
18 of each appropriate Federal entity, shall develop and
19 issue procedures for, and establish, an interagency
20 review process (which shall include each appropriate
21 Federal entity) that considers the law enforcement
22 and national security policy implications of the ap-
23 proval of a covered application that may arise from
24 the foreign ownership interests held in the covered
25 applicant that submitted the covered application.

1 “(2) TRANSITION.—Upon establishment of the
2 review process under paragraph (1), the Committee
3 for the Assessment of Foreign Participation in the
4 United States Telecommunications Services Sector,
5 established by Executive Order 13913 (85 Fed. Reg.
6 19643), shall terminate.

7 “(b) APPLICABILITY.—Any covered application pend-
8 ing before the Commission that was submitted by a cov-
9 ered applicant that meets or exceeds the threshold foreign
10 ownership limit is subject to review under the review proc-
11 ess established pursuant to subsection (a).

12 “(c) PROCESS AND PROCEDURAL REQUIREMENTS.—

13 “(1) REFERRAL FOR REVIEW.—

14 “(A) REQUIREMENT FOR FCC TO REFER
15 COMPLETE APPLICATION.—The Commission
16 shall refer any covered application subject to
17 the review process established pursuant to sub-
18 section (a) to the Under Secretary promptly
19 after the Commission determines that the cov-
20 ered application, under the rules and regula-
21 tions of the Commission, is complete.

22 “(B) REFERRAL OF OTHER REQUESTS.—
23 The Commission may refer for review under the
24 review process established pursuant to sub-
25 section (a) any other request for action by the

1 Commission for which the Commission deter-
2 mines review is necessary under such process.

3 “(2) INTERAGENCY REVIEW DEADLINE; DETER-
4 MINATION.—

5 “(A) IN GENERAL.—Not later than 120
6 days after the date on which the Under Sec-
7 retary receives a referral from the Commission
8 pursuant to paragraph (1)—

9 “(i) the review of the covered applica-
10 tion or other request under the review
11 process established pursuant to subsection
12 (a) shall be completed; and

13 “(ii) the Under Secretary, in coordi-
14 nation with the head of each appropriate
15 Federal entity, shall make a determina-
16 tion—

17 “(I) to recommend to the Com-
18 mission that the Commission grant,
19 grant conditioned on mitigation, or
20 deny the covered application or other
21 request; or

22 “(II) that the Under Secretary
23 cannot make a recommendation with
24 respect to the covered application or
25 other request.

1 “(B) PRESIDENTIAL DETERMINATION.—If
2 the Under Secretary determines under subpara-
3 graph (A)(ii)(II) that the Under Secretary can-
4 not make a recommendation with respect to the
5 covered application or other request, the Presi-
6 dent, not later than 15 days after the Under
7 Secretary makes such determination, shall
8 make a determination to recommend to the
9 Commission that the Commission grant, grant
10 conditioned on mitigation, or deny the covered
11 application or other request.

12 “(C) EXTENSION.—The Under Secretary,
13 in coordination with the head of each appro-
14 priate Federal entity, may extend the deadline
15 described in subparagraph (A) an additional 45
16 days.

17 “(D) NOTIFICATION OF EXTENSION.—If
18 the Under Secretary, in coordination with the
19 head of each appropriate Federal entity, ex-
20 tends a deadline pursuant to subparagraph (C),
21 the Under Secretary shall provide notice of the
22 extension to the covered applicant or other re-
23 questing party, the Commission, Congress, and
24 any executive agency the Under Secretary de-
25 termines appropriate.

1 “(3) NOTIFICATION OF DETERMINATION.—Not
2 later than 7 days (excepting Saturdays, Sundays,
3 and legal holidays) after the Under Secretary or the
4 President (as the case may be) makes a determina-
5 tion under paragraph (2) to recommend that the
6 Commission grant, grant conditioned on mitigation,
7 or deny the application or other request, the Under
8 Secretary shall notify, in writing, the Commission
9 and the covered applicant or other requesting party
10 of the determination.

11 “(4) DISCLOSURE OF STATUS OF REVIEW.—Not
12 later than 5 days (excepting Saturdays, Sundays,
13 and legal holidays) after receiving an inquiry from a
14 covered applicant or other requesting party, the
15 Commission, Congress, or an appropriate executive
16 agency (as determined by the Under Secretary) for
17 an update with respect to the status of the review
18 of a relevant covered application or other request
19 that was referred by the Commission for review
20 under the review process established pursuant to
21 subsection (a), the Under Secretary, in coordination
22 with the head of each appropriate Federal entity,
23 shall provide, consistent with the protection of classi-
24 fied information and intelligence sources and meth-

1 ods, a complete and accurate written response to
2 such inquiry.

3 “(5) STANDARDIZATION OF INFORMATION RE-
4 QUIRED.—With respect to the review process estab-
5 lished pursuant to subsection (a), the Under Sec-
6 retary, in coordination with the Commission and the
7 head of each appropriate Federal entity, shall estab-
8 lish a list of questions requesting written informa-
9 tion from a covered applicant or other requesting
10 party that shall be made publicly available and post-
11 ed on the internet website of the NTIA. Such ques-
12 tions shall, to the maximum extent possible, be
13 standardized for any potential covered applicant or
14 other requesting party.

15 “(6) DEADLINE FOR PROVISION OF INFORMA-
16 TION REQUESTED.—Not later than 10 days (except-
17 ing Saturdays, Sundays, and legal holidays) after
18 the date on which the Under Secretary, in coordina-
19 tion with the head of each appropriate Federal enti-
20 ty, requests information from a covered applicant or
21 other requesting party, the covered applicant or
22 other requesting party shall submit, in writing, to
23 the NTIA complete and accurate responses.

24 “(d) CONFIDENTIALITY OF INFORMATION.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), any information or documentary material
3 provided to the Under Secretary under the review
4 process established pursuant to subsection (a) shall
5 be exempt from disclosure under section
6 552(b)(3)(B) of title 5, United States Code, and no
7 such information or documentary material may be
8 made public.

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

11 “(A) Information disclosed for purposes of
12 an administrative or judicial action or pro-
13 ceeding, subject to appropriate confidentiality
14 and classification requirements.

15 “(B) Information disclosed to Congress or
16 a duly authorized committee or subcommittee of
17 Congress, subject to appropriate confidentiality
18 and classification requirements.

19 “(C) Information disclosed to a domestic
20 governmental entity, or to a foreign govern-
21 mental entity of a United States ally or part-
22 ner, under the exclusive direction and author-
23 ization of the Under Secretary, only to the ex-
24 tent necessary for national security purposes
25 and subject to appropriate confidentiality and

1 classification requirements, including that con-
2 fidential information disclosed shall remain con-
3 fidential.

4 “(D) Information disclosed to a third party
5 by mutual agreement of each relevant covered
6 applicant and the Under Secretary, in consulta-
7 tion with appropriate Federal entities.

8 “(e) RULE OF CONSTRUCTION.—Except as provided
9 in subsection (d), nothing in this section may be construed
10 as limiting, superseding, or preventing the invocation of
11 any privileges or defenses that are otherwise available at
12 law or in equity to protect against the disclosure of infor-
13 mation.

14 “(f) DEFINITIONS.—In this section:

15 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term ‘appropriate congressional com-
17 mittees’ means the Committee on Energy and Com-
18 merce of the House of Representatives and the Com-
19 mittee on Commerce, Science, and Transportation of
20 the Senate.

21 “(2) APPROPRIATE FEDERAL ENTITIES.—The
22 term ‘appropriate Federal entities’ means the fol-
23 lowing:

24 “(A) The Department of Commerce.

25 “(B) The Department of Defense.

1 “(C) The Department of Homeland Secu-
2 rity.

3 “(D) The Department of Justice.

4 “(E) The Department of the Treasury.

5 “(F) The Department of State.

6 “(G) The United States Trade Representa-
7 tive.

8 “(H) The Executive Office of the Presi-
9 dent.

10 “(I) The Office of the Director of National
11 Intelligence.

12 “(3) CLASSIFIED INFORMATION.—The term
13 ‘classified information’ means any information or
14 material that has been determined by the Federal
15 Government pursuant to an Executive order, statute,
16 or regulation, to require protection against unau-
17 thorized disclosure for reasons of national security.

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

21 “(5) COVERED APPLICATION.—

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

24 “(i) an application under section
25 214(a) of the Communications Act of 1934

1 (47 U.S.C. 214(a)) for authorization to
2 undertake the construction of a new line or
3 of an extension of any line, or to acquire
4 or operate any line, or extension thereof, or
5 to engage in transmission over or by
6 means of such additional or extended line;

7 “(ii) an application under the Act ti-
8 tled ‘An Act relating to the landing and
9 operation of submarine cables in the
10 United States,’ approved May 27, 1921
11 (47 U.S.C. 34 et seq.; 42 Stat. 8) for—

12 “(I) a submarine cable landing li-
13 cense; or

14 “(II) an assignment, modifica-
15 tion, or transfer of control of a sub-
16 marine cable landing license; or

17 “(iii) an application for a new license,
18 or for the transfer, assignment, or disposal
19 of an existing license under section 310(d)
20 of the Communications Act of 1934 (47
21 U.S.C. 310(d)), that is—

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

1 “(II) eligible, under the rules of
2 the Commission, for forbearance
3 under section 10 of such Act (47
4 U.S.C. 160) from the application of
5 paragraph (3) of section 310(b) of
6 such Act (47 U.S.C. 310(b)).

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

9 “(i) An application described in sub-
10 paragraph (A) with respect to which the
11 applicant seeks to transfer, assign, or oth-
12 erwise dispose of an authorization or li-
13 cense to an entity that—

14 “(I) is owned or controlled by
15 such applicant;

16 “(II) owns or controls such appli-
17 cant; or

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

20 “(ii) An application described in sub-
21 paragraph (A) with respect to which the
22 applicant—

23 “(I) is an applicant that has been
24 previously approved under the review

1 process established pursuant to sub-
2 section (a); and

3 “(II) at the time of such applica-
4 tion does not have a level of foreign
5 ownership that is more than 10 per-
6 cent greater than the level of foreign
7 ownership of such applicant—

8 “(aa) except as provided in
9 item (bb), at any time such appli-
10 cant was previously approved
11 under the review process estab-
12 lished pursuant to subsection (a);
13 or

14 “(bb) if such applicant has
15 been subjected to the review
16 process established pursuant to
17 subsection (a) as a result of ex-
18 ceeding a level of foreign owner-
19 ship pursuant to this clause, at
20 the time such applicant was most
21 recently approved under such re-
22 view process after having been
23 subjected to such review process
24 as a result of exceeding a level of

1 foreign ownership pursuant to
2 this clause.

3 “(iii) An application described in sub-
4 paragraph (A)(i) that is domestic.

5 “(iv) An application described in sub-
6 paragraph (A) with respect to which the
7 foreign ownership interests of the applicant
8 are held by wholly owned intermediate
9 holding companies that are controlled by—

10 “(I) a citizen of the United
11 States; or

12 “(II) an entity organized under
13 the laws of the United States.

14 “(6) THRESHOLD FOREIGN OWNERSHIP
15 LIMIT.—The term ‘threshold foreign ownership limit’
16 means foreign ownership of, as applicable—

17 “(A) at least the amount determined by
18 the Commission under section 214(a) of the
19 Communications Act of 1934 (47 U.S.C.
20 214(a)), in the case of an application described
21 in paragraph (5)(A)(i) of this subsection;

22 “(B) any amount, in the case of an appli-
23 cation described in paragraph (5)(A)(ii) of this
24 subsection;

(b) APPLICABILITY.—This section, and the amendment made by this section, shall apply to any covered application (as such term is defined in section 110D of the National Telecommunications and Information Administration Organization Act, as added by subsection (a)) filed on or after the date on which the review process is established pursuant to such section 110D.

Attest: KEVIN F. MCCUMBER,
Clerk.