S. 4207

To reauthorize the spectrum auction authority of the Federal Communications Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2024

Ms. CANTWELL (for herself and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To reauthorize the spectrum auction authority of the Federal Communications Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Spectrum and National Security Act of 2024”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Sense of Congress.
Sec. 3. Definitions.

TITLE I—DEVELOPMENT OF SPECTRUM MAXIMIZING TECHNOLOGIES
It is the sense of Congress that—

(1) electromagnetic spectrum is a scarce, valuable resource that fuels the technological leadership of the United States globally, which supports the national security and critical operations of the United States;
(2) because spectrum is a finite and limited re-
source, the United States must invest in advanced
spectrum technologies, such as dynamic spectrum
sharing, to make the best use of spectrum to pro-
mote private sector innovation, and protect and fur-
ther the mission of Federal agencies;

(3) to retain the global technology leadership of
the United States, the United States must have an
accurate assessment of the current and future de-
mand for spectrum, and the tools to meet that de-
mand;

(4) ensuring a clear and fair process for Fed-
eral agencies to assess how to meet the demand for
spectrum and reauthorizing the spectrum auction
authority of the Commission will provide the tools
described in paragraph (3);

(5) as agreed to by both the Department of De-
fense and the National Telecommunications and In-
formation Administration in the National Spectrum
Strategy, an assessment of future spectrum demand,
the promotion of research and development on dy-
amic spectrum sharing and other new and emerg-
ing spectrum technologies, and support for a work-
force to support an advanced spectrum ecosystem
are critical for expanding the overall capacity,
usability, and efficiency of spectrum to enhance the competitiveness and national security of the United States; and

(6) a unified, forward-looking domestic spectrum policy is vital for enabling the United States to advocate effectively for its interests on the global stage, including at the International Telecommunication Union, against the competing spectrum policies advanced by foreign adversaries.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) DYNAMIC SPECTRUM SHARING.—The term “dynamic spectrum sharing” means a technique that enables multiple electromagnetic spectrum users to operate on the same frequencies in the same geographic area without causing harmful interference to other users by using capabilities that can adjust and optimize electromagnetic spectrum usage in real time or near-real time, consistent with defined regulations and policies for a particular spectrum band.

(3) SPECTRUM ADVISORY COUNCIL.—The term “Spectrum Advisory Council” has the meaning given the term in section 106(a) of the National Tele-
communications and Information Administration Organization Act, as added by section 201 of this Act.

(4) **UNDER SECRETARY.**—The term “Under Secretary” means the Under Secretary of Commerce for Communications and Information, as so designated by the amendment made by section 202(a).

**TITLE I—DEVELOPMENT OF SPECTRUM MAXIMIZING TECHNOLOGIES**

SEC. 101. NATIONAL SPECTRUM RESEARCH AND DEVELOPMENT PLAN.

(a) **DEFINITION.**—In this section, the term “Federal entity” has the meaning given the term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).

(b) **DYNAMIC SPECTRUM SHARING.**—

(1) **NATIONAL TESTBED.**—Not later than 18 months after the date of enactment of this Act, the Under Secretary shall establish, or coordinate with other Federal entities to establish or identify, a national testbed for dynamic spectrum sharing that—

(A) enables the identification of bands of Federal and non-Federal spectrum that can be accessed on a short-term basis for experimentation;
(B) considers specific areas for testing and measurement to improve future study efforts across spectrum bands, including researching and developing solutions that can be applied across a range of spectrum bands;

(C) is focused on developing technologically neutral approaches;

(D) enables Federal entities to work cooperatively with non-Federal entities, including industry entities, academic institutions, and research organizations, to objectively examine new technologies to improve spectrum management; and

(E) minimizes duplication of effort by synchronizing, to the extent practicable, with other relevant research and engineering activities underway across the Federal Government in areas including artificial intelligence, machine learning, zero-trust networks, data-source management, autonomy and autonomous systems, and advanced radar technologies.

(2) FUNDING.—The Under Secretary may use the funding provided under section 602(e)(1)(E) of this Act to establish the national testbed for dynamic spectrum sharing under paragraph (1).
(c) RESEARCH AND DEVELOPMENT PLAN.—The Office of Science and Technology Policy, in coordination with each member agency of the Spectrum Advisory Council, shall develop a National Spectrum Research and Development Plan that—

(1) identifies the key innovation areas for spectrum research and development, including dynamic spectrum sharing, artificial intelligence and machine learning techniques, and other emerging technologies for improving spectrum efficiency and innovation;

(2) establishes a process to refine and enhance the innovation areas identified under paragraph (1) on an ongoing basis;

(3) considers recommendations developed through the collaborative framework established under subsection (d)(1); and

(4) will encourage Federal entities to conduct spectrum-related testing and research in cooperation with the Institute for Telecommunication Sciences of the National Telecommunications and Information Administration.

(d) PUBLIC AND PRIVATE SECTOR COLLABORATIVE FRAMEWORK.—

(1) ESTABLISHMENT.—The Under Secretary, in coordination with the Commission, as appropriate,
shall establish a collaborative framework for coordination, technical exchange, and information sharing between Federal entities and non-Federal entities for purposes of short-term and long-term spectrum planning and management.

(2) REQUIREMENTS.—The collaborative framework established under paragraph (1) shall consider—

(A) leveraging Federal and non-Federal advisory groups that advise the Federal Government on spectrum planning or management, as appropriate;

(B) identifying new advisory groups that could be established to aid long-term spectrum planning;

(C) defining the interactions among the groups described in subparagraphs (A) and (B), including their roles and responsibilities and desired outputs;

(D) adhering to applicable interagency memoranda of understanding on spectrum planning or management;

(E) engaging with a variety of stakeholders, including unserved and historically un-
derserved populations, Tribal Nations, and the
Native Hawaiian community; and

(F) establishing a standardized submission
process for Federal entities and non-Federal en-
tities to provide information, on an ongoing
basis, regarding their current and projected fu-
ture spectrum needs.

(3) Evidence-based Spectrum Decision-
making.—The Under Secretary shall use the col-
laborative framework established under paragraph
(1) to develop best practices for conducting technical
and economic analyses that are—

(A) data-driven;

(B) science-based;

(C) peer-reviewed; and

(D) publicly available in an easily acces-
sible electronic format, to the extent prac-
ticable, with appropriate redactions for classi-
ified information, or other information reflecting
technical, procedural, or policy concerns that
are exempt from disclosure under section 552
of title 5, United States Code (commonly known
as the “Freedom of Information Act”).

(e) Promotion of Advanced Spectrum-Sharing
Technologies.—The Under Secretary shall help pro-
mote the development of advanced spectrum-sharing technologies, including dynamic spectrum sharing, by identifying, in coordination with the Commission—

(1) incentives for non-Federal development and use of such technologies; and

(2) mechanisms to incentivize non-Federal users to adopt such technologies.

SEC. 102. COMMON SHARING PLATFORM; INCUMBENT INFORMING CAPABILITY.

(a) IN GENERAL.—Part B of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) is amended by adding at the end the following:

“SEC. 120. INCUMBENT INFORMING CAPABILITY.

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

“(1) not later than 120 days after the date of enactment of this section, begin to amend the Department of Commerce spectrum management document entitled ‘Manual of Regulations and Procedures for Federal Radio Frequency Management’ so as to incorporate an incumbent informing capability; and

“(2) not later than 90 days after the date of enactment of this section, begin to implement such
capability, including initiating the development and
testing of such capability.

“(b) Establishment of the Incumbent Inform-
ing Capability.—

“(1) In general.—The incumbent informing
capability required by subsection (a) shall include a
system to enable sharing, including time-based shar-
ing and coordination, to securely manage spectrum
access to mitigate the risk of harmful interference
between non-Federal users and incumbent Federal
entities sharing a band of covered spectrum and be-
tween Federal entities sharing a band of covered
spectrum.

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

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

“(B) One or more mechanisms to facilitate
Federal-to-Federal sharing, as authorized by
the NTIA.
“(C) One or more mechanisms to prevent, eliminate, or mitigate harmful interference to and from incumbent Federal entities, including one or more of the following functions:

“(i) Sensing.
“(ii) Identification.
“(iii) Reporting.
“(iv) Analysis.
“(v) Resolution.

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

“(3) COMPLIANCE WITH COMMISSION RULES.—The incumbent informing capability required by subsection (a) shall ensure that use of covered spectrum is in accordance with the applicable rules of the Commission.

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

“(A) input into the system required by paragraph (1) such information as the Under Secretary may require, including the frequency, time, and location of the use of the band by the Federal entity; and
“(B) to the extent practicable, input the information into the system on an automated basis.

“(5) PROTECTION OF CLASSIFIED INFORMATION AND CONTROLLED UNCLASSIFIED INFORMATION.—

“(A) IN GENERAL.—The system required by paragraph (1) shall contain appropriate measures to protect classified information and controlled unclassified information, including any such classified information or controlled unclassified information that relates to Federal operations.

“(B) MECHANISM.—The Under Secretary shall develop a mechanism—

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

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

“(6) CONSULTATION.—

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

“(B) Stakeholder Feedback.—The Under Secretary shall solicit stakeholder feedback from Federal and non-Federal users of the incumbent informing capability, including on—

“(i) how best to mitigate risks to incumbent Federal users and missions;

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

“(iii) a process for incumbent Federal users to share complaints or report harmful interference and mission impact, including how the impact to Federal missions would be assessed.

“(c) Briefing.—Not later than December 16, 2024, and annually thereafter, the Under Secretary shall provide a briefing on the implementation and operation of the incumbent informing capability to—

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

“(2) the Committee on Energy and Commerce of the House of Representatives.
“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or expand the authority of the NTIA as described in section 113(j)(1).

“(e) DEFINITIONS.—In this section:

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

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

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

“(2) FEDERAL ENTITY.—The term ‘Federal entity’ has the meaning given the term in section 113(l).

“(3) INCUMBENT INFORMING CAPABILITY.—The term ‘incumbent informing capability’ means a capability to facilitate the sharing of covered spectrum.”.
(b) FUNDING.—On the date of enactment of this Act, the Director of the Office of Management and Budget shall transfer $120,000,000 from the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) to the National Telecommunications and Information Administration for the purpose of establishing the incumbent informing capability under section 120 of that Act, as added by subsection (a).

TITLE II—EXERTING UNITED STATES SPECTRUM LEADERSHIP

SEC. 201. EMPOWERING FEDERAL AGENCIES IN THE MANAGEMENT OF THEIR SPECTRUM.

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

“SEC. 106. IMPROVING SPECTRUM MANAGEMENT.

“(a) DEFINITIONS.—In this section:

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

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

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

“(4) SPECTRUM ACTION.—The term ‘spectrum action’ means any proposed action by the Commission to reallocate radio frequency spectrum that—

“(A) is anticipated to result in—

“(i) a system of competitive bidding conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)); or

“(ii) some other form of licensing; and

“(B) could potentially impact the spectrum operations of a Federal entity.

“(5) SPECTRUM ADVISORY COUNCIL.—The term ‘Spectrum Advisory Council’ means the interagency advisory body established under the memorandum of the President entitled ‘Memorandum on Modernizing United States Spectrum Policy and Establishing a National Spectrum Strategy’, issued on November 13, 2023, or any successor interagency advisory body.
“(b) FEDERAL COORDINATION PROCEDURES.—

“(1) RESPONSIBILITIES OF NTIA.—The Under Secretary shall—

“(A) ensure, in coordination with the Spectrum Advisory Council and, as appropriate, the Interdepartment Radio Advisory Committee, that the views of the executive branch on spectrum matters are properly—

“(i) developed;

“(ii) documented; and

“(iii) presented, as necessary, to the Commission and, as appropriate and in coordination with the Director of the Office of Management and Budget, to Congress, as required by sections 102(b)(6) and 103(b)(2)(J);

“(B) adhere to the terms of the Memorandum;

“(C) solicit views of affected Federal entities and provide those Federal entities with sufficient time and procedures to present their views and supporting technical information to the NTIA;

“(D) provide affected Federal entities with timely written feedback explaining why and how
their views will be taken into account in the position that the NTIA communicates to the Commission;

“(E) facilitate the presentation by affected Federal entities of classified or otherwise sensitive views to the Commission;

“(F) develop the position of the executive branch on issues related to spectrum, including any supporting technical and operational information to facilitate decision-making by the Commission;

“(G) provide the position described in subparagraph (F) to the Commission; and

“(H) provide the position described in subparagraph (F) within the applicable timelines established by the Commission or, as needed, request additional time from the Commission.

“(2) Process for addressing non-consensus views.—If a Federal entity and the Under Secretary are unable to reach consensus on the views concerning Federal spectrum matters to be presented to the Commission, the Under Secretary shall—
“(A) notify the Commission of the lack of consensus and the anticipated next steps and timing to resolve the dispute;

“(B) request the joint assistance of the Secretary and the head of the Federal entity objecting to the proposed submission to the Commission to find a mutually agreeable resolution; and

“(C) keep the Commission informed, as appropriate, regarding anticipated next steps and the timing of resolution.

“(3) SECONDARY PROCESS FOR ADDRESSING NON-CONSENSUS.—If a Federal entity and the Under Secretary are unable to reach a mutually agreeable resolution under the process under paragraph (2)—

“(A) not later than 90 days after completing the process, the Under Secretary or the Federal entity may submit the dispute to the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy;

“(B) the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy, in consulta-
tion with the Director of the Office and Technology Policy and, if appropriate, the National Space Council, shall resolve the dispute through the interagency process described in the national security memorandum of the President entitled ‘Memorandum on Renewing the National Security Council System’, issued on February 4, 2021; and

“(C) the Under Secretary shall advise the Commission on the executive branch position following the adjudication and decision under the process described in this paragraph.

“(4) POST-COMMISSION ACTION PROCEDURES.—If the Commission takes a spectrum action to make spectrum available for non-Federal use and an affected Federal entity has knowledge, unforeseen before the Commission took the spectrum action, that the non-Federal use is causing or potentially will cause harmful interference to existing Federal operations or non-Federal operations that are regulated by the Federal entity—

“(A) not later than 45 days after the date on which the affected Federal entity learns of the unforeseen risk of harmful interference, the Federal entity may formally request that the
Under Secretary address the issue with the Commission for an appropriate remedy, which request shall—

“(i) clearly indicate the manner in which the public interest will be implicated or harmed or in which the mission of the Federal entity will be adversely affected;

“(ii) present evidence to the Under Secretary that the non-Federal use is causing or potentially will cause harmful interference or potential harm to the public interest, including any technical or scientific data that supports that position; and

“(iii) explain why the Federal entity cannot take steps to ensure mission continuity that are consistent with the spectrum action of the Commission;

“(B) if the Under Secretary believes that the affected Federal entity has produced sufficient evidence under subparagraph (A) that the non-Federal use will risk harmful interference that cannot be reasonably mitigated without Commission action, the Under Secretary, not later than 60 days after receiving the request from the Federal entity, shall address the Com-
mission under established processes under the Memorandum and, as applicable, the Practice and Procedure of the Commission under part 1 of title 47, Code of Federal Regulations, or any successor regulations, for seeking appropriate relief; and

“(C) if the Under Secretary concludes that there is not sufficient evidence to seek relief from the Commission, the affected Federal entity may follow the processes established under paragraphs (2) and (3) of this subsection.

“(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the disclosure of classified information, or other information reflecting technical, procedural, or policy concerns that are exempt from disclosure under section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’).

“(c) FEDERAL SPECTRUM COORDINATION RESPONSIBILITIES.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Under Secretary shall establish a charter for the Spectrum Advisory Council.
“(2) Spectrum advisory council representative.—

“(A) In general.—The head of each Federal entity that is reflected in the membership of the Spectrum Advisory Council, as identified in the charter established under paragraph (1), shall appoint a senior-level employee (or an individual occupying a Senior Executive Service position, as defined in section 3132(a) of title 5, United States Code) who is eligible to receive a security clearance that allows for access to sensitive compartmented information to serve as the representative of the Federal entity to the Spectrum Advisory Council.

“(B) Security clearance requirement.—If an individual appointed under subparagraph (A) is not eligible to receive a security clearance described in that subparagraph—

“(i) the appointment shall be invalid; and

“(ii) the head of the Federal entity making the appointment shall appoint another individual who satisfies the requirements of that subparagraph, including the
requirement that the individual is eligible
to receive such a security clearance.

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

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

“(B) be responsible for timely notification
of technical or procedural concerns of the appli-
cable Federal entity to the Spectrum Advisory
Council;

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

“(D) respond to a request from the NTIA
for, and to the extent feasible, share with the
NTIA, any technical and operational informa-
tion needed to facilitate spectrum coordination
not later than—

“(i) the applicable reasonable deadline
established by the NTIA, at the discretion
of the NTIA, pursuant to section IV(3) of
the Memorandum, or any successor provi-
sion; or
“(ii) 45 days after the date of the request, in the case of a request to which clause (i) does not apply;

“(E) furnish the NTIA with all relevant information to be considered for filing with the Commission;

“(F) coordinate with the NTIA on a significant regulatory action to be taken by the applicable Federal entity pursuant to its regulatory authority directly relating to spectrum before the Federal entity submits the regulatory action to the Office of Information and Regulatory Affairs in accordance with Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review); and

“(G) collaborate with the NTIA on spectrum planning.

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

“(1) UPDATES.—Not later than 3 years after the date of enactment of this section, and every 4 years thereafter (or more frequently, as appropriate), the Commission and the NTIA shall reassess the Memorandum and, based on such a reassessment, update the Memorandum, as necessary.
“(2) NATURE OF UPDATE.—Any update to the Memorandum under paragraph (1) shall reflect changing technological, procedural, and policy circumstances, as determined necessary and appropriate by the Commission and the NTIA.

“(e) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Chair and the Under Secretary shall submit to Congress a report on joint spectrum planning activities conducted by the Chair and the Under Secretary under this section.

“(f) TESTING.—A Federal entity shall coordinate and reach agreement with the NTIA before carrying out any electromagnetic compatibility study or testing plan that the Federal entity seeks to be considered in formulating the views of the executive branch regarding spectrum regulatory matters.

“(g) REPORT ON SPECTRUM MANAGEMENT PRINCIPLES AND METHODS.—Not later than May 14, 2025, the Under Secretary, in coordination with the Spectrum Advisory Council, shall publish a report that identifies—

“(1) spectrum management principles and methods to guide the Federal Government in spectrum studies and science;
“(2) coordination guidelines for spectrum stud-
ies; and

“(3) processes for determining types of studies,
criteria, assumptions, and timelines that shall be ac-
ceptable in decision-making involving the use of Fed-
eral spectrum and the use of non-Federal spectrum
by Federal entities.”.

SEC. 202. UNDER SECRETARY OF COMMERCE FOR COMMU-
NICATIONS AND INFORMATION.

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

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

(1) in section 5314, by striking “and Under
Secretary of Commerce for Minority Business Devel-
opment” and inserting “Under Secretary of Com-
merce for Minority Business Development, and
Under Secretary of Commerce for Communications
and Information”; and
(2) in section 5315, by striking "(11)" after “Assistant Secretaries of Commerce” and inserting “(10)".

c) Deputy Under Secretary.—

(1) In general.—Section 103(a) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(a)), as amended by subsection (a) of this section, is amended by adding at the end the following:

“(3) Deputy Under Secretary.—The Deputy Under Secretary of Commerce for Communications and Information shall—

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

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

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

(2) Technical and Conforming Amendment.—Section 106(c) of the Public Telecommunications Financing Act of 1978 (5 U.S.C. 5316 note; Public Law 95–567) is amended by striking “The
position of Deputy Assistant Secretary of Commerce for Communications and Information, established in Department of Commerce Organization Order Numbered 10–10 (effective March 26, 1978),” and inserting “The position of Deputy Under Secretary of Commerce for Communications and Information, established under section 103(a) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(a)),”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) COMMUNICATIONS ACT OF 1934.—Section 344(d)(2) of the Communications Act of 1934 (as added by section 60602(a) of the Infrastructure Investment and Jobs Act (Public Law 117–58)) is amended by striking “Assistant Secretary” and inserting “Under Secretary”.

(2) NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION ORGANIZATION ACT.—The National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by striking “Assistant Secretary” each place the term appears and inserting “Under Secretary”.

(3) HOMELAND SECURITY ACT OF 2002.—Section 1805(d)(2) of the Homeland Security Act of...
2002 (6 U.S.C. 575(d)(2)) is amended by striking “Assistant Secretary for Communications and Information of the Department of Commerce” and inserting “Under Secretary of Commerce for Communications and Information”.

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

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

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

(5) REAL ID ACT OF 2005.—Section 303 of the REAL ID Act of 2005 (8 U.S.C. 1721 note; Public Law 109–13) is repealed.

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

(A) in subsection (a), in the matter preceding paragraph (1), by striking “Assistant Secretary” and inserting “Under Secretary”;

(B) by striking subsection (b); and
(C) by redesignating subsection (c) as subsection (b).

(7) Electronic Signatures in Global and National Commerce Act.—Section 103(c) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7003(c)) is amended—

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

(B) by striking “such exceptions” and inserting “of the exceptions in subsections (a) and (b)”.

(8) Title 17, United States Code.—Section 1201 of title 17, United States Code, is amended—

(A) in subsection (a)(1)(C), in the matter preceding clause (i), by striking “Assistant Secretary for Communications and Information of the Department of Commerce” and inserting “Under Secretary of Commerce for Communications and Information”; and

(B) in subsection (g), by striking paragraph (5).

(9) Unlocking Consumer Choice and Wireless Competition Act.—Section 2(b) of the Unlocking Consumer Choice and Wireless Competi-
tion Act (17 U.S.C. 1201 note; Public Law 113–144) is amended by striking “Assistant Secretary for Communications and Information of the Department of Commerce” and inserting “Under Secretary of Commerce for Communications and Information”.


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

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

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

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

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(A) in subsection (b), in the first sentence, by striking “Assistant Secretary of Commerce for Communications and Information” and inserting “Under Secretary of Commerce for Communications and Information”; and

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

(14) American Recovery and Reinvestment Act of 2009.—Section 6001 of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. 1305) is amended by striking “Assistant Secretary” each place the term appears and inserting “Under Secretary”.

(15) Middle Class Tax Relief and Job Creation Act of 2012.—Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401 et seq.) is amended—

(A) in section 6001 (47 U.S.C. 1401)—

(i) by striking paragraph (4);
(ii) by redesignating paragraphs (5) through (31) as paragraphs (4) through (30), respectively; and

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

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

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

(i) in section 6406 (47 U.S.C. 1453)—

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

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

“(b) DEFINITION.—In this section, the term ‘5350–5470 MHZ band’ means the portion of the electromagnetic spectrum between the frequencies from 5350 megahertz to 5470 megahertz.”; and

(ii) by striking section 6408; and

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


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

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

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

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

(18) TITLE 51, UNITED STATES CODE.—Section 50112(3) of title 51, United States Code, is amended, in the matter preceding subparagraph (A), by striking “Assistant Secretary” each place the term appears and inserting “Under Secretary”.

(19) CONSOLIDATED APPROPRIATIONS ACT, 2021.—The Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1182) is amended—

(A) in title IX of division N—
(i) in section 902(a)(2) (47 U.S.C. 1306(a)(2)), in the heading, by striking “ASSISTANT SECRETARY” and inserting “UNDER SECRETARY”; 

(ii) in section 905 (47 U.S.C. 1705)—

(I) in subsection (a)(1), in the heading, by striking “ASSISTANT SECRETARY” and inserting “UNDER SECRETARY”; 

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

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

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

(B) in title IX of division FF—

(i) in section 903(g)(2), in the heading, by striking “ASSISTANT SECRETARY” and inserting “UNDER SECRETARY”; and
(ii) by striking “Assistant Secretary” each place the term appears and inserting “Under Secretary”.

(20) INFRASTRUCTURE INVESTMENT AND JOBS ACT.—The Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 429) is amended—

(A) in section 27003, by striking “Assistant Secretary” each place the term appears and inserting “Under Secretary”;

(B) in division F—

(i) in section 60102 (47 U.S.C. 1702)—

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

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

(III) in subsection (h)—

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

(bb) in paragraph (5)(B)(iii), by striking “ASSIST-
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(ANT SECRETARY” and inserting

“UNDER SECRETARY’’;

(ii) in title III—

(I) in section 60302(5) (47 U.S.C. 1721(5)), by striking “ASSISTANT SECRETARY’’ and inserting

“UNDER SECRETARY’’; and


striking “ASSISTANT SECRETARY’’ and inserting “UNDER SECRETARY’’;

(iii) in section 60401(a)(2) (47 U.S.C. 1741(a)(2)), by striking “ASSISTANT SECRETARY’’ and inserting “UNDER SECRETARY’’; and

(iv) by striking “Assistant Secretary” each place the term appears and inserting

“Under Secretary”;

(C) in section 90008(b)(3) (47 U.S.C. 921 note), by striking “Assistant Secretary” and inserting “Under Secretary”; and

(D) in division J, in title I, in the matter under the heading “DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM’’ under the heading “RURAL UTILITIES SERV-
ICE” under the heading “RURAL DEVELOPMENT PROGRAMS”, by striking “Assistant Secretary” and inserting “Under Secretary”.

(c) CONTINUATION IN OFFICE.—The individual serving as the Assistant Secretary of Commerce for Communications and Information and the individual serving as the Deputy Assistant Secretary of Commerce for Communications and Information on the day before the date of enactment of this Act may serve as the Under Secretary of Commerce for Communications and Information and the Deputy Under Secretary of Commerce for Communications and Information, respectively, on and after that date without the need for renomination or reappointment.

(f) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Assistant Secretary of Commerce for Communications and Information is deemed to refer to the Under Secretary of Commerce for Communications and Information.

(g) SAVINGS PROVISIONS.—

(1) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—
(A) that have been issued, made, granted, or allowed to become effective by the Assistant Secretary of Commerce for Communications and Information, any officer or employee of the National Telecommunications and Information Administration, or any other Government official, or by a court of competent jurisdiction; and

(B) that are in effect on the date of enactment of this Act (or become effective after that date pursuant to their terms as in effect on that date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(2) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Assistant Secretary of Commerce for Communications and Information shall abate by reason of the enactment of this title and the amendments made by this title.

(3) PROCEEDINGS.—This title, and the amendments made by this title, shall not affect any pro-
ceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the date of enactment of this Act before the National Telecommunications and Information Administration, but those proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that the proceeding could have been discontinued or modified if this title had not been enacted.

(4) SUITS.—This title, and the amendments made by this title, shall not affect suits commenced before the date of enactment of this Act, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and
with the same effect as if this title, and the amendments made by this title, had not been enacted.

**TITLE III—CREATION OF A SPECTRUM PIPELINE**

**SEC. 301. CREATION OF A SPECTRUM PIPELINE.**

(a) **Definitions.**—In this section:

(1) **Affected Federal entity.**—The term “affected Federal entity” means a Federal entity—

(A) with operations in any band of frequencies described in subsection (b)(1); and

(B) that the Under Secretary determines might be affected by a reallocation in a band described in subparagraph (A).

(2) **Co-lead.**—The term “co-lead” means an official who—

(A) is the head of a Federal entity—

(i) with operations in a band of frequencies described in subsection (b)(1)(A); and

(ii) that the Under Secretary determines might be affected by a reallocation in a band of frequencies described in subsection (b)(1)(A); and

(B) elects to serve as a co-lead of the feasibility assessment required under subsection (b).
(3) **Federal entity.**—The term “Federal entity” has the meaning given the term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).

(b) **Feasibility Assessment.**—

(1) **Completion of assessment.**—The Secretary of Commerce, acting through the Under Secretary, with the assistance of the co-leads, shall complete a feasibility assessment of making spectrum available for—

(A) non-Federal use, shared Federal and non-Federal use, or a combination thereof, in the bands of frequencies between 7125 and 8500 megahertz, inclusive; and

(B) shared Federal and non-Federal use in the bands of frequencies between 37000 and 37600 megahertz, inclusive.

(2) **Other requirements.**—In conducting the feasibility assessment required under paragraph (1), the Under Secretary, with the assistance of the co-leads, shall—

(A) coordinate directly with each affected Federal entity with respect to frequencies allocated to, and used by, that affected Federal en-
entity in the bands described in that paragraph and in affected adjacent or near adjacent bands;

(B) ensure that each affected Federal entity leads that portion of the feasibility assessment that is relevant to individual mission requirements of the affected Federal entity for the systems supported by the incumbent spectrum assignments in an applicable band of frequencies;

(C) consider dynamic spectrum sharing, such as an incumbent informing capability, as required under section 120 of the National Telecommunications and Information Administration Organization Act, as added by section 102 of this Act, and, for the bands of frequencies described in paragraph (1)(A), relocation of systems, compression or re-packing of systems, consolidation of systems, and any other re-purposing options the Under Secretary, with the assistance of the co-leads, determines will enable the most efficient and effective use of frequencies considered under that paragraph; and
(D) comply with the requirements of section 113(j) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(j)).

(3) Assistance from Affected Federal Entities.—Each affected Federal entity shall provide any assistance that the Under Secretary and the co-leads determine necessary in order to carry out the assessment required under this subsection.

(4) Deadline for Completion of Assessment.—The Under Secretary and the co-leads shall complete the assessment required under this subsection—

(A) if affected Federal entities submit requests for funding under subsection (c)(1), not later than 2 years after the date on which all such requests for funding have been approved or denied; and

(B) if no affected Federal entity submits a request for funding under subsection (c)(1), not later than 850 days after the date of enactment of this Act.

(e) Funding of Activities to Assist in Conducting Feasibility Assessment.—
(1) IN GENERAL.—If an affected Federal entity
determines that the affected Federal entity requires
funding to conduct activities described in section
118(g) of the National Telecommunications and In-
formation Administration Organization Act (47
U.S.C. 928(g)) that are necessary to assist the
Under Secretary and the co-leads in carrying out the
assessment required under subsection (b), the af-
fected Federal entity shall, not later than 120 days
after the date of enactment of this Act, submit a re-
quest for payment pursuant to such section 118(g).

(2) EXEMPTION.—Section 118(g)(2)(D)(ii) of
the National Telecommunications and Information
Administration Organization Act (47 U.S.C.
928(g)(2)(D)(ii)) shall not apply with respect to a
payment requested under paragraph (1).

(d) REPORT TO THE COMMISSION AND CONGRESS.—

(1) IN GENERAL.—Not later than 30 days after
the date on which the Under Secretary and the co-
leads complete the feasibility assessment required
under subsection (b), and subject to the other re-
definitions of this subsection, the Under Secretary
shall submit to the Commission and Congress a re-
port regarding that assessment.
(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) which Federal entities are affected Federal entities and the contributions of those affected Federal entities to the feasibility assessment required under subsection (b);

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

(i) the technical requirements necessary to make those bands of frequencies available for—

(I) exclusive non-Federal use;

and

(II) shared Federal and non-Federal use; and

(ii) an estimate of the cost to affected Federal entities to make the bands of frequencies considered under subsection (b)(1)(A) available for—

(I) exclusive non-Federal use;

and
(II) shared Federal and non-Federal use;

(C) the necessary steps to make the bands of frequencies considered under subsection (b)(1)(B) available for shared Federal and non-Federal use, including the technical requirements necessary to make those bands so available and an estimate of the cost to affected Federal entities to make those bands so available;

(D) an assessment of the likelihood that authorizing mobile or fixed terrestrial operations in any of the frequencies considered under subsection (b)(1)(B) would result in harmful interference to an affected Federal entity; and

(E) an assessment of the potential impact that authorizing mobile or fixed terrestrial wireless operations, including advanced mobile services operations, in any of the frequencies considered under subsection (b) could have on the mission of an affected Federal entity.

(3) Public availability.—The Under Secretary shall ensure that all information in the report submitted under this subsection that is permitted to
be released to the public is made available on the public website of the National Telecommunications and Information Administration.

(4) Classified Information.—If there is classified material in the report submitted under this subsection, the Under Secretary shall—

(A) provide the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and each other committee of Congress with jurisdiction over affected Federal entities with operations in the applicable bands of frequencies with a briefing on the classified components of that report; and

(B) transmit at least 1 copy of both the classified report and the classified annexes to the sensitive compartmented information facilities of the Senate and House of Representatives.

(5) Preparation of Report.—Before finalizing the report required under this subsection with respect to the feasibility assessment required under subsection (b), the Under Secretary shall—

(A) submit the report for review by the Spectrum Advisory Council; and
(B) resolve any disputes regarding the feasibility assessment through the interagency process described in the national security memorandum of the President entitled “Memorandum on Renewing the National Security Council System”, issued on February 4, 2021.

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

(e) REPORTS ON FUTURE FEASIBILITY ASSESSMENTS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Under Secretary completes any feasibility assessment with respect to bands of electromagnetic spectrum (other than the assessment required under subsection (b)), the Under Secretary shall submit to the Commission and Congress a report regarding that assessment.

(2) CONTENTS.—Each report required under paragraph (1) shall include, with respect to the ap-
applicable feasibility assessment described in that para-
graph—

(A) the Federal entities identified by the
Assistant Secretary with equities in the bands
with respect to frequencies allocated to, and
used by, those Federal entities and the con-
tributions of those Federal entities to that fea-
sibility assessment;

(B) the necessary steps to make the bands
of frequencies considered under that feasibility
assessment available for non-Federal use,
shared Federal and non-Federal use, or a com-
bination thereof, including—

(i) the technical requirements nec-
essary to make bands in the frequencies
considered under that feasibility assess-
ment available for—

(I) exclusive non-Federal use;

and

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

(ii) an estimate of the cost to Federal
entities affected by making bands in the
frequencies considered under that feasi-
bility assessment available for—
(I) exclusive non-Federal use; and

(II) shared Federal and non-Federal use;

(C) an assessment of the likelihood that authorizing mobile or fixed terrestrial operations in any of the frequencies considered under that feasibility assessment would result in harmful interference to a Federal entity; and

(D) an assessment of the potential impact that authorizing mobile or fixed terrestrial wireless operations, including advanced mobile services operations, in any of the frequencies considered under that feasibility assessment could have on the mission of a Federal entity.

(3) PUBLIC AVAILABILITY.—The Under Secretary shall ensure that all information in a report submitted under this subsection that may be released to the public is made available on the public website of the National Telecommunications and Information Administration.

(4) CLASSIFIED INFORMATION.—If there is classified material in a report submitted under this subsection, the Under Secretary shall—
(A) provide the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and each other committee of Congress with jurisdiction over Federal entities with equities in the applicable bands of frequencies with a briefing on the classified components of that report; and

(B) transmit at least 1 copy of both the classified report and the classified annexes to the sensitive compartmented information facilities of the Senate and House of Representatives.

(5) Rule of construction.—Nothing in this subsection may be construed to require the disclosure of classified information, law enforcement sensitive information, or other information reflecting technical, procedural, or policy concerns subject to protection under section 552 of title 5, United States Code.

SEC. 302. SPECTRUM AUCTIONS.

Not later than December 30, 2027, the Commission shall complete a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant new licenses for the band of frequencies
between 12700 megahertz and 13250 megahertz, inclusive.

### TITLE IV—EXTENSION OF FCC AUCTION AUTHORITY

**SEC. 401. EXTENSION OF FCC AUCTION AUTHORITY.**

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “March 9, 2023” and inserting “September 30, 2029”.

### TITLE V—WORKFORCE DEVELOPMENT

#### Subtitle A—Improving Minority Participation

**SEC. 501. SHORT TITLE.**

This subtitle may be cited as the “Improving Minority Participation And Careers in Telecommunications Act” or the “IMPACT Act”.

**SEC. 502. DEFINITIONS.**

(a) **Definitions.**—In this subtitle:

1. **Covered Grant.**—The term “covered grant” means a grant awarded under section 503.

2. **Eligible Entity.**—The term “eligible entity” means a historically Black college or university, a Tribal College or University, or any other minority-serving institution, or a consortium of those enti-
ties, that forms a partnership with 1 or more of the following entities to carry out a training program:

(A) A member of the telecommunications industry, such as a company or industry association.

(B) A labor or labor-management organization with experience working in the telecommunications industry, the electromagnetic spectrum industry, or a similar industry.

(C) The Telecommunications Industry Registered Apprenticeship Program.

(D) A nonprofit organization dedicated to helping individuals gain employment in the telecommunications or electromagnetic spectrum industry.

(E) A community or technical college with experience in providing workforce development for individuals seeking employment in the telecommunications industry, electromagnetic spectrum industry, or a similar industry.

(F) A Federal agency laboratory specializing in telecommunications or electromagnetic spectrum technology that is located within the National Telecommunications and Information Administration.
(3) **Grant Program.**—The term “Grant Program” means the Telecommunications Workforce Training Grant Program established under section 503.

(4) **Hispanic-serving institution.**—The term “Hispanic-serving institution” has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

(5) **Historically Black college or university.**—The term “historically Black college or university” has the meaning given the term “part B institution” in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(6) **Improper payment.**—The term “improper payment” has the meaning given the term in section 2(d) of the Improper Payments Information Act of 2002 (Public Law 107–300; 116 Stat. 2351).

(7) **Industry field activity.**—The term “industry field activity” means an activity at an active telecommunications, cable, or broadband network worksite, such as a tower, construction site, or network management hub.

(8) **Industry partner.**—The term “industry partner” means an entity described in any of subparagraphs (A) through (F) of paragraph (2) with
which an eligible entity forms a partnership to carry out a training program.

(9) MINORITY-SERVING INSTITUTION.—The term “minority-serving institution” means an eligible institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(10) REGISTERED APPRENTICESHIP PROGRAM.—The term “registered apprenticeship program” means an apprenticeship registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663).

(11) TRAINING PROGRAM.—The term “training program” means a credit or non-credit program developed by an eligible entity, in partnership with an industry partner, that—

(A) is designed to educate and train students to participate in the telecommunications or electromagnetic spectrum workforce; and

(B) includes a curriculum and apprenticeship or internship opportunity that can also be paired with—

(i) a degree program; or
(ii) stacked credentialing toward a degree.

(12) **Tribal college or university.**—The term “Tribal College or University” has the meaning given the term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059e(b)).

**SEC. 503. PROGRAM.**

(a) **Program.**—The Under Secretary, acting through the Director of the Office of Minority Broadband Initiatives established under section 902(b)(1) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1306), shall establish a program, to be known as the “Telecommunications Workforce Training Grant Program”, under which the Under Secretary shall award grants to eligible entities to develop training programs.

(b) **Application.**—

(1) **In general.**—An eligible entity desiring a covered grant shall submit to the Under Secretary an application at such time, in such manner, and containing such information as the Under Secretary may require.

(2) **Contents.**—An eligible entity shall include in an application submitted under paragraph (1)—

(A) a commitment from the industry partner of the eligible entity to collaborate with the
eligible entity to develop a training program, including curricula and internships or apprenticeships;

(B) a description of how the eligible entity plans to use the covered grant funds, including the type of training program the eligible entity plans to develop;

(C) a plan for recruitment of students and potential students to participate in the applicable training program;

(D) a plan to increase female student participation in the applicable training program;

(E) a description of potential jobs to be secured through the applicable training program, including jobs in the communities surrounding the eligible entity; and

(F) a description of how the eligible entity will meet the short-term and long-term goals established under subsection (e)(2) and performance metrics established under that subsection.

(c) USE OF FUNDS.—An eligible entity may use covered grant funds, with respect to the training program of the eligible entity, to—

(1) hire faculty members to teach courses in the applicable training program;
(2) train faculty members to prepare students for employment in jobs related to the deployment of next-generation wired and wireless communications networks, including 5G networks, hybrid fiber-coaxial networks, and fiber infrastructure, particularly in—

(A) broadband, electromagnetic spectrum, or wireless network engineering;

(B) network deployment and maintenance;

and

(C) industry field activities;

(3) design and develop curricula and other components necessary for degrees, courses, or programs of study, including certificate programs and credentialing programs, that comprise the training program;

(4) pay for costs associated with instruction under the training program, including the costs of equipment, telecommunications training towers, laboratory space, classroom space, and instructional field activities;

(5) fund scholarships, student internships, apprenticeships, and pre-apprenticeship opportunities in the areas described in paragraph (2);
(6) recruit students for the training program;
and

(7) support the enrollment in the training program of individuals working in the telecommunications or electromagnetic spectrum industry in order for those individuals to advance professionally in the industry.

(d) GRANT AWARDS.—

(1) DEADLINE.—Not later than 2 years after the date on which amounts are made available to carry out this section, the Under Secretary shall award all covered grants.

(2) MINIMUM ALLOCATION TO CERTAIN ENTITIES.—Of the total amount of covered grants made under this section, the Under Secretary shall award not less than—

(A) 20 percent of covered grant amounts to eligible entities that include historically Black colleges or universities;

(B) 20 percent of covered grant amounts to eligible entities that include Tribal Colleges or Universities; and

(C) 20 percent of covered grant amounts to eligible entities that include Hispanic-serving institutions.
(3) COORDINATION.—The Under Secretary shall ensure that covered grant amounts awarded under paragraph (2) are coordinated with grant amounts provided under section 902 of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1306).

(4) CONSTRUCTION.—In awarding covered grants for education relating to construction, the Under Secretary may prioritize applications that partner with registered apprenticeship programs, industry-led apprenticeship programs, pre-apprenticeship programs, other work-based learning opportunities, or public 2-year community or technical colleges that have a written agreement with 1 or more registered apprenticeship programs, industry-led apprenticeship programs, pre-apprenticeship programs, or other work-based learning opportunities.

(e) RULES.—

(1) ISSUANCE.—Not later than 180 days after the date of enactment of this Act, after providing public notice and an opportunity to comment, the Under Secretary, in consultation with the Secretary of Labor and the Secretary of Education, shall issue final rules governing the Grant Program.
(2) CONTENT OF RULES.—In the rules issued under paragraph (1), the Under Secretary shall—

(A) establish short-term and long-term goals for an eligible entity that receives a covered grant;

(B) establish performance metrics that demonstrate whether the goals described in paragraph (1) have been met by an eligible entity;

(C) identify the steps the Under Secretary will take to award covered grants through the Grant Program if the demand for covered grants exceeds the amount appropriated to carry out the Grant Program; and

(D) develop criteria for evaluating applications for covered grants.

(f) TERM.—The Under Secretary shall establish the term of a covered grant, which may not be less than 5 years.

(g) GRANTEE REPORTS.—During the term of a covered grant received by an eligible entity, the eligible entity shall submit to the Under Secretary a semiannual report that, with respect to the preceding 180-day period—

(1) describes how the eligible entity used the covered grant amounts;
(2) describes the progress the eligible entity made in developing and executing the applicable training program;

(3) describes the number of faculty and students participating in the applicable training program;

(4) describes the partnership with the industry partner of the eligible entity, including—

(A) the commitments and in-kind contributions made by the industry partner; and

(B) the role of the industry partner in curriculum development, the degree program, and internships and apprenticeships;

(5) includes data on internship, apprenticeship, and employment opportunities and placements; and

(6) provides information determined necessary by Under Secretary to—

(A) measure progress toward the goals established under subsection (e)(2)(A); and

(B) assess whether the goals described in subparagraph (A) are being met.

(h) OVERSIGHT.—

(1) AUDITS.—The Inspector General of the Department of Commerce shall audit the Grant Program in order to—
(A) ensure that eligible entities use covered grant amounts in accordance with the requirements of this section, including the purposes for which covered grants may be used, as described in subsection (c); and

(B) prevent waste, fraud, abuse, and improper payments in the operation of the Grant Program.

(2) REVOCATION OF FUNDS.—The Under Secretary shall revoke a covered grant awarded to an eligible entity if the eligible entity is not in compliance with the requirements of this section, including if the eligible entity uses the grant for a purpose that is not in compliance with subsection (c).

(3) AUDIT FINDINGS.—Any finding by the Inspector General of the Department of Commerce under paragraph (1) of waste, fraud, or abuse in the Grant Program, or that an improper payment has been made with respect to the Grant Program, shall identify the following:

(A) Any entity within the eligible entity that committed the applicable act.

(B) The amount of funding made available from the Grant Program to the eligible entity.
(C) The amount of funding determined to be an improper payment to an eligible entity, if applicable.

(4) Notification of Audit Findings.—Not later than 7 days after making a finding under paragraph (1) of waste, fraud, or abuse in the Grant Program, or that an improper payment has been made with respect to the Grant Program, the Inspector General of the Department of Commerce shall concurrently notify the Under Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives of that finding, which shall include the information identified under paragraph (3) with respect to the finding.

(5) Fraud Risk Management.—The Under Secretary shall, with respect to the Grant Program—

(A) designate an entity within the Office of Minority Broadband Initiatives to lead fraud risk management activities;

(B) ensure that the entity designated under subparagraph (A) has defined respon-
sibilities and the necessary authority to serve
the role of the entity;

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

(D) collect and analyze data from reporting
mechanisms and instances of detected fraud
for real-time monitoring of fraud trends;

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

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

(G) develop, document, and communicate
an antifraud strategy, focusing on preventative
control activities;

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

(I) establish collaborative relationships
with stakeholders and create incentives to help
ensure effective implementation of the antifraud
strategy.
(i) **ANNUAL REPORT TO CONGRESS.**—Until the year in which all covered grants have expired, the Under Secretary shall submit to Congress an annual report that, for the year covered by the report—

(1) identifies each eligible entity that received a covered grant and the amount of the covered grant;

(2) describes the progress each eligible entity described in paragraph (1) has made toward accomplishing the overall purpose of the Grant Program, as described in subsection (c);

(3) summarizes the job placement status or apprenticeship opportunities of students who have participated in each training program;

(4) includes the findings of any audits conducted by the Inspector General of the Department of Commerce under subsection (h)(1) that were not included in the previous report submitted under this subsection; and

(5) includes information on—

(A) the progress of each eligibly entity towards the short-term and long-term goals established under subsection (e)(2)(A); and

(B) the performance of each eligible entity with respect to the performance metrics described in subsection (e)(2)(B).
Subtitle B—National Spectrum Workforce Plan

SEC. 511. NATIONAL SPECTRUM WORKFORCE PLAN.

(a) National Spectrum Workforce Plan.—Not later than 1 year after the date of enactment of this Act, the Under Secretary, in coordination with the Executive Office of the President, and in consultation with the heads of the member agencies of the Spectrum Advisory Council and the stakeholders described in subsection (b), shall develop a National Spectrum Workforce Plan to—

(1) understand the spectrum workforce development needs for the United States;

(2) prioritize the development of, and enhancement to, the spectrum ecosystem workforce, including the operational, technical, and policy positions involved in spectrum-related activities; and

(3) consider strategies and methods to encourage the development of spectrum engineering training programs, work-study programs, and trade school certification programs to strengthen the spectrum workforce ecosystem.

(b) Stakeholder Engagement.—The Under Secretary, in coordination with the Executive Office of the President, shall use the collaborative framework established under section 101(d) to collect input from stakeholders.
holders, including academia, Federal agencies, Tribal Na-
tions, and industry, to identify the education and training
programs necessary to equip the existing workforce, and
prepare the future workforce, to meet the evolving spec-
trum-related workforce demands.

(c) Updates.—Not later than 3 years after the date
of enactment of this Act, and once every 4 years thereafter
(or more frequently, as appropriate, as determined by the
Under Secretary), the Under Secretary, in coordination
with the Executive Office of the President, shall update
the National Spectrum Workforce Plan developed under
subsection (a).

(d) Report to Congress.—The Under Secretary
shall submit to Congress the National Spectrum Work-
force Plan established subsection (a) and any updates to
that Plan made under subsection (e).

TITLE VI—SPECTRUM AUCTION
TRUST FUND

SEC. 601. Definition.

In this title, the term “covered auction” means a sys-
tem of competitive bidding—

(1) conducted under section 309(j) of the Com-
munications Act of 1934 (47 U.S.C. 309(j)), as
amended by this Act, that commences during the pe-
period beginning on March 9, 2023, and ending on September 30, 2029;

(2) conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), as amended by this Act, for the band of frequencies between 12700 megahertz and 13250 megahertz, inclusive, on or after the date of enactment of this Act;

(3) that involves a band of frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) and is conducted on or after the date of enactment of this Act; or

(4) with respect to which the Commission shares with a licensee a portion of the proceeds, as described in paragraph (8)(G) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), as amended by this Act, and that is conducted on or after the date of enactment of this Act.

SEC. 602. SPECTRUM AUCTION TRUST FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the “Spectrum Auction Trust Fund” (referred to
in this section as the “Fund”) for the purposes de-
dscribed in subparagraphs (A) through (I) of sub-
section (c)(1).

(2) Amounts available until expended.—
Amounts deposited in the Fund shall remain avail-
able until expended.

(b) Deposit of Proceeds.—

(1) In general.—Notwithstanding any other
provision of law, except section 309(j)(8)(B) of the
Communications Act of 1934 (47 U.S.C.
309(j)(8)(B)), the proceeds (including deposits and
upfront payments from successful bidders) from any
covered auction shall be deposited or available as fol-
lows:

(A) With respect to a covered auction de-
scribed in paragraph (3) or (4) of section 601,
the proceeds of the covered auction shall be de-
posited or available as follows:

(i) With respect to a covered auction
described in section 601(3)—

(I) such amount of those pro-
ceeds as is necessary to cover 110 per-
cent of the relocation or sharing costs
(as defined in subsection (g)(3) of sec-
tion 113 of the National Tele-
communications and Information Ad-
ministration Organization Act (47
U.S.C. 923)) of Federal entities (as
defined in subsection (I) of such sec-
tion 113) relocated from or sharing
such eligible frequencies shall be de-
posited in the Spectrum Relocation
Fund established under section 118 of
such Act (47 U.S.C. 928); and

(II) any remaining proceeds after
making the deposit described in sub-
clause (I) shall be deposited in accord-
ance with subsection (c).

(ii) With respect to a covered auction
described in section 601(4)—

(I) such amount of those pro-
ceeds as the Commission has agreed
to share with licensees under section
309(j)(8)(G) of the Communications
shall be shared with those licensees;
and

(II) any remaining proceeds after
sharing proceeds, as described in sub-
clause (I), shall be deposited in accordance with subsection (c).

(B) After carrying out subparagraph (A) (if that subparagraph is applicable to the covered auction), $2,000,000,000 of the proceeds of the covered auction shall be deposited in the general fund of the Treasury, where those proceeds shall be dedicated for the sole purpose of deficit reduction.

(C) Any proceeds of the covered auction that remain after carrying out subparagraphs (A) and (B) shall be deposited in accordance with subsection (c).

(2) PROCEEDS OF SPECTRUM PIPELINE ACT OF 2015 AUCTION.—Except as provided in section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), and notwithstanding any other provision of law (including paragraph (1)), the proceeds of the system of competitive bidding required under section 1004 of the Spectrum Pipeline Act of 2015 (47 U.S.C. 921 note) shall be deposited or available as follows:

(A) If that system of competitive bidding is a covered auction described in paragraph (3) or (4) of section 601, the proceeds of the system
of competitive bidding shall be deposited or available as follows:

(i) With respect to a covered auction described in section 601(3), such amount of those proceeds as is necessary to cover 110 percent of the relocation or sharing costs (as defined in subsection (g)(3) of section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923)) of Federal entities (as defined in subsection (l) of such section 113) relocated from or sharing such eligible frequencies shall be deposited in the Spectrum Relocation Fund established under section 118 of such Act (47 U.S.C. 928).

(ii) With respect to a covered auction described in section 601(4), such amount of those proceeds as the Commission has agreed to share with licensees under section 309(j)(8)(G) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(G)) shall be shared with those licensees.

(B) After carrying out subparagraph (A) (if that subparagraph is applicable to that sys-
tem of competitive bidding), $300,000,000 of the proceeds of that system of competitive bidding shall be deposited in the general fund of the Treasury, where those proceeds shall be dedicated for the sole purpose of deficit reduction.

(C) Any proceeds of that system of competitive bidding that remain after carrying out subparagraphs (A) and (B) shall be deposited in accordance with subsection (c).

(c) Deposit of Funds.—

(1) In general.—Notwithstanding any other provision of law (except for subsection (b)), an aggregate total amount of $20,605,000,000 of the proceeds of covered auctions that remain after carrying out that subsection shall be deposited in the Fund as follows:

(A) 12 percent of those remaining amounts, but not more than $3,080,000,000 cumulatively, shall be transferred to the general fund of the Treasury to reimburse the amount borrowed under subsection (d)(1)(A).

(B) 12 percent of those remaining amounts, but not more than $5,000,000,000 cumulatively, shall be transferred to the general
fund of the Treasury to reimburse the amount
borrowed under subsection (d)(1)(B).

(C) 12 percent of those remaining
amounts, but not more than $2,000,000,000
cumulatively, shall be transferred to the general
fund of the Treasury to reimburse the amount
borrowed under subsection (e)(1)(A).

(D) 12 percent of those amounts, but not
more than $3,000,000,000 cumulatively, shall
be transferred to the general fund of the Treas-
ury to reimburse the amount borrowed under
subsection (e)(1)(B).

(E) 12 percent of those remaining
amounts, but not more than $2,000,000,000
cumulatively, shall be made available to the
Under Secretary, to remain available until ex-
pended, to carry out sections 159, 160, and 161
of the National Telecommunications and Infor-
mation Administration Organization Act, as
added by section 801 of this Act, except that
not more than 4 percent of the amount made
available under this subparagraph may be used
for administrative purposes (including carrying
out such sections 160 and 161).
(F) 12 percent of those remaining amounts, but not more than $3,300,000,000 cumulatively, shall be made available to the Director of the National Science Foundation to carry out research and related activities, of which—

(i) $1,650,000,000 shall be for the Directorate for Technology, Innovation, and Partnerships established under section 10381 of the Research and Development, Competition, and Innovation Act (42 U.S.C. 19101); and

(ii) $1,650,000,000 shall be used to carry out other research and related activities for which amounts are authorized to be appropriated under section 10303 of the Research and Development, Competition, and Innovation Act (Public Law 117–167).

(G) 12 percent of those remaining amounts, but not more than $1,700,000,000 cumulatively, shall be made available to the Under Secretary of Commerce for Standards and Technology, of which—

(i) $1,475,000,000 shall be used to carry out scientific and technical research
and services laboratory activities under subtitle B of title II of the Research and Development, Competition, and Innovation Act (42 U.S.C. 18931 et seq.); and

(ii) $225,000,000 shall be used for Safety, Capacity, Maintenance, and Major Repairs for which amounts are authorized to be appropriated under section 10211 of the Research and Development, Competition, and Innovation Act (Public Law 117–167).

(H) 12 percent of those remaining amounts, but not more than $500,000,000 cumulatively, shall be made available to the Under Secretary to carry out the Telecommunications Workforce Training Grant Program established under section 503.

(I) 4 percent of those remaining amounts, but not more than $25,000,000 cumulatively, shall be made available to the Under Secretary and the Secretary of Defense for the purpose of research and development, engineering studies, economic analyses, activities with respect to systems, or other planning activities to improve ef-
ficiency and effectiveness of spectrum use of the
Department of Defense.

(2) DISTRIBUTION.—If the maximum amount permitted under any subparagraph of paragraph (1) is reached, whether through covered auction proceeds or appropriations to the program specified in that subparagraph, any remaining proceeds from the amount of proceeds of covered auctions described in that paragraph shall be deposited pro rata based on the original distribution to all subparagraphs of paragraph (1) for which the maximum amount permitted has not been met.

(3) DEFICIT REDUCTION.—After the amounts required to be made available by paragraphs (1) and (2) are so made available, any remaining amounts shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(d) FCC BORROWING AUTHORITY.—

(1) IN GENERAL.—Subject to the limitation under paragraph (2), not later than 90 days after the date of enactment of this Act, the Commission may borrow from the Treasury of the United States an amount not to exceed—
(A) $3,080,000,000 to carry out the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.); and

(B) $5,000,000,000 to carry out section 904 of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752).

(2) LIMITATION.—The Commission may not use any funds borrowed under this subsection in a manner that may result in outlays on or after December 31, 2033.

(d) DEPARTMENT OF COMMERCE BORROWING AUTHORITY.—

(1) IN GENERAL.—Subject to the limitation under paragraph (2), not later than 90 days after the date of enactment of this Act, the Secretary of Commerce may borrow from the Treasury of the United States an amount not to exceed—

(A) $2,000,000,000 to carry out section 28 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722a); and

(B) $3,000,000,000 for the fund established under section 102(a) of the CHIPS Act of 2022 (15 U.S.C. 4651 note), which shall be used to carry out section 9902 of the William M. (Mac) Thornberry National Defense Author-
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(2) LIMITATION.—The Secretary of Commerce may not use any funds borrowed under this sub-section in a manner that may result in outlays on or after December 31, 2033.

(f) REPORTING REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until funds are fully expended, the heads of the agencies to which funds are made available under each subparagraph of subsection (c)(1) shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the amount transferred or made available under the applicable sub-

TITLE VII—SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM

SEC. 701. INCREASE IN LIMITATION ON EXPENDITURE.

Section 4(k) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603(k)) is amended by striking “$1,900,000,000” and inserting “$4,980,000,000”.

S 4207 IS
TITLE VIII—NEXT GENERATION 9–1–1

SEC. 801. FURTHER DEPLOYMENT AND COORDINATION OF NEXT GENERATION 9–1–1.

Part C of the National Telecommunications and Information Administration Organization Act is amended by adding at the end the following:

“SEC. 159. COORDINATION OF NEXT GENERATION 9–1–1 IMPLEMENTATION.

“(a) DUTIES OF UNDER SECRETARY WITH RESPECT TO NEXT GENERATION 9–1–1.—

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

“(A) take actions, in coordination with State points of contact described in subsection (c)(3)(A)(ii) as applicable, to improve coordination and communication with respect to the implementation of Next Generation 9–1–1;

“(B) develop, collect, and disseminate information concerning the practices, procedures, and technology used in the implementation of Next Generation 9–1–1;

“(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (c)(3)(A)(iii);
“(D) provide technical assistance to eligible entities provided a grant under subsection (c) in support of efforts to explore efficiencies related to Next Generation 9–1–1;

“(E) review and approve or disapprove applications for grants under subsection (c); and

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

“(2) Annual reports.—Not later than October 1, 2025, and each year thereafter until funds made available to make grants under subsection (c) are no longer available to be expended, the Under Secretary shall submit to Congress a report on the activities conducted by the Under Secretary under paragraph (1) in the year preceding the submission of the report.

“(3) Assistance.—The Under Secretary may seek the assistance of the Administrator in carrying out the duties described in subparagraphs (A) through (D) of paragraph (1) as the Under Secretary determines necessary.

“(b) Additional duties.—

“(1) Management plan.—
“(A) DEVELOPMENT.—The Under Secretary, after consulting with the Administrator, shall develop a management plan for the grant program established under this section, including by developing—

“(i) plans related to the organizational structure of the grant program; and

“(ii) funding profiles for each fiscal year of the duration of the grant program.

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

“(i) submit the management plan developed under subparagraph (A) to—

“(I) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

“(II) the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives;

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

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

“(2) MODIFICATION OF PLAN.—

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

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

“(i) submit the modified plan to—

“(I) the Committee on Com-
merce, Science, and Transportation
and the Committee on Appropriations
of the Senate; and

“(II) the Committee on Energy
and Commerce and the Committee on
Appropriations of the House of Rep-
resentatives;
“(ii) publish the modified plan on the website of the National Telecommunications and Information Administration; and

“(iii) provide the modified plan to the Administrator for the purpose of publishing the modified plan on the website of the National Highway Traffic and Safety Administration.

“(c) Next Generation 9-1-1 Implementation Grants.—

“(1) Grants.—The Under Secretary shall provide grants to eligible entities for—

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

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

“(C) training directly related to implementing, maintaining, and operating Next Generation 9–1–1 if the cost related to the training does not exceed—

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

“(ii) 5 percent of the total grant award for eligible entities that are Tribes;
“(D) public outreach and education on how the public can best use Next Generation 9–1–1 and the capabilities and usefulness of Next Generation 9–1–1;

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

“(i) the cost is fully documented in materials submitted to the Under Secretary; and

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

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

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

“(F) costs associated with implementing cybersecurity measures at emergency communications centers or with respect to Next Generation 9–1–1.
“(2) APPLICATION.—In providing grants under paragraph (1), the Under Secretary, after consulting with the Administrator, shall require an eligible entity to submit to the Under Secretary an application, at the time and in the manner determined by the Under Secretary, containing the certification required by paragraph (3).

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

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

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

“(ii) has designated a single officer or governmental body to serve as the State point of contact to coordinate the implementation of Next Generation 9–1–1 for the State, except that the designation need not vest the officer or governmental body with direct legal authority to implement Next Generation 9–1–1 or to manage emergency communications operations; and
“(iii) has developed and submitted a plan for the coordination and implementation of Next Generation 9–1–1 that—

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

“(II) ensures reliability;

“(III) enables emergency communications centers to process, analyze, and store multimedia, data, and other information;

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

“(V) includes strategies for coordinating cybersecurity information sharing between Federal, State, Tribal, and local government partners;

“(VI) uses open and competitive request for proposal processes, including through shared government procurement vehicles, for deployment of Next Generation 9–1–1;

“(VII) documents how input was received and accounted for from rel-
evant rural and urban emergency communications centers, regional authorities, local authorities, and Tribal authorities;

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

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

“(bb) consults and coordinates with the State point of contact required by clause (ii);

“(IX) creates efficiencies related to Next Generation 9–1–1 functions, including cybersecurity and the virtualization and sharing of infrastructure, equipment, and services; and

“(X) utilizes an effective, competitive approach to establishing authentication, credentialing, secure con-
nections, and access in deploying Next Generation 9–1–1, including by—

“(aa) requiring certificate authorities to be capable of cross-certification with other authorities;

“(bb) avoiding risk of a single point of failure or vulnerability; and

“(cc) adhering to Federal agency best practices such as those promulgated by the National Institute of Standards and Technology; and

“(B) in the case of an eligible entity that is a Tribe, the entity has complied with clauses (i) and (iii) of subparagraph (A) (except for subclause (VIII)(bb) of such clause (iii)).

“(4) CRITERIA.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Under Secretary, after consulting with the Administrator, shall issue rules, after providing the public with notice and an opportunity to
comment, establishing the criteria for selecting eligible entities for grants under this subsection.

“(B) REQUIREMENTS.—The criteria established under subparagraph (A) shall—

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

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

“(C) UPDATES.—The Under Secretary shall update the rules issued under subparagraph (A) as necessary.

“(5) GRANT CERTIFICATIONS.—An eligible entity shall certify to the Under Secretary at the time of application for a grant under this subsection, and an eligible entity that receives such a grant shall certify to the Under Secretary annually thereafter during the period during which the funds from the grant are available to the eligible entity, that—

“(A) beginning on the date that is 180 days before the date on which the application is filed, no portion of any 9–1–1 fee or charge imposed by the eligible entity (or if the eligible entity is not a State or Tribe, any State or taxing
jurisdiction within which the eligible entity will carry out, or is carrying out, activities using grant funds) is obligated or expended for a purpose or function not designated as acceptable under the rules issued under section 6(f)(3) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)) (as those rules are in effect on the date on which the eligible entity makes the certification);

“(B) any funds received by the eligible entity will be used, consistent with paragraph (1), to support the deployment of Next Generation 9–1–1 in a manner that ensures reliability and interoperability by requiring the use of commonly accepted standards;

“(C) the eligible entity (or if the eligible entity is not a State or Tribe, any State or taxing jurisdiction within which the eligible entity will carry out or is carrying out activities using grant funds) has established, or has committed to establish not later than 3 years after the date on which the grant funds are distributed to the eligible entity—

“(i) a sustainable funding mechanism for Next Generation 9–1–1; and
“(ii) effective cybersecurity resources for Next Generation 9–1–1;

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

“(E) the eligible entity has taken or will take steps to coordinate with adjoining States and Tribes to establish and maintain Next Generation 9–1–1; and

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

“(6) CONDITION OF GRANT.—An eligible entity shall agree, as a condition of receipt of a grant under this subsection, that if any State or taxing jurisdiction within which the eligible entity will carry out activities using grant funds fails to comply with a certification required under paragraph (5), during the period during which the funds from the grant are available to the eligible entity, all of the funds
from the grant shall be returned to the Under Secretary.

“(7) Penalty for providing false information.—An eligible entity that knowingly provides false information in a certification under paragraph (5)—

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

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

“(C) shall not be eligible to receive any subsequent grants under this subsection.

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

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

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

“(d) Definitions.—In this section and sections 160 and 161:

“(1) 9–1–1 fee or charge.—The term ‘9–1–1 fee or charge’ has the meaning given the term in

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

“(3) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the National Highway Traffic Safety Administration.

“(4) COMMONLY ACCEPTED STANDARDS.—The term ‘commonly accepted standards’ means the technical standards followed by the communications industry for network, device, and Internet Protocol connectivity that—

“(A) enable interoperability; and

“(B) are—

“(i) developed and approved by a standards development organization that is accredited by an American standards body (such as the American National Standards Institute) or an equivalent international standards body in a process—
“(I) that is open for participation
by any person; and
“(II) provides for a conflict reso-
lution process;
“(ii) subject to an open comment and
input process before being finalized by the
standards development organization;
“(iii) consensus-based; and
“(iv) made publicly available once ap-
proved.
“(5) COST RELATED TO THE TRAINING.—The
term ‘cost related to the training’ means—
“(A) actual wages incurred for travel and
attendance, including any necessary overtime
pay and backfill wage;
“(B) travel expenses;
“(C) instructor expenses; or
“(D) facility costs and training materials.
“(6) ELIGIBLE ENTITY.—The term ‘eligible en-
tity’—
“(A) means—
“(i) a State or a Tribe; or
“(ii) an entity, including a public au-
thority, board, or commission, established
by 1 or more entities described in clause (i); and

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

“(7) EMERGENCY COMMUNICATIONS CENTER.—

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

“(i) a facility that—

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

“(II) performs 1 or more of the functions described in subparagraph (B); or

“(ii) a public safety answering point, as defined in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

“(B) FUNCTIONS DESCRIBED.—The functions described in this subparagraph are the following:

“(i) Processing and analyzing 9–1–1 requests for emergency assistance and information and data related to such requests.
“(ii) Dispatching appropriate emergency response providers.

“(iii) Transferring or exchanging 9–1–1 requests for emergency assistance and information and data related to such requests with 1 or more other emergency communications centers and emergency response providers.

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

“(v) Supporting incident command functions.


“(9) First responder network authority.—The term ‘First Responder Network Authority’ means the authority established under 6204 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1424).

“(10) Interoperability.—The term ‘interoperability’ means the capability of emergency communications centers to receive 9–1–1 requests for
emergency assistance and information and data related to such requests, such as location information and callback numbers from a person initiating the request, then process and share the 9–1–1 requests for emergency assistance and information and data related to such requests with other emergency communications centers and emergency response providers without the need for proprietary interfaces and regardless of jurisdiction, equipment, device, software, service provider, or other relevant factors.

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

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

“(A) ensures interoperability;

“(B) is secure;

“(C) employs commonly accepted standards;
“(D) enables emergency communications centers to receive, process, and analyze all types of 9–1–1 requests for emergency assistance;

“(E) acquires and integrates additional information useful to handling 9–1–1 requests for emergency assistance; and

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

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

“(14) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.
“(15) Sustainable funding mechanism.—

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

“(16) Tribe.—The term ‘Tribe’ has the meaning given to the term ‘Indian Tribe’ in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

“SEC. 160. ESTABLISHMENT OF NATIONWIDE NEXT GENERATION 9–1–1 CYBERSECURITY CENTER.

“The Under Secretary, after consulting with the Administrator and the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, shall establish a Next Generation 9–1–1 Cybersecurity Center to coordinate with State, local, and regional governments on the sharing of cybersecurity information about, the analysis of cybersecurity threats to, and guidelines for strategies to detect and prevent cybersecurity intrusions relating to Next Generation 9–1–1.

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

“(a) Next Generation 9–1–1 Advisory Board.—

“(1) Establishment.—The Under Secretary shall establish a Public Safety Next Generation 9–1–1 Advisory Board (in this section referred to as
the ‘Board’) to provide recommendations to the
Under Secretary—

“(A) with respect to carrying out the du-
ties and responsibilities of the Under Secretary
in issuing the rules required under section
159(c)(4);

“(B) as required by paragraph (7) of this
subsection; and

“(C) upon request under paragraph (8) of
this subsection.

“(2) Membership.—

“(A) Appointment.—Not later than 150
days after the date of enactment of this section,
the Under Secretary shall appoint 16 members
to the Board, of which—

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

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

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

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

“(B) Diversity of membership.—Members
of the Board shall be representatives of
States or Tribes and local governments, chosen to reflect geographic and population density differences, as well as public safety organizations at the national level across the United States.

“(C) EXPERTISE.—Each member of the Board shall have specific expertise necessary for developing technical requirements under this section, such as technical expertise, and expertise related to public safety communications and 9–1–1 services.

“(D) RANK AND FILE MEMBERS.—In making the appointments under subparagraph (A), the Under Secretary shall appoint a rank and file member from each of the public safety disciplines listed in clauses (i) through (iv) of that subparagraph as a member of the Board and shall select the member from an organization that represents its public safety discipline at the national level.

“(3) PERIOD OF APPOINTMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Board shall serve for a 3-year term.
“(B) REMOVAL FOR CAUSE.—A member of the Board may be removed for cause upon the determination of the Under Secretary.

“(4) VACANCIES.—A vacancy in the Board shall be filled in the same manner as the original appointment.

“(5) QUORUM.—A majority of the members of the Board shall constitute a quorum.

“(6) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

“(7) DUTY OF BOARD TO SUBMIT RECOMMENDATIONS.—Not later than 120 days after all members of the Board are appointed under paragraph (2), the Board shall submit to the Under Secretary recommendations for—

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

“(B) ensuring flexibility in guidance, rules, and grant funding to allow for technology improvements;

“(C) creating efficiencies related to Next Generation 9–1–1, including cybersecurity and the virtualization and sharing of core infrastructure;
“(D) enabling effective coordination among State, local, Tribal, and territorial government entities to ensure that the needs of emergency communications centers in both rural and urban areas are taken into account in each implementation plan required under section 159(c)(3)(A)(iii); and

“(E) incorporating existing cybersecurity resources into Next Generation 9–1–1 procurement and deployment.

“(8) AUTHORITY TO PROVIDE ADDITIONAL RECOMMENDATIONS.—Except as provided in paragraphs (1) and (7), the Board may provide recommendations to the Under Secretary only upon request of the Under Secretary.

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

“(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting the authority of the Under Secretary to seek comment from stakeholders and the public.”.