

NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION REAUTHORIZATION ACT OF 2025

APRIL 24, 2025.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. GUTHRIE, from the Committee on Energy and Commerce,
submitted the following

R E P O R T

[To accompany H.R. 2482]

The Committee on Energy and Commerce, to whom was referred
the bill (H.R. 2482) to reauthorize the National Telecommuni-
cations and Information Administration, and for other purposes,
having considered the same, reports favorably thereon without
amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 2482, the National Telecommunications and Information
Administration Reauthorization Act of 2025, or NTIA Reauthoriza-
tion Act, was introduced on March 31, 2025 by Representatives

Robert E. Latta (R–OH) and Doris Matsui (D–CA). The bill would authorize \$57,000,000 in appropriations for the National Telecommunications and Information Administration (NTIA) for Fiscal Year 2025 (FY25) and \$57,000,000 for Fiscal Year 2026 (FY26). The bill would elevate the Administrator of NTIA from the Assistant Secretary of Commerce for Communications and Information to the Under Secretary of Commerce for Communications and Information. Additionally, the bill would codify and provide direction to two offices within NTIA. Finally, the bill would repeal outdated and unnecessary statutory reporting requirements while consolidating and streamlining redundant reports required by law.

BACKGROUND AND NEED FOR LEGISLATION

The Committee on Energy and Commerce has prioritized the reauthorization of federal agencies under its jurisdiction in the 119th Congress, and the National Telecommunications and Information Administration has not been reauthorized since 1992.

Since the last reauthorization of NTIA, the mission of the agency has changed significantly, and the appropriations provided to the agency have tripled. Accordingly, H.R. 2482 would authorize appropriations to the NTIA for FY25 and FY26, elevate the head of NTIA from an Assistant Secretary of Commerce to Under Secretary of Commerce, authorize NTIA’s Office of Spectrum Management and Office of International Affairs, and otherwise provide greater Congressional oversight of the NTIA.

COMMITTEE ACTION

On May 23, 2023, the Subcommittee on Communications and Technology held a hearing entitled, “Oversight and Reauthorization of the National Telecommunications and Information Administration,” on a discussion draft substantially similar to H.R. 2482. The Subcommittee received testimony from:

- Alan Davidson, Assistant Secretary of Commerce for Communications and Information and Administrator, National Telecommunications and Information Administration.

On July 12, 2023, the Subcommittee on Communications and Technology met in an open markup session and forwarded the National Telecommunications and Information Administration Reauthorization Act,¹ without amendment, to the full Committee by a voice vote.

On July 27, 2023, the full Committee on Energy and Commerce met in an open markup session and ordered H.R. 4510, as amended, favorably reported to the House by a record vote of 48 yeas and 0 nays.

On April 8, 2025, the full Committee on Energy and Commerce met in an open markup session and ordered H.R. 2482, as amended, favorably reported to the House by a voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto.

¹ Introduced in the 118th Congress as H.R. 4510.

There were no record votes taken in connection with ordering H.R. 2482 reported.

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held a hearing and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 2482 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to reauthorize the National Telecommunications and Information Administration.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 2482 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following hearing was used to develop or consider H.R. 2482:

- On May 23, 2023, the Subcommittee on Communications and Technology held a hearing entitled, “Oversight and Reauthorization of the National Telecommunications and Information Administration,” on a discussion draft substantially similar to the H.R. 2482. The Subcommittee received testimony from:
 - Alan Davidson, Assistant Secretary of Commerce for Communications and Information and Administrator, National Telecommunications and Information Administration.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 2482 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title; table of contents

This section designates that the short title may be cited as the “National Telecommunications and Information Administration Reauthorization Act of 2025” or the “NTIA Reauthorization Act of 2025” and provides a table of contents.

Section 2. Definitions

This section defines terms used in the bill.

TITLE I—REAUTHORIZATION

Section 101. Reauthorization of the National Telecommunications and Information Administration Organization Act

Subsection (a) would amend Section 151 of the National Telecommunications and Information Administration Organization Act (“NTIA Organization Act”) by striking the base appropriations amount from Fiscal Year (FY) 1992 and FY 1993, \$17,600,000, and replacing it with a new authorization of \$57,000,000 for both FY25 and FY26.

Subsection (b) would amend the NTIA Organization Act by elevating the head of the NTIA from “Assistant Secretary” to “Under Secretary” and by elevating the Deputy Assistant Secretary of NTIA to “Deputy Under Secretary.” Subsection (b) would ensure that the title change from “Assistant Secretary” to “Under Secretary” would not abate any civil action commenced by or against the Assistant Secretary of Commerce for Communications and Information before the date of enactment of H.R. 2482, except that the Under Secretary will be substituted as a party to the action.

Finally, subsection (b) would ensure that the individual serving as the Assistant Secretary at the time of enactment of this Act

would continue to serve as the Under Secretary, provides technical changes to any reference in law by substituting the term “Assistant Secretary” with the term “Under Secretary”, and amends the executive schedule to reflect the new title of the head of the NTIA.

Subsection (c) would amend the NTIA Organization Act to clarify the role of the NTIA in coordinating the Executive Branch views on matters before the Federal Communications Commission (FCC). It would also authorize the NTIA to publish reports on issues under the jurisdiction of the agency.

Subsection (d) would make technical and conforming amendments to other provisions of law that reference the Assistant Secretary to reflect the elevation of the head of NTIA to an Under Secretary under this section.

Section 102. NTIA Consolidated Reporting Act

Subsection (a) would repeal several outdated, unnecessary, or completed reporting requirements, such as the quarterly report of the Broadband Technology Opportunity Program (BTOP) required by law.

Subsection (b) would consolidate various reporting requirements required by law into an annual, consolidated report. This report would be required to be submitted to Congress during the first quarter of each calendar year and would cover activities conducted in the fiscal year prior to submission.

Subsection (c) would extend an audit and reporting requirement for the Connecting Minority Communities Pilot Program for fiscal year 2023 and 2024.

Subsection (d) would define terms used in this section.

TITLE II—OFFICE OF SPECTRUM MANAGEMENT

Section 201. Office of Spectrum Management

This section would amend the NTIA Organization Act by codifying the Office of Spectrum Management (OSM) and the office’s head, the Associate Administrator for Spectrum Management. This section would provide the duties of OSM, including carrying out functions of NTIA relating to management of Federal spectrum use, making frequency allocations for government stations, providing guidance to Federal agencies to ensure their conduct is consistent with their spectrum assignments, and represent the interests of Federal agencies in the development of national spectrum policy.

TITLE III—OFFICE OF INTERNATIONAL AFFAIRS

Section 301. Office of International Affairs

This section amends the NTIA Organization Act by codifying the Office of International Affairs (OIA) and the office’s head, the Associate Administrator for International Affairs. This section also provides the duties of OIA, including that it will conduct analysis of, review, and formulate international telecommunications and information policy.

The Committee recognizes that the NTIA, by statute, plays a significant role in providing advice and expertise regarding international telecommunications policies, including by coordinating economic, technical, operational, and related preparations for the

United States' participation in international telecommunications conferences and negotiations.² The Committee also recognizes the role OIA plays in leading the United States' participation in the Governmental Advisory Council (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN).³ Accordingly, the Committee expects OIA to continue leading efforts within the NTIA to carry out these and related activities.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION ORGANIZATION ACT

SECTION 1. SHORT TITLE.

This Act may be cited as the “Telecommunications Authorization Act of 1992”.

TITLE I—NATIONAL TELECOMMUNI- CATIONS AND INFORMATION ADMIN- ISTRATION

PART A—ORGANIZATION AND FUNCTIONS

SEC. 101. SHORT TITLE.

This title may be cited as the “National Telecommunications and Information Administration Organization Act”.

SEC. 102. DEFINITIONS; FINDINGS; POLICY.

(a) DEFINITIONS.—In this title, the following definitions apply:

(1) The term “NTIA” means the National Telecommunications and Information Administration.

(2) The term “[Assistant Secretary] *Under Secretary*” means the [Assistant Secretary] *Under Secretary* for Communications and Information.

(3) The term “Secretary” means the Secretary of Commerce.

(4) The term “Commission” means the Federal Communications Commission.

(5) The term “Corporation” means the Communications Satellite Corporation authorized in title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq.).

(b) FINDINGS.—The Congress finds the following:

² 47 U.S.C. 902(b)(2)(G).

³ National Telecommunications and Information Administration, ICANN, <https://www.ntia.gov/category/icann> (for information related to affirmations of commitments and projects undertaken by the U.S. Department of Commerce and ICANN related to technical coordination of the Internet's domain name system).

(1) Telecommunications and information are vital to the public welfare, national security, and competitiveness of the United States.

(2) Rapid technological advances being made in the telecommunications and information fields make it imperative that the United States maintain effective national and international policies and programs capable of taking advantage of continued advancements.

(3) Telecommunications and information policies and recommendations advancing the strategic interests and the international competitiveness of the United States are essential aspects of the Nation's involvement in international commerce.

(4) There is a critical need for competent and effective telecommunications and information research and analysis and national and international policy development, advice, and advocacy by the executive branch of the Federal Government.

(5) As one of the largest users of the Nation's telecommunications facilities and resources, the Federal Government must manage its radio spectrum use and other internal communications operations in the most efficient and effective manner possible.

(6) It is in the national interest to codify the authority of the National Telecommunications and Information Administration, an agency in the Department of Commerce, as the executive branch agency principally responsible for advising the President on telecommunications and information policies, and for carrying out the related functions it currently performs, as reflected in Executive Order 12046.

(c) **POLICY.**—The NTIA shall seek to advance the following policies:

(1) Promoting the benefits of technological development in the United States for all users of telecommunications and information facilities.

(2) Fostering national safety and security, economic prosperity, and the delivery of critical social services through telecommunications.

(3) Facilitating and contributing to the full development of competition, efficiency, and the free flow of commerce in domestic and international telecommunications markets.

(4) Fostering full and efficient use of telecommunications resources, including effective use of the radio spectrum by the Federal Government, in a manner which encourages the most beneficial uses thereof in the public interest.

(5) Furthering scientific knowledge about telecommunications and information.

SEC. 103. ESTABLISHMENT; ASSIGNED FUNCTIONS.

(a) **ESTABLISHMENT.**—

(1) **ADMINISTRATION.**—There shall be within the Department of Commerce an administration to be known as the National Telecommunications and Information Administration.

(2) **HEAD OF ADMINISTRATION.**—The head of the NTIA shall be an **【Assistant Secretary】** *Under Secretary* of Commerce for Communications and Information, who shall be appointed by the President, by and with the advice and consent of the Senate.

(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.*

(b) *ASSIGNED FUNCTIONS.*—

(1) *IN GENERAL.*—Subject to section 105(d), the Secretary shall assign to the [Assistant Secretary] *Under Secretary* and the NTIA responsibility for the performance of the Secretary's communications and information functions.

(2) *COMMUNICATIONS AND INFORMATION FUNCTIONS.*—Subject to section 105(d), the functions to be assigned by the Secretary under paragraph (1) include (but are not limited to) the following functions, *some of which were* transferred to the Secretary by Reorganization Plan Number 1 of 1977 and Executive Order 12046:

(A) The authority delegated by the President to the Secretary to assign frequencies to radio stations or classes of radio stations belonging to and operated by the United States, including the authority to amend, modify, or revoke such assignments, but not including the authority to make final disposition of appeals from frequency assignments.

(B) The authority to authorize a foreign government to construct and operate a radio station at the seat of Government of the United States, but only upon recommendation of the Secretary of State and after consultation with the Attorney General and the Chairman of the Commission.

(C) Functions relating to the communications satellite system, including authority vested in the President by section 201(a) of the Communications Satellite Act of 1962 (47 U.S.C. 721(a)) and delegated to the Secretary under Executive Order 12046, to—

(i) aid in the planning and development of the commercial communications satellite system and the execution of a national program for the operation of such a system;

(ii) conduct a continuous review of all phases of the development and operation of such system, including the activities of the Corporation;

(iii) coordinate, in consultation with the Secretary of State, the activities of governmental agencies with responsibilities in the field of telecommunications, so as to ensure that there is full and effective compliance at all times with the policies set forth in the Communications Satellite Act of 1962;

(iv) make recommendations to the President and others as appropriate, with respect to steps necessary to ensure the availability and appropriate utilization of the communications satellite system for general governmental purposes in consonance with section

201(a)(6) of the Communications Satellite Act of 1962 (47 U.S.C. 721(a)(6));

(v) help attain coordinated and efficient use of the electromagnetic spectrum and the technical compatibility of the communications satellite system with existing communications facilities both in the United States and abroad;

(vi) assist in the preparation of Presidential action documents for consideration by the President as may be appropriate under section 201(a) of the Communications Satellite Act of 1962 (47 U.S.C. 721(a)), make necessary recommendations to the President in connection therewith, and keep the President informed with respect to the carrying out of the Communications Satellite Act of 1962; and

(vii) serve as the chief point of liaison between the President and the Corporation.

(D) The authority to serve as the President's principal adviser on telecommunications policies pertaining to the Nation's economic and technological advancement and to the regulation of the telecommunications industry.

(E) The authority to advise the Director of the Office of Management and Budget on the development of policies relating to the procurement and management of Federal telecommunications systems.

(F) The authority to conduct studies and evaluations concerning telecommunications research and development and concerning the initiation, improvement, expansion, testing, operation, and use of Federal telecommunications systems and advising agencies of the results of such studies and evaluations.

(G) Functions which involve—

(i) developing and setting forth, in coordination with the Secretary of State and other interested agencies, plans, policies, and programs which relate to international telecommunications issues, conferences, and negotiations;

(ii) coordinating economic, technical, operational, and related preparations for United States participation in international telecommunications conferences and negotiations; and

(iii) providing advice and assistance to the Secretary of State on international telecommunications policies to strengthen the position and serve the best interests of the United States in support of the Secretary of State's responsibility for the conduct of foreign affairs.

(H) The authority to provide for the coordination of the telecommunications activities of the executive branch and assist in the formulation of policies and standards for those activities, including (but not limited to) considerations of interoperability, privacy, security, spectrum use, and emergency readiness.

(I) The authority to develop and set forth telecommunications policies pertaining to the Nation's economic and

technological advancement and to the regulation of the telecommunications industry.

(J) The responsibility to ensure that the views of the executive branch on telecommunications matters are effectively presented to the Commission and, in coordination with the Director of the Office of Management and Budget, to the Congress.

(K) The authority to establish policies concerning spectrum assignments and use by radio stations belonging to and operated by the United States.

(L) Functions which involve—

(i) developing, in cooperation with the Commission, a comprehensive long-range plan for improved management of all electromagnetic spectrum resources;

(ii) performing analysis, engineering, and administrative functions, including the maintenance of necessary files and data bases, as necessary for the performance of assigned functions for the management of electromagnetic spectrum resources;

(iii) conducting research and analysis of electromagnetic propagation, radio systems characteristics, and operating techniques affecting the utilization of the electromagnetic spectrum in coordination with specialized, related research and analysis performed by other Federal agencies in their areas of responsibility; and

(iv) conducting research and analysis in the general field of telecommunications sciences in support of assigned functions and in support of other Government agencies.

(M) The authority to conduct studies, *publish reports*, and make recommendations concerning the impact of the convergence of computer and communications technology.

(N) The authority to coordinate Federal telecommunications assistance to State and local governments.

(O) The authority to conduct and coordinate economic and technical analyses of telecommunications policies, activities, and opportunities in support of assigned functions.

(P) The authority to contract for studies and reports relating to any aspect of assigned functions.

(Q) The authority to participate, as appropriate, in evaluating the capability of telecommunications resources, in recommending remedial actions, and in developing policy options.

(R) The authority to participate with the National Security Council and the Director of the Office of Science and Technology Policy as they carry out their responsibilities under sections 4-1, 4-2, and 4-3 of Executive Order 12046, with respect to emergency functions, the national communication system, and telecommunications planning functions.

(S) The authority to establish coordinating committees pursuant to section 10 of Executive Order 11556.

(T) The authority to establish, as permitted by law, such interagency committees and working groups composed of

representatives of interested agencies and consulting with such departments and agencies as may be necessary for the effective performance of assigned functions.

(U) The responsibility to promote the best possible and most efficient use of electromagnetic spectrum resources across the Federal Government, subject to and consistent with the needs and missions of Federal agencies.

(3) ADDITIONAL COMMUNICATIONS AND INFORMATION FUNCTIONS.—In addition to the functions described in paragraph (2), the Secretary under paragraph (1)—

(A) may assign to the NTIA the performance of functions under section 504(a) of the Communications Satellite Act of 1962 (47 U.S.C. 753(a));

(B) shall assign to the NTIA the administration of the Public Telecommunications Facilities Program under sections 390 through 393 of the Communications Act of 1934 (47 U.S.C. 390–393), and the National Endowment for Children’s Educational Television under section 394 of the Communications Act of 1934 (47 U.S.C. 394); and

(C) shall assign to the NTIA responsibility for providing for the establishment, and overseeing operation, of a second-level Internet domain within the United States country code domain in accordance with section 157.

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SEC. 105. GENERAL ADMINISTRATIVE PROVISIONS.

(a) INTERAGENCY FUNCTIONS.—

(1) AGENCY CONSULTATION.—Federal agencies shall consult with the **【Assistant Secretary】** *Under Secretary* and the NTIA **【to ensure that the conduct】** *to ensure that—*

(A) *the conduct* of telecommunications activities by such agencies is consistent with the policies developed under section 103(b)(2)(K)**【.】**; and

(B) *the views of the executive branch on matters presented to the Commission are, consistent with section 103(b)(2)(J)—*

(i) appropriately coordinated; and

(ii) reflective of executive branch policy.

【(2) REPORT TO PRESIDENT.—The Secretary shall timely submit to the President each year the report (including evaluations and recommendations) provided for in section 404(a) of the Communications Satellite Act of 1962 (47 U.S.C. 744(a)).**】**

【(3)】 (2) COORDINATION WITH SECRETARY OF STATE.—The Secretary shall coordinate with the Secretary of State the performance of the functions described in section 103(b)(2)(C). The Corporation and concerned executive agencies shall provide the Secretary with such assistance, documents, and other cooperation as will enable the Secretary to carry out those functions.

(b) ADVISORY COMMITTEES AND INFORMAL CONSULTATIONS WITH INDUSTRY.—To the extent the **【Assistant Secretary】** *Under Secretary* deems it necessary to continue the Interdepartmental Radio Advisory Committee, such Committee shall serve as an advisory committee to the **【Assistant Secretary】** *Under Secretary* and the NTIA. As permitted by law, the **【Assistant Secretary】** *Under Secretary* may establish one or more telecommunications or informa-

tion advisory committees (or both) composed of experts in the telecommunications and/or information areas outside the Government. The NTIA may also informally consult with industry as appropriate to carry out the most effective performance of its functions.

(c) GENERAL PROVISIONS.—

(1) REGULATIONS.—The Secretary and NTIA shall issue such regulations as may be necessary to carry out the functions assigned under this title.

(2) SUPPORT AND ASSISTANCE FROM OTHER AGENCIES.—All executive agencies are authorized and directed to cooperate with the NTIA and to furnish it with such information, support, and assistance, not inconsistent with law, as it may require in the performance of its functions.

(3) EFFECT ON VESTED FUNCTIONS.—Nothing in this title reassigns any function that is, on the date of enactment of this Act, vested by law or executive order in the Commission, or the Department of State, or any officer thereof.

(d) REORGANIZATION.—

(1) AUTHORITY TO REORGANIZE.—Subject to paragraph (2), the Secretary may reassign to another unit of the Department of Commerce a function (or portion thereof) required to be assigned to the NTIA by section 103(b).

(2) LIMITATION ON AUTHORITY.—The Secretary may not make any reassignment of a function (or portion thereof) required to be assigned to the NTIA by section 103(b) unless the Secretary submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a statement describing the proposed reassignment and containing an explanation of the reasons for the reassignment. No reassignment of any such function (or portion thereof) shall be effective until 90 legislative days after the Secretary submits that statement to such Committees. For purposes of this paragraph, the term “legislative days” includes only days on which both Houses of Congress are in session.

(e) LIMITATION ON SOLICITATIONS.—Notwithstanding section 1 of the Act of October 2, 1964 (15 U.S.C. 1522), neither the Secretary, the [Assistant Secretary] Under Secretary, nor any officer or employee of the NTIA shall solicit any gift or bequest of property, both real and personal, from any entity for the purpose of furthering the authorized functions of the NTIA if such solicitation would create a conflict of interest or an appearance of a conflict of interest.

SEC. 106. OFFICE OF SPECTRUM MANAGEMENT.

(a) ESTABLISHMENT.—*There is established within the NTIA an Office of Spectrum Management (in this section referred to as the “Office”).*

(b) HEAD OF OFFICE.—

(1) IN GENERAL.—*The head of the Office shall be an Associate Administrator for Spectrum Management (in this section referred to as the “Associate Administrator”).*

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

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

(1) carry out responsibilities under section 103(b)(2)(A) (relating to frequency assignments for radio stations belonging to and operated by the United States), make frequency allocations for frequencies that will be used by such stations, and develop and maintain techniques, databases, measurements, files, and procedures necessary for such allocations;

(2) carry out responsibilities under section 103(b)(2)(K) (relating to establishing policies concerning spectrum assignments and use by radio stations belonging to and operated by the United States) and provide Federal agencies with guidance to ensure that the conduct of telecommunications activities by such agencies is consistent with such policies;

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

(4) appoint the chairpersons of and provide secretariat functions for the Interdepartmental Radio Advisory Committee;

(5) carry out responsibilities under section 103(b)(2)(B) (relating to authorizing a foreign government to construct and operate a radio station at the seat of Government of the United States) and assign frequencies for use by such stations;

(6) provide advice and assistance to the Under Secretary and coordinate with the Associate Administrator for International Affairs in carrying out spectrum management aspects of the international policy responsibilities of the NTIA, including spectrum-related responsibilities under section 103(b)(2)(G);

(7) carry out spectrum-related responsibilities under section 103(b)(2)(H) (relating to coordination of the telecommunications activities of the executive branch and assistance in the formulation of policies and standards for such activities);

(8) carry out spectrum-related responsibilities under section 103(b)(2)(Q) (relating to certain activities with respect to telecommunications resources); and

(9) carry out any other duties of the NTIA with respect to spectrum policy that the Under Secretary may designate.

SEC. 107. OFFICE OF INTERNATIONAL AFFAIRS.

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

(b) **HEAD OF OFFICE.**—

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

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

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

(1) in coordination with the Secretary of State, conduct analysis of, review, and formulate international telecommunications and information policy;

(2) *present on international telecommunications and information policy—*

(A) *before the Commission, Congress, and others; and*

(B) *in coordination with the Secretary of State, before international telecommunications bodies, including the International Telecommunication Union;*

(3) *conduct or obtain analysis on economic and other aspects of international telecommunications and information policy;*

(4) *formulate, and recommend to the Under Secretary, policies and plans with respect to preparation for and participation in international telecommunications and information policy activities;*

(5) *in coordination with the Secretary of State, coordinate NTIA and interdepartmental economic, technical, operational, and other preparations related to participation by the United States in international telecommunications and information policy conferences and negotiations;*

(6) *ensure NTIA representation with respect to international telecommunications and information policy meetings and the activities related to preparation for such meetings;*

(7) *in coordination with the Secretary of State, coordinate with Federal agencies and private organizations engaged in activities involving international telecommunications and information policy matters and maintain cognizance of the activities of United States signatories with respect to related treaties, agreements, and other instruments;*

(8) *provide advice and assistance related to international telecommunications and information policy to other Federal agencies charged with responsibility for international negotiations, to strengthen the position and serve the best interests of the United States in the conduct of negotiations with foreign nations;*

(9) *provide advice and assistance to the Under Secretary with respect to evaluating the international impact of matters pending before the Commission, other Federal agencies, and Congress;*

(10) *carry out, at the request of the Secretary, the responsibilities of the Secretary under the Communications Satellite Act of 1962 (47 U.S.C. 701 et seq.) and other Federal laws related to international telecommunications and information policy; and*

(11) *carry out any other duties of the NTIA with respect to international telecommunications and information policy that the Under Secretary may designate.*

PART B—TRANSFER OF AUCTIONABLE FREQUENCIES

* * * * *

SEC. 112. NATIONAL SPECTRUM ALLOCATION PLANNING.

The [Assistant Secretary] *Under Secretary* and the Chairman of the Commission shall meet, at least biannually, to conduct joint spectrum planning with respect to the following issues:

(1) the extent to which licenses for spectrum use can be issued pursuant to section 309(j) of the 1934 Act to increase Federal revenues;

(2) the future spectrum requirements for public and private uses, including State and local government public safety agencies;

(3) the spectrum allocation actions necessary to accommodate those uses; and

(4) actions necessary to promote the efficient use of the spectrum, including spectrum management techniques to promote increased shared use of the spectrum that does not cause harmful interference as a means of increasing commercial access.

SEC. 113. IDENTIFICATION OF REALLOCABLE FREQUENCIES.

(a) IDENTIFICATION REQUIRED.—The Secretary shall, within 18 months after the date of the enactment of the Omnibus Budget Reconciliation Act of 1993 and within 6 months after the date of enactment of the Balanced Budget Act of 1997, prepare and submit to the President and the Congress a report identifying and recommending for reallocation bands of frequencies—

(1) that are allocated on a primary basis for Federal Government use;

(2) that are not required for the present or identifiable future needs of the Federal Government;

(3) that can feasibly be made available, as of the date of submission of the report or at any time during the next 15 years, for use under the 1934 Act (other than for Federal Government stations under section 305 of the 1934 Act);

(4) the transfer of which (from Federal Government use) will not result in costs to the Federal Government, or losses of services or benefits to the public, that are excessive in relation to the benefits to the public that may be provided by non-Federal licensees; and

(5) that are most likely to have the greatest potential for productive uses and public benefits under the 1934 Act if allocated for non-Federal use.

(b) MINIMUM AMOUNT OF SPECTRUM RECOMMENDED.—

(1) INITIAL REALLOCATION REPORT.—In accordance with the provisions of this section, the Secretary shall recommend for reallocation in the initial report required by subsection (a), for use other than by Federal Government stations under section 305 of the 1934 Act (47 U.S.C. 305), bands of frequencies that in the aggregate span not less than 200 megahertz, that are located below 5 gigahertz, and that meet the criteria specified in paragraphs (1) through (5) of subsection (a). Such bands of frequencies shall include bands of frequencies, located below 3 gigahertz, that span in the aggregate not less than 100 megahertz.

(2) MIXED USES PERMITTED TO BE COUNTED.—Bands of frequencies which a report of the Secretary under subsection (a) or (d)(1) recommends be partially retained for use by Federal Government stations, but which are also recommended to be reallocated to be made available under the 1934 Act for use by non-Federal stations, may be counted toward the minimum

spectrum required by paragraph (1) or (3) of this subsection, except that—

(A) the bands of frequencies counted under this paragraph may not count toward more than one-half of the minimums required by paragraph (1) or (3) of this subsection;

(B) a band of frequencies may not be counted under this paragraph unless the assignments of the band to Federal Government stations under section 305 of the 1934 Act (47 U.S.C. 305) are limited by geographic area, by time, or by other means so as to guarantee that the potential use to be made by such Federal Government stations is substantially less (as measured by geographic area, time, or otherwise) than the potential use to be made by non-Federal stations; and

(C) the operational sharing permitted under this paragraph shall be subject to the interference regulations prescribed by the Commission pursuant to section 305(a) of the 1934 Act and to coordination procedures that the Commission and the Secretary shall jointly establish and implement to ensure against harmful interference.

(3) SECOND REALLOCATION REPORT.—In accordance with the provisions of this section, the Secretary shall recommend for reallocation in the second report required by subsection (a), for use other than by Federal Government stations under section 305 of the 1934 Act (47 U.S.C. 305), a band or bands of frequencies that—

(A) in the aggregate span not less than 12 megahertz;

(B) are located below 3 gigahertz; and

(C) meet the criteria specified in paragraphs (1) through (5) of subsection (a).

(c) CRITERIA FOR IDENTIFICATION.—

(1) NEEDS OF THE FEDERAL GOVERNMENT.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(2), the Secretary shall—

(A) consider whether the band of frequencies is used to provide a communications service that is or could be available from a commercial provider or other vendor;

(B) seek to promote—

(i) the maximum practicable reliance on commercially available substitutes;

(ii) the sharing of frequencies (as permitted under subsection (b)(2));

(iii) the development and use of new communications technologies; and

(iv) the use of nonradiating communications systems where practicable; and

(C) seek to avoid—

(i) serious degradation of Federal Government services and operations;

(ii) excessive costs to the Federal Government and users of Federal Government services; and

(iii) excessive disruption of existing use of Federal Government frequencies by amateur radio licensees.

(2) FEASIBILITY OF USE.—In determining whether a frequency band meets the criteria specified in subsection (a)(3), the Secretary shall—

(A) assume that the frequency will be assigned by the Commission under section 303 of the 1934 Act (47 U.S.C. 303) within 15 years;

(B) assume reasonable rates of scientific progress and growth of demand for telecommunications services;

(C) seek to include frequencies which can be used to stimulate the development of new technologies; and

(D) consider the immediate and recurring costs to reestablish services displaced by the reallocation of spectrum.

(3) ANALYSIS OF BENEFITS.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(5), the Secretary shall consider—

(A) the extent to which equipment is or will be available that is capable of utilizing the band;

(B) the proximity of frequencies that are already assigned for commercial or other non-Federal use;

(C) the extent to which, in general, commercial users could share the frequency with amateur radio licensees; and

(D) the activities of foreign governments in making frequencies available for experimentation or commercial assignments in order to support their domestic manufacturers of equipment.

(4) POWER AGENCY FREQUENCIES.—

(A) APPLICABILITY OF CRITERIA.—The criteria specified by subsection (a) shall be deemed not to be met for any purpose under this part with regard to any frequency assignment to, or any frequency assignment used by, a Federal power agency for the purpose of withdrawing that assignment.

(B) MIXED USE ELIGIBILITY.—The frequencies assigned to any Federal power agency may only be eligible for mixed use under subsection (b)(2) in geographically separate areas, but in those cases where a frequency is to be shared by an affected Federal power agency and a non-Federal user, such use by the non-Federal user shall not cause harmful interference to the affected Federal power agency or adversely affect the reliability of its power system.

(C) DEFINITION.—As used in this paragraph, the term “Federal power agency” means the Tennessee Valley Authority, the Bonneville Power Administration, the Western Area Power Administration, the Southwestern Power Administration, the Southeastern Power Administration, or the Alaska Power Administration.

(5) LIMITATION ON REALLOCATION.—None of the frequencies recommended for reallocation in the reports required by this subsection shall have been recommended, prior to the date of enactment of the Omnibus Budget Reconciliation Act of 1993, for reallocation to non-Federal use by international agreement.

(d) PROCEDURE FOR IDENTIFICATION OF REALLOCABLE BANDS OF FREQUENCIES.—

(1) SUBMISSION OF PRELIMINARY IDENTIFICATION TO CONGRESS.—Within 6 months after the date of the enactment of the Omnibus Budget Reconciliation Act of 1993, the Secretary shall prepare, make publicly available, and submit to the President, the Congress, and the Commission a report which makes a preliminary identification of reallocable bands of frequencies which meet the criteria established by this section.

(2) PUBLIC COMMENT.—The Secretary shall provide interested persons with the opportunity to submit, within 90 days after the date of its publication, written comment on the preliminary report required by paragraph (1). The Secretary shall immediately transmit a copy of any such comment to the Commission.

(3) COMMENT AND RECOMMENDATIONS FROM COMMISSION.—The Commission shall, within 90 days after the conclusion of the period for comment provided pursuant to paragraph (2), submit to the Secretary the Commission's analysis of such comments and the Commission's recommendations for responses to such comments, together with such other comments and recommendations as the Commission deems appropriate.

(4) DIRECT DISCUSSIONS.—The Secretary shall encourage and provide opportunity for direct discussions among commercial representatives and Federal Government users of the spectrum to aid the Secretary in determining which frequencies to recommend for reallocation. The Secretary shall provide notice to the public and the Commission of any such discussions, including the name or names of any businesses or other persons represented in such discussions. A representative of the Commission (and of the Secretary at the election of the Secretary) shall be permitted to attend any such discussions. The Secretary shall provide the public and the Commission with an opportunity to comment on the results of any such discussions prior to the submission of the initial report required by subsection (a).

(e) TIMETABLE FOR REALLOCATION AND LIMITATION.—

(1) TIMETABLE REQUIRED.—The Secretary shall, as part of the reports required by subsections (a) and (d)(1), include a timetable that recommends effective dates by which the President shall withdraw or limit assignments of the frequencies specified in such reports.

(2) EXPEDITED REALLOCATION.—

(A) REQUIRED REALLOCATION.—The Secretary shall, as part of the report required by subsection (d)(1), specifically identify and recommend for immediate reallocation bands of frequencies that in the aggregate span not less than 50 megahertz, that meet the criteria described in subsection (a), and that can be made available for reallocation immediately upon issuance of the report required by subsection (d)(1). Such bands of frequencies shall include bands of frequencies, located below 3 gigahertz, that in the aggregate span not less than 25 megahertz.

(B) PERMITTED REALLOCATION.—The Secretary may, as part of such report, identify and recommend bands of frequencies for immediate reallocation for a mixed use pursuant to subsection (b)(2), but such bands of frequencies may

not count toward the minimums required by subparagraph (A).

(3) DELAYED EFFECTIVE DATES.—In setting the recommended delayed effective dates, the Secretary shall—

(A) consider the need to reallocate bands of frequencies as early as possible, taking into account the requirements of paragraphs (1) and (2) of section 115(b);

(B) be based on the useful remaining life of equipment that has been purchased or contracted for to operate on identified frequencies;

(C) consider the need to coordinate frequency use with other nations; and

(D) take into account the relationship between the costs to the Federal Government of changing to different frequencies and the benefits that may be obtained from commercial and other non-Federal uses of the reassigned frequencies.

(f) ADDITIONAL REALLOCATION REPORT.—If the Secretary receives a notice from the Commission pursuant to section 3002(c)(5) of the Balanced Budget Act of 1997, the Secretary shall prepare and submit to the President, the Commission, and the Congress a report recommending for reallocation for use other than by Federal Government stations under section 305 of the 1934 Act (47 U.S.C. 305), bands of frequencies that are suitable for the licensees identified in the Commission's notice. The Commission shall, not later than one year after receipt of such report, prepare, submit to the President and the Congress, and implement, a plan for the immediate allocation and assignment of such frequencies under the 1934 Act to incumbent licensees described in the Commission's notice.

(g) RELOCATION OF AND SPECTRUM SHARING BY FEDERAL GOVERNMENT STATIONS.—

(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station that incurs relocation or sharing costs because of planning for an auction of eligible spectrum frequencies or the reallocation of eligible spectrum frequencies from Federal use to exclusive non-Federal use or to shared use shall receive payment for such relocation or sharing costs from the Spectrum Relocation Fund, in accordance with this section and section 118. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a) are eligible to receive payment under this paragraph.

(2) ELIGIBLE FREQUENCIES.—The bands of eligible frequencies for purposes of this section are as follows:

(A) the 216–220 megahertz band, the 1432–1435 megahertz band, the 1710–1755 megahertz band, and the 2385–2390 megahertz band of frequencies; and

(B) any other band of frequencies reallocated from Federal use to non-Federal use or to shared use after January 1, 2003, that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(3) RELOCATION OR SHARING COSTS DEFINED.—

(A) IN GENERAL.—For purposes of this section and section 118, the term “relocation or sharing costs” means the costs incurred by a Federal entity in connection with the auction of spectrum frequencies or the sharing of spectrum frequencies (including the auction or a planned auction of the rights to use spectrum frequencies on a shared basis with such entity) in order to achieve comparable capability of systems as before the relocation or sharing arrangement. Such term includes, with respect to relocation or sharing, as the case may be—

(i) the costs of any modification or replacement of equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training, or compliance with regulations that are attributable to relocation or sharing;

(ii) the costs of all engineering, equipment, software, site acquisition, and construction, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary to carry out the relocation or sharing activities of a Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs associated with the replacement of facilities;

(iii) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with—

(I) calculating the estimated relocation or sharing costs that are provided to the Commission pursuant to paragraph (4)(A);

(II) determining the technical or operational feasibility of relocation to 1 or more potential relocation bands; or

(III) planning for or managing a relocation or sharing arrangement (including spectrum coordination with auction winners);

(iv) the one-time costs of any modification of equipment reasonably necessary—

(I) to accommodate non-Federal use of shared frequencies; or

(II) in the case of eligible frequencies reallocated for exclusive non-Federal use and assigned through a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) but with respect to which a Federal entity retains primary allocation or protected status for a period of time after the completion of the competitive bidding process, to accommodate shared Federal and non-Federal use of such frequencies for such period; and

(v) the costs associated with the accelerated replacement of systems and equipment if the acceleration is necessary to ensure the timely relocation of systems to

a new frequency assignment or the timely accommodation of sharing of Federal frequencies.

(B) COMPARABLE CAPABILITY OF SYSTEMS.—For purposes of subparagraph (A), comparable capability of systems—

(i) may be achieved by relocating a Federal Government station to a new frequency assignment, by relocating a Federal Government station to a different geographic location, by modifying Federal Government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography, or time, and thereby permitting spectrum sharing (including sharing among relocated Federal entities and incumbents to make spectrum available for non-Federal use) or relocation, or by utilizing an alternative technology; and

(ii) includes the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality.

(4) NOTICE TO COMMISSION OF ESTIMATED RELOCATION OR SHARING COSTS.—

(A) The Commission shall notify the NTIA at least 18 months prior to the commencement of any auction of eligible frequencies defined in paragraph (2). At least 6 months prior to the commencement of any such auction, the NTIA, on behalf of the Federal entities and after review by the Office of Management and Budget, shall notify the Commission of estimated relocation or sharing costs and timelines for such relocation or sharing.

(B) Upon timely request of a Federal entity, the NTIA shall provide such entity with information regarding an alternative frequency assignment or assignments to which their radiocommunications operations could be relocated for purposes of calculating the estimated relocation or sharing costs and timelines to be submitted to the Commission pursuant to subparagraph (A).

(C) To the extent practicable and consistent with national security considerations, the NTIA shall provide the information required by subparagraphs (A) and (B) by the geographic location of the Federal entities' facilities or systems and the frequency bands used by such facilities or systems.

(5) NOTICE TO CONGRESSIONAL COMMITTEES AND GAO.—The NTIA shall, at the time of providing an initial estimate of relocation or sharing costs to the Commission under paragraph (4)(A), submit to Committees on Appropriations and Energy and Commerce of the House of Representatives for approval, to the Committees on Appropriations and Commerce, Science, and Transportation of the Senate for approval, and to the Comptroller General a copy of such estimate and the timelines for relocation or sharing. Unless disapproved within 30 days, the estimate shall be approved. If disapproved, the NTIA may resubmit a revised initial estimate.

(6) IMPLEMENTATION OF PROCEDURES.—The NTIA shall take such actions as necessary to ensure the timely relocation of Federal entities' spectrum-related operations from frequencies

described in paragraph (2) to frequencies or facilities of comparable capability and to ensure the timely implementation of arrangements for the sharing of frequencies described in such paragraph. Upon a finding by the NTIA that a Federal entity has achieved comparable capability of systems, the NTIA shall terminate or limit the entity's authorization and notify the Commission that the entity's relocation has been completed or sharing arrangement has been implemented. The NTIA shall also terminate such entity's authorization if the NTIA determines that the entity has unreasonably failed to comply with the timeline for relocation or sharing submitted by the Director of the Office of Management and Budget under section 118(d)(2)(C).

(h) DEVELOPMENT AND PUBLICATION OF RELOCATION OR SHARING TRANSITION PLANS.—

(1) DEVELOPMENT OF TRANSITION PLAN BY FEDERAL ENTITY.—Not later than 240 days before the commencement of any auction of eligible frequencies described in subsection (g)(2), a Federal entity shall submit to the NTIA and to the Technical Panel established by paragraph (3) a transition plan for the implementation by such entity of the relocation or sharing arrangement. The NTIA shall specify, after public input, a common format for all Federal entities to follow in preparing transition plans under this paragraph.

(2) CONTENTS OF TRANSITION PLAN.—The transition plan required by paragraph (1) shall include the following information:

(A) The use by the Federal entity of the eligible frequencies to be auctioned, current as of the date of the submission of the plan.

(B) The geographic location of the facilities or systems of the Federal entity that use such frequencies.

(C) The frequency bands used by such facilities or systems, described by geographic location.

(D) The steps to be taken by the Federal entity to relocate its spectrum use from such frequencies or to share such frequencies, including timelines for specific geographic locations in sufficient detail to indicate when use of such frequencies at such locations will be discontinued by the Federal entity or shared between the Federal entity and non-Federal users.

(E) The specific interactions between the eligible Federal entity and the NTIA needed to implement the transition plan.

(F) The name of the officer or employee of the Federal entity who is responsible for the relocation or sharing efforts of the entity and who is authorized to meet and negotiate with non-Federal users regarding the transition.

(G) The plans and timelines of the Federal entity for—

(i) using funds received from the Spectrum Relocation Fund established by section 118;

(ii) procuring new equipment and additional personnel needed for relocation or sharing;

(iii) field-testing and deploying new equipment needed for relocation or sharing; and

(iv) hiring and relying on contract personnel, if any, needed for relocation or sharing.

(H) Factors that could hinder fulfillment of the transition plan by the Federal entity.

(3) TECHNICAL PANEL.—

(A) ESTABLISHMENT.—There is established within the NTIA a panel to be known as the Technical Panel.

(B) MEMBERSHIP.—

(i) NUMBER AND APPOINTMENT.—The Technical Panel shall be composed of 3 members, to be appointed as follows:

(I) One member to be appointed by the Director of the Office of Management and Budget (in this subsection referred to as “OMB”).

(II) One member to be appointed by the [Assistant Secretary] *Under Secretary*.

(III) One member to be appointed by the Chairman of the Commission.

(ii) QUALIFICATIONS.—Each member of the Technical Panel shall be a radio engineer or a technical expert.

(iii) INITIAL APPOINTMENT.—The initial members of the Technical Panel shall be appointed not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012.

(iv) TERMS.—The term of a member of the Technical Panel shall be 18 months, and no individual may serve more than 1 consecutive term.

(v) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office. A vacancy shall be filled in the manner in which the original appointment was made.

(vi) NO COMPENSATION.—The members of the Technical Panel shall not receive any compensation for service on the Technical Panel. If any such member is an employee of the agency of the official that appointed such member to the Technical Panel, compensation in the member’s capacity as such an employee shall not be considered compensation under this clause.

(C) ADMINISTRATIVE SUPPORT.—The NTIA shall provide the Technical Panel with the administrative support services necessary to carry out its duties under this subsection, subsection (i), and section 118(g)(2)(E).

(D) REGULATIONS.—Not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012, the NTIA shall, after public notice and comment and subject to approval by the Director of OMB, adopt regulations to govern the workings of the Technical Panel.

(E) CERTAIN REQUIREMENTS INAPPLICABLE.—Chapter 10 of title 5, United States Code, and sections 552 and 552b

of title 5, United States Code, shall not apply to the Technical Panel.

(4) REVIEW OF PLAN BY TECHNICAL PANEL.—

(A) IN GENERAL.—Not later than 30 days after the submission of the plan under paragraph (1), the Technical Panel shall submit to the NTIA and to the Federal entity a report on the sufficiency of the plan, including whether the plan includes the information required by paragraph (2) and an assessment of the reasonableness of the proposed timelines and estimated relocation or sharing costs, including the costs of any proposed expansion of the capabilities of a Federal system in connection with relocation or sharing.

(B) INSUFFICIENCY OF PLAN.—If the Technical Panel finds the plan insufficient, the Federal entity shall, not later than 90 days after the submission of the report by the Technical Panel under subparagraph (A), submit to the Technical Panel a revised plan. Such revised plan shall be treated as a plan submitted under paragraph (1).

(5) PUBLICATION OF TRANSITION PLAN.—Not later than 120 days before the commencement of the auction described in paragraph (1), the NTIA shall make the transition plan publicly available on its website.

(6) UPDATES OF TRANSITION PLAN.—As the Federal entity implements the transition plan, it shall periodically update the plan to reflect any changed circumstances, including changes in estimated relocation or sharing costs or the timeline for relocation or sharing. The NTIA shall make the updates available on its website.

(7) CLASSIFIED AND OTHER SENSITIVE INFORMATION.—

(A) CLASSIFIED INFORMATION.—If any of the information required to be included in the transition plan of a Federal entity is classified information (as defined in section 798(b) of title 18, United States Code), the entity shall—

(i) include in the plan—

(I) an explanation of the exclusion of any such information, which shall be as specific as possible; and

(II) all relevant non-classified information that is available; and

(ii) discuss as a factor under paragraph (2)(H) the extent of the classified information and the effect of such information on the implementation of the relocation or sharing arrangement.

(B) REGULATIONS.—Not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012, the NTIA, in consultation with the Director of OMB and the Secretary of Defense, shall adopt regulations to ensure that the information publicly released under paragraph (5) or (6) does not contain classified information or other sensitive information.

(i) DISPUTE RESOLUTION PROCESS.—

(1) IN GENERAL.—If a dispute arises between a Federal entity and a non-Federal user regarding the execution, timing, or cost of the transition plan submitted by the Federal entity under

subsection (h)(1), the Federal entity or the non-Federal user may request that the NTIA establish a dispute resolution board to resolve the dispute.

(2) ESTABLISHMENT OF BOARD.—

(A) IN GENERAL.—If the NTIA receives a request under paragraph (1), it shall establish a dispute resolution board.

(B) MEMBERSHIP AND APPOINTMENT.—The dispute resolution board shall be composed of 3 members, as follows:

(i) A representative of the Office of Management and Budget (in this subsection referred to as “OMB”), to be appointed by the Director of OMB.

(ii) A representative of the NTIA, to be appointed by the [Assistant Secretary] *Under Secretary*.

(iii) A representative of the Commission, to be appointed by the Chairman of the Commission.

(C) CHAIR.—The representative of OMB shall be the Chair of the dispute resolution board.

(D) VACANCIES.—Any vacancy in the dispute resolution board shall be filled in the manner in which the original appointment was made.

(E) NO COMPENSATION.—The members of the dispute resolution board shall not receive any compensation for service on the board. If any such member is an employee of the agency of the official that appointed such member to the board, compensation in the member’s capacity as such an employee shall not be considered compensation under this subparagraph.

(F) TERMINATION OF BOARD.—The dispute resolution board shall be terminated after it rules on the dispute that it was established to resolve and the time for appeal of its decision under paragraph (7) has expired, unless an appeal has been taken under such paragraph. If such an appeal has been taken, the board shall continue to exist until the appeal process has been exhausted and the board has completed any action required by a court hearing the appeal.

(3) PROCEDURES.—The dispute resolution board shall meet simultaneously with representatives of the Federal entity and the non-Federal user to discuss the dispute. The dispute resolution board may require the parties to make written submissions to it.

(4) DEADLINE FOR DECISION.—The dispute resolution board shall rule on the dispute not later than 30 days after the request was made to the NTIA under paragraph (1).

(5) ASSISTANCE FROM TECHNICAL PANEL.—The Technical Panel established under subsection (h)(3) shall provide the dispute resolution board with such technical assistance as the board requests.

(6) ADMINISTRATIVE SUPPORT.—The NTIA shall provide the dispute resolution board with the administrative support services necessary to carry out its duties under this subsection.

(7) APPEALS.—A decision of the dispute resolution board may be appealed to the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal with that court not later than 30 days after the date of such decision.

Each party shall bear its own costs and expenses, including attorneys' fees, for any appeal under this paragraph.

(8) REGULATIONS.—Not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012, the NTIA shall, after public notice and comment and subject to approval by OMB, adopt regulations to govern the working of any dispute resolution boards established under paragraph (2)(A) and the role of the Technical Panel in assisting any such board.

(9) CERTAIN REQUIREMENTS INAPPLICABLE.—Chapter 10 of title 5, United States Code, and sections 552 and 552b of title 5, United States Code, shall not apply to a dispute resolution board established under paragraph (2)(A).

(j) RELOCATION PRIORITIZED OVER SHARING.—

(1) IN GENERAL.—In evaluating a band of frequencies for possible reallocation for exclusive non-Federal use or shared use, the NTIA shall give priority to options involving reallocation of the band for exclusive non-Federal use and shall choose options involving shared use only when it determines, in consultation with the Director of the Office of Management and Budget, that relocation of a Federal entity from the band is not feasible because of technical or cost constraints.

(2) NOTIFICATION OF CONGRESS WHEN SHARING CHOSEN.—If the NTIA determines under paragraph (1) that relocation of a Federal entity from the band is not feasible, the NTIA shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives of the determination, including the specific technical or cost constraints on which the determination is based.

(k) FEDERAL ACTION TO EXPEDITE SPECTRUM TRANSFER.—Any Federal Government station which operates on electromagnetic spectrum that has been identified in any reallocation report under this section shall, to the maximum extent practicable through the use of the authority granted under subsection (g) and any other applicable provision of law, take action to relocate its spectrum use to other frequencies that are reserved for Federal use or to consolidate its spectrum use with other Federal Government stations in a manner that maximizes the spectrum available for non-Federal use.

(l) DEFINITION.—For purposes of this section, the term “Federal entity” means any department, agency, or other instrumentality of the Federal Government that utilizes a Government station license obtained under section 305 of the 1934 Act (47 U.S.C. 305).

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SEC. 119. NATIONAL SECURITY AND OTHER SENSITIVE INFORMATION.

(a) DETERMINATION.—If the head of an Executive agency (as defined in section 105 of title 5, United States Code) determines that public disclosure of any information contained in a notification or report required by section 113 or 118 would reveal classified national security information, or other information for which there is a legal basis for nondisclosure and the public disclosure of which would be detrimental to national security, homeland security, or public safety or would jeopardize a law enforcement investigation,

the head of the Executive agency shall notify the [Assistant Secretary] *Under Secretary* of that determination prior to the release of such information.

(b) INCLUSION IN ANNEX.—The head of the Executive agency shall place the information with respect to which a determination was made under subsection (a) in a separate annex to the notification or report required by section 113 or 118. The annex shall be provided to the subcommittee of primary jurisdiction of the congressional committee of primary jurisdiction in accordance with appropriate national security stipulations but shall not be disclosed to the public or provided to any unauthorized person through any means.

PART C—SPECIAL AND TEMPORARY PROVISIONS

SEC. 151. AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATION.

There are authorized to be appropriated for the administration of the NTIA [\$17,600,000 for fiscal year 1992 and \$17,900,000 for fiscal year 1993] *\$57,000,000 for fiscal year 2025 and \$57,000,000 for fiscal year 2026*, and such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs.

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[SEC. 154. COMMUNICATIONS FOR RURAL HEALTH PROVIDERS.

[(a) PURPOSE.—It is the purpose of this section to improve the ability of rural health providers to use communications to obtain health information and to consult with others concerning the delivery of patient care. Such enhanced communications ability may assist in—

[(1) improving and extending the training of rural health professionals; and

[(2) improving the continuity of patient care in rural areas.

[(b) ADVISORY PANEL.—The Secretary of Commerce, in conjunction with the Secretary of Health and Human Services, shall establish an advisory panel (hereafter in this section referred to as the “Panel”) to develop recommendations for the improvement of rural health care through the collection of information needed by providers and the improvement in the use of communications to disseminate such information.

[(c) COMPOSITION OF PANEL.—The Panel shall be composed of individuals from organizations with rural constituencies and practitioners from health care disciplines, representatives of the National Library of Medicine, and representatives of different health professions schools, including nurse practitioners.

[(d) SELECTION OF CONSULTANTS.—The Panel may select consultants to provide advice to the Panel regarding the types of information that rural health care practitioners need, the procedures to gather and disseminate such information, and the types of communications equipment and training needed by rural health care practitioners to obtain access to such information.

[(e) REPORT TO CONGRESS.—Not later than 1 year after the Panel is established under subsection (b), the Secretary of Commerce shall prepare and submit, to the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report summarizing the recommendations made by the Panel under subsection (b).

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Commerce to carry out this section \$1,000,000 to remain available until expended.

[SEC. 155. REPORT ON THE ROLE OF TELECOMMUNICATIONS IN HATE CRIMES.]

[(a) REQUIREMENT OF REPORT.—Within 240 days after the date of enactment of this Act, the NTIA, with the assistance of the Commission, the Department of Justice, and the United States Commission on Civil Rights, shall prepare a report on the role of telecommunications in crimes of hate and violent acts against ethnic, religious, and racial minorities and shall submit such report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

[(b) SCOPE OF REPORT.—The report required by subsection (a) shall—

[(1) analyze information on the use of telecommunications, including broadcast television and radio, cable television, public access television, computer bulletin boards, and other electronic media, to advocate and encourage violent acts and the commission of crimes of hate, as described in the Hate Crimes Statistics Act (28 U.S.C. 534), against ethnic, religious, and racial minorities.

[(2) include any recommendations deemed appropriate and necessary by the NTIA.

[SEC. 156. ASSESSMENT OF ELECTROMAGNETIC SPECTRUM REALLOCATION.]

[(a) REVIEW AND ASSESSMENT OF ELECTROMAGNETIC SPECTRUM REALLOCATION.—

[(1) REVIEW AND ASSESSMENT REQUIRED.—The Secretary of Commerce, acting through the Assistant Secretary and in coordination with the Chairman of the Federal Communications Commission, shall convene an interagency review and assessment of—

[(A) the progress made in implementation of national spectrum planning;

[(B) the reallocation of Federal Government spectrum to non-Federal use, in accordance with the amendments made by title VI of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 107 Stat. 379) and title III of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 258); and

[(C) the implications for such reallocations to the affected Federal executive agencies.

[(2) COORDINATION.—The assessment shall be conducted in coordination with affected Federal executive agencies through the Interdepartmental Radio Advisory Committee.

[(3) COOPERATION AND ASSISTANCE.—Affected Federal executive agencies shall cooperate with the Assistant Secretary in the conduct of the review and assessment and furnish the Assistant Secretary with such information, support, and assistance, not inconsistent with law, as the Assistant Secretary may consider necessary in the performance of the review and assessment.

[(4) ATTENTION TO PARTICULAR SUBJECTS REQUIRED.—In the conduct of the review and assessment, particular attention shall be given to—

[(A) the effect on critical military and intelligence capabilities, civil space programs, and other Federal Government systems used to protect public safety of the reallocated spectrum described in paragraph (1)(B) of this subsection;

[(B) the anticipated impact on critical military and intelligence capabilities, future military and intelligence operational requirements, national defense modernization programs, and civil space programs, and other Federal Government systems used to protect public safety, of future potential reallocations to non-Federal use of bands of the electromagnetic spectrum that are currently allocated for use by the Federal Government; and

[(C) future spectrum requirements of agencies in the Federal Government.

[(b) SUBMISSION OF REPORT.—The Secretary of Commerce, in coordination with the heads of the affected Federal executive agencies, and the Chairman of the Federal Communications Commission shall submit to the President, the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Armed Services, the Committee on Commerce, and the Committee on Science of the House of Representatives, not later than October 1, 2000, a report providing the results of the assessment required by subsection (a).]

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SEC. 158. COORDINATION OF 9-1-1, E9-1-1, AND NEXT GENERATION 9-1-1 IMPLEMENTATION.

(a) 9-1-1 IMPLEMENTATION COORDINATION OFFICE.—

(1) ESTABLISHMENT AND CONTINUATION.—The [Assistant Secretary] *Under Secretary* and the Administrator of the National Highway Traffic Safety Administration shall—

(A) establish and further a program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of 9-1-1 services; and

(B) establish a 9-1-1 Implementation Coordination Office to implement the provisions of this section.

(2) MANAGEMENT PLAN.—

(A) DEVELOPMENT.—The [Assistant Secretary] *Under Secretary* and the Administrator shall develop a manage-

ment plan for the grant program established under this section, including by developing—

- (i) plans related to the organizational structure of such program; and
- (ii) funding profiles for each fiscal year of the duration of such program.

(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of enactment of the Next Generation 9–1–1 Advancement Act of 2012, the **Assistant Secretary** *Under Secretary* and the Administrator shall submit the management plan developed under subparagraph (A) to—

- (i) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and
- (ii) the Committees on Energy and Commerce and Appropriations of the House of Representatives.

(3) PURPOSE OF OFFICE.—The Office shall—

(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

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

(b) 9–1–1, E9–1–1, AND NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—

(1) MATCHING GRANTS.—The **Assistant Secretary** *Under Secretary* and the Administrator, acting through the Office, shall provide grants to eligible entities for—

(A) the implementation and operation of 9–1–1 services, E9–1–1 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 9–1–1 services and applications;

(B) the implementation of IP-enabled emergency services and applications enabled by Next Generation 9–1–1 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

(C) training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 9–1–1 services.

(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 60 percent.

(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the **【Assistant Secretary】** *Under Secretary* and the Administrator shall require an eligible entity to certify in its application that—

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

(i) has coordinated its application with the public safety answering points located within the jurisdiction of such entity;

(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of 9–1–1 services, except that such designation need not vest such coordinator with direct legal authority to implement 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services or to manage emergency communications operations;

(iii) has established a plan for the coordination and implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services; and

(iv) has integrated telecommunications services involved in the implementation and delivery of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services; or

(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

(4) CRITERIA.—Not later than 120 days after the date of enactment of the Next Generation 9–1–1 Advancement Act of 2012, the **【Assistant Secretary】** *Under Secretary* and the Administrator shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this section. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section. The **【Assistant Secretary】** *Under Secretary* and the Administrator shall update such regulations as necessary.

(c) DIVERSION OF 9–1–1 CHARGES.—

(1) DESIGNATED 9–1–1 CHARGES.—For the purposes of this subsection, the term “designated 9–1–1 charges” means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the **【Assistant Secretary】** *Under Secretary* and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the **【Assistant Secretary】** *Under Secretary* and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated 9–1–1 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or

presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

(3) **CONDITION OF GRANT.**—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated 9–1–1 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or redesignates such charges for purposes other than the implementation or operation of 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services, all of the funds from such grant shall be returned to the Office.

(4) **PENALTY FOR PROVIDING FALSE INFORMATION.**—Any applicant that provides a certification under paragraph (2) knowing that the information provided in the certification was false shall—

- (A) not be eligible to receive the grant under subsection (b);
- (B) return any grant awarded under subsection (b) during the time that the certification was not valid; and
- (C) not be eligible to receive any subsequent grants under subsection (b).

(d) **FUNDING AND TERMINATION.**—

(1) **IN GENERAL.**—From the amounts made available to the **【Assistant Secretary】** *Under Secretary* and the Administrator under section 6413(b)(6) of the Middle Class Tax Relief and Job Creation Act of 2012, the **【Assistant Secretary】** *Under Secretary* and the Administrator are authorized to provide grants under this section through the end of fiscal year 2022. Not more than 5 percent of such amounts may be obligated or expended to cover the administrative costs of carrying out this section.

(2) **TERMINATION.**—Effective on October 1, 2022, the authority provided by this section terminates and this section shall have no effect.

(e) **DEFINITIONS.**—In this section, the following definitions shall apply:

(1) **9–1–1 SERVICES.**—The term “9–1–1 services” includes both E9–1–1 services and Next Generation 9–1–1 services.

(2) **E9–1–1 SERVICES.**—The term “E9–1–1 services” means both phase I and phase II enhanced 9–1–1 services, as described in section 20.18 of the Commission’s regulations (47 C.F.R. 20.18), as in effect on the date of enactment of the Next Generation 9–1–1 Advancement Act of 2012, or as subsequently revised by the Commission.

(3) **ELIGIBLE ENTITY.**—

(A) **IN GENERAL.**—The term “eligible entity” means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1))).

(B) **INSTRUMENTALITIES.**—The term “eligible entity” includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to provide 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

(C) **EXCEPTION.**—The term “eligible entity” does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

(4) **EMERGENCY CALL.**—The term “emergency call” refers to any real-time communication with a public safety answering point or other emergency management or response agency, including—

(A) through voice, text, or video and related data; and

(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

(5) **NEXT GENERATION 9–1–1 SERVICES.**—The term “Next Generation 9–1–1 services” means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

(A) provides standardized interfaces from emergency call and message services to support emergency communications;

(B) processes all types of emergency calls, including voice, data, and multimedia information;

(C) acquires and integrates additional emergency call data useful to call routing and handling;

(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

(E) supports data or video communications needs for coordinated incident response and management; and

(F) provides broadband service to public safety answering points or other first responder entities.

(6) **OFFICE.**—The term “Office” means the 9–1–1 Implementation Coordination Office.

(7) **PUBLIC SAFETY ANSWERING POINT.**—The term “public safety answering point” has the meaning given the term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

(8) **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.

TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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SUBPART D—PAY AND ALLOWANCES

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CHAPTER 53—PAY RATES AND SYSTEMS

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SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

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§ 5314. Positions at level III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Solicitor General of the United States.

Under Secretary of Commerce, Under Secretary of Commerce for Economic Affairs, Under Secretary of Commerce for Industry and Security, Under Secretary of Commerce for Travel and Tourism, and Under Secretary of Commerce for Minority Business Development.

Under Secretaries of State (6).

Under Secretaries of the Treasury (3).

Administrator of General Services.

Administrator of the Small Business Administration.

Deputy Administrator, Agency for International Development.

Chairman of the Merit Systems Protection Board.

Chairman, Federal Communications Commission.

Chairman, Board of Directors, Federal Deposit Insurance Corporation.

Chairman, Federal Energy Regulatory Commission.

Chairman, Federal Trade Commission.

Chairman, Surface Transportation Board.

Chairman, National Labor Relations Board.

Chairman, Securities and Exchange Commission.

Chairman, National Mediation Board.

Chairman, Railroad Retirement Board.

Chairman, Federal Maritime Commission.

Comptroller of the Currency.

Commissioner of Internal Revenue.

Under Secretary of Defense for Research and Engineering.

Under Secretary of Defense for Acquisition and Sustainment.

Under Secretary of Defense for Policy.

Under Secretary of Defense (Comptroller).

Under Secretary of Defense for Personnel and Readiness.

Under Secretary of Defense for Intelligence and Security.

Under Secretary of the Air Force.

Under Secretary of the Army.

Under Secretary of the Navy.

Deputy Administrator of the National Aeronautics and Space Administration.

Deputy Director of the Central Intelligence Agency.

Director of the Office of Emergency Planning.

Director of the Peace Corps.
 Deputy Director, National Science Foundation.
 President of the Export-Import Bank of Washington.
 Members, Nuclear Regulatory Commission.
 Members, Defense Nuclear Facilities Safety Board.
 Director of the Federal Bureau of Investigation, Department of Justice.
 Administrator of the National Highway Traffic Safety Administration.
 Administrator of the Federal Motor Carrier Safety Administration.
 Administrator, Federal Railroad Administration.
 Chairman, National Transportation Safety Board.
 Chairman of the National Endowment for the Arts the incumbent of which also serves as Chairman of the National Council on the Arts.
 Chairman of the National Endowment for the Humanities.
 Director of the Federal Mediation and Conciliation Service.
 Chairman, Postal Regulatory Commission.
 Chairman, Occupational Safety and Health Review Commission.
 Governor of the Farm Credit Administration.
 Chairman, Equal Employment Opportunity Commission.
 Chairman, Consumer Product Safety Commission.
 Under Secretaries of Energy (3).
 Chairman, Commodity Futures Trading Commission.
 Deputy United States Trade Representatives (3).
 Chief Agricultural Negotiator, Office of the United States Trade Representative.
 Chief Innovation and Intellectual Property Negotiator, Office of the United States Trade Representative.
 Chairman, United States International Trade Commission.
 Under Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Administrator of the National Oceanic and Atmospheric Administration.
 Under Secretary of Commerce for Standards and Technology, who also serves as Director of the National Institute of Standards and Technology.
 Associate Attorney General.
 Chairman, Federal Mine Safety and Health Review Commission.
 Chairman, National Credit Union Administration Board.
 Deputy Director of the Office of Personnel Management.
 Under Secretary of Agriculture for Farm Production and Conservation.
 Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs.
 Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.
 Under Secretary of Agriculture for Natural Resources and Environment.
 Under Secretary of Agriculture for Research, Education, and Economics.
 Under Secretary of Agriculture for Food Safety.

Under Secretary of Agriculture for Marketing and Regulatory Programs.

Director, Institute for Scientific and Technological Cooperation.

Under Secretary of Agriculture for Rural Development.

Administrator, Maritime Administration.

Executive Director Property Review Board.

Deputy Administrator of the Environmental Protection Agency.

Archivist of the United States.

Executive Director, Federal Retirement Thrift Investment Board.

Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

Director, Trade and Development Agency.

Under Secretary for Health, Department of Veterans Affairs.

Under Secretary for Benefits, Department of Veterans Affairs.

Under Secretary for Memorial Affairs, Department of Veterans Affairs.

Under Secretaries, Department of Homeland Security.

Director of the Bureau of Citizenship and Immigration Services.

Director of the Office of Government Ethics.

Administrator for Federal Procurement Policy.

Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

Director of the Office of Thrift Supervision.

Chairperson of the Federal Housing Finance Board.

Executive Secretary, National Space Council.

Controller, Office of Federal Financial Management, Office of Management and Budget.

Administrator, Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

Deputy Director for Demand Reduction, Office of National Drug Control Policy.

Deputy Director for Supply Reduction, Office of National Drug Control Policy.

Deputy Director for State and Local Affairs, Office of National Drug Control Policy.

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

Register of Copyrights.

Commissioner of U.S. Customs and Border Protection, Department of Homeland Security.

Under Secretary of Education

Administrator of the Centers for Medicare & Medicaid Services.

Administrator of the Office of Electronic Government.

Administrator, Pipeline and Hazardous Materials Safety Administration.

Director, Pension Benefit Guaranty Corporation.

Deputy Administrators, Federal Emergency Management Agency.

Deputy Administrator, Transportation Security Administration.

Chief Executive Officer, International Clean Energy Foundation.

Independent Member of the Financial Stability Oversight Council (1).

Director of the Office of Financial Research.

Director of the National Reconnaissance Office.

Special Counsel of the Office of Special Counsel.

Under Secretary of Commerce for Communications and Information.

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Deputy Administrator of General Services.

Associate Administrator of the National Aeronautics and Space Administration.

Assistant Administrators, Agency for International Development (6).

Regional Assistant Administrators, Agency for International Development (4).

Assistant Secretaries of Agriculture (3).

Assistant Secretaries of Commerce **[(11)]** (10).

Assistant Secretaries of Defense (19).

Assistant Secretaries of the Air Force (5).

Assistant Secretaries of the Army (5).

Assistant Secretaries of the Navy (4).

Assistant Secretaries of Health and Human Services (6).

Assistant Secretaries of the Interior (6).

Assistant Attorneys General (11).

Assistant Secretaries of Labor (10), one of whom shall be the Assistant Secretary of Labor for Veterans' Employment and Training.

Administrator, Wage and Hour Division, Department of Labor.

Assistant Secretaries of State (24) and 4 other State Department officials to be appointed by the President, by and with the advice and consent of the Senate.

Assistant Secretaries of the Treasury (10).

Members, United States International Trade Commission (5).

Assistant Secretaries of Education (10).

General Counsel, Department of Education.

Director of Civil Defense, Department of the Army.

Deputy Director of the Office of Emergency Planning.

Deputy Director of the Office of Science and Technology.

Deputy Director of the Peace Corps.

Assistant Directors of the Office of Management and Budget (3).

General Counsel of the Department of Agriculture.

General Counsel of the Department of Commerce.

General Counsel of the Department of Defense.

General Counsel of the Department of Health and Human Services.

Solicitor of the Department of the Interior.

Solicitor of the Department of Labor.

General Counsel of the National Labor Relations Board.

General Counsel of the Department of the Treasury.

First Vice President of the Export-Import Bank of Washington.

Members, Council of Economic Advisers.

Members, Board of Directors of the Export-Import Bank of Washington.

Members, Federal Communications Commission.

Member, Board of Directors of the Federal Deposit Insurance Corporation.

Directors, Federal Housing Finance Board.

Members, Federal Energy Regulatory Commission.

Members, Federal Trade Commission.

Members, Surface Transportation Board.

Members, National Labor Relations Board.

Members, Securities and Exchange Commission.

Members, Merit Systems Protection Board.

Members, Federal Maritime Commission.

Members, National Mediation Board.

Members, Railroad Retirement Board.

Director of Selective Service.

Associate Director of the Federal Bureau of Investigation, Department of Justice.

Members, Equal Employment Opportunity Commission (4).

Director, Community Relations Service.

Members, National Transportation Safety Board.

General Counsel, Department of Transportation.

Deputy Administrator, Federal Aviation Administration.

Assistant Secretaries of Transportation (5).

Deputy Federal Highway Administrator.

Administrator of the Great Lakes St. Lawrence Seaway Development Corporation.

Assistant Secretary for Science, Smithsonian Institution.

Assistant Secretary for History and Art, Smithsonian Institution.

Deputy Administrator of the Small Business Administration.

Assistant Secretaries of Housing and Urban Development (8).

General Counsel of the Department of Housing and Urban Development.

Commissioner of Interama.

Federal Insurance Administrator, Federal Emergency Management Agency.

Members, National Credit Union Administration Board (2).

Members, Postal Regulatory Commission (4).

Members, Occupational Safety and Health Review Commission.

Deputy Under Secretaries of the Treasury (or Assistant Secretaries of the Treasury) (2).

Members, Consumer Product Safety Commission (4).

Members, Commodity Futures Trading Commission.

Director of Nuclear Reactor Regulation, Nuclear Regulatory Commission.

Director of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission.

Director of Nuclear Regulatory Research, Nuclear Regulatory Commission.

Executive Director for Operations, Nuclear Regulatory Commission.

President, Government National Mortgage Association, Department of Housing and Urban Development.

Assistant Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Deputy Administrator of the National Oceanic and Atmospheric Administration.

Director, Bureau of Prisons, Department of Justice.

Assistant Secretaries of Energy (8).

General Counsel of the Department of Energy.

Administrator, Economic Regulatory Administration, Department of Energy.

Administrator, Energy Information Administration, Department of Energy.

Director, Office of Indian Energy Policy and Programs, Department of Energy.

Director, Office of Science, Department of Energy.

Assistant Secretary of Labor for Mine Safety and Health.

Members, Federal Mine Safety and Health Review Commission.

President, National Consumer Cooperative Bank.

Chairman, Federal Labor Relations Authority.

Assistant Secretaries, Department of Homeland Security.

Assistant Director for Cybersecurity, Cybersecurity and Infrastructure Security Agency.

Assistant Director for Infrastructure Security, Cybersecurity and Infrastructure Security Agency.

General Counsel, Department of Homeland Security.

Officer for Civil Rights and Civil Liberties, Department of Homeland Security.

Chief Financial Officer, Department of Homeland Security.

Chief Information Officer, Department of Homeland Security.

Deputy Director, Institute for Scientific and Technological Cooperation.

Director of the National Institute of Justice.

Director of the Bureau of Justice Statistics.

Chief Counsel for Advocacy, Small Business Administration.

Assistant Administrator for Toxic Substances, Environmental Protection Agency.

Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

Assistant Administrators, Environmental Protection Agency (8).

Director of Operational Test and Evaluation, Department of Defense.

Director of Cost Assessment and Program Evaluation, Department of Defense.

Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State.

Ambassadors at Large.

Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Assistant Secretaries, Department of Veterans Affairs (7).

General Counsel, Department of Veterans Affairs.

Commissioner of Food and Drugs, Department of Health and Human Services

Chairman, Board of Veterans' Appeals.

Administrator, Office of Juvenile Justice and Delinquency Prevention.

Director, United States Marshals Service.

Chairman, United States Parole Commission.

Director, Bureau of the Census, Department of Commerce.

Director of the Institute of Museum and Library Services.

Chief Financial Officer, Department of Agriculture.

Chief Financial Officer, Department of Commerce.

Chief Financial Officer, Department of Education.

Chief Financial Officer, Department of Energy.

Chief Financial Officer, Department of Health and Human Services.

Chief Financial Officer, Department of Housing and Urban Development.

Chief Financial Officer, Department of the Interior.

Chief Financial Officer, Department of Justice.

Chief Financial Officer, Department of Labor.

Chief Financial Officer, Department of State.

Chief Financial Officer, Department of Transportation.

Chief Financial Officer, Department of the Treasury.

Chief Financial Officer, Department of Veterans Affairs.

Chief Financial Officer, Environmental Protection Agency.

Chief Financial Officer, National Aeronautics and Space Administration.

Commissioner, Office of Navajo and Hopi Indian Relocation.

Deputy Under Secretary of Defense for Research and Engineering.

Deputy Under Secretary of Defense for Acquisition and Sustainment.

Deputy Under Secretary of Defense for Policy.

Deputy Under Secretary of Defense for Personnel and Readiness.

Deputy Under Secretary of Defense (Comptroller).

Deputy Under Secretary of Defense for Intelligence and Security.

General Counsel of the Department of the Army.

General Counsel of the Department of the Navy.

General Counsel of the Department of the Air Force.

Liaison for Community and Junior Colleges, Department of Education.

Director of the Office of Educational Technology.

Director of the International Broadcasting Bureau.

The Commissioner of Labor Statistics, Department of Labor.

Chief Information Officer, Department of Agriculture.

Chief Information Officer, Department of Commerce.
 Chief Information Officer, Department of Defense (unless the official designated as the Chief Information Officer of the Department of Defense is an official listed under section 5312, 5313, or 5314 of this title).
 Chief Information Officer, Department of Education.
 Chief Information Officer, Department of Energy.
 Chief Information Officer, Department of Health and Human Services.
 Chief Information Officer, Department of Housing and Urban Development.
 Chief Information Officer, Department of the Interior.
 Chief Information Officer, Department of Justice.
 Chief Information Officer, Department of Labor.
 Chief Information Officer, Department of State.
 Chief Information Officer, Department of Transportation.
 Chief Information Officer, Department of the Treasury.
 Chief Information Officer, Department of Veterans Affairs.
 Chief Information Officer, Environmental Protection Agency.
 Chief Information Officer, National Aeronautics and Space Administration.
 Chief Information Officer, Agency for International Development.
 Chief Information Officer, Federal Emergency Management Agency.
 Chief Information Officer, General Services Administration.
 Chief Information Officer, National Science Foundation.
 Chief Information Officer, Nuclear Regulatory Agency.
 Chief Information Officer, Office of Personnel Management.
 Chief Information Officer, Small Business Administration.
 General Counsel of the Central Intelligence Agency.
 Principal Deputy Administrator, National Nuclear Security Administration.
 Additional Deputy Administrators of the National Nuclear Security Administration (3), but if the Deputy Administrator for Naval Reactors is an officer of the Navy on active duty, (2).
 Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.
 General Counsel of the Office of the Director of National Intelligence.
 Chief Medical Officer, Department of Homeland Security.
 Director of the National Counterintelligence and Security Center.

* * * * *

SECTION 106 OF THE PUBLIC TELECOMMUNICATIONS FINANCING ACT OF 1978

MISCELLANEOUS PROVISIONS

SEC. 106. [subsections (a) and (b) omitted-Amends another Act]
 (c) [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),¹ *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))*, shall be compensated at the rate of pay in effect from time to time for level V of the Executive Schedule under section 5316 of title 5, United States Code.

COMMUNICATIONS ACT OF 1934

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TITLE III—SPECIAL PROVISIONS RELATING TO RADIO

PART I—GENERAL PROVISIONS

* * * * *

SEC. 344. TELECOMMUNICATIONS INTERAGENCY WORKING GROUP.

(a) DEFINITION.—In this section, the term “telecommunications interagency working group” means the interagency working group established under subsection (b)(1).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Chairman of the Commission, in partnership with the Secretary of Labor, shall establish within the Commission an interagency working group to develop recommendations to address the workforce needs of the telecommunications industry, including the safety of that workforce.

(2) DATE OF ESTABLISHMENT.—The telecommunications interagency working group shall be considered established on the date on which a majority of the members of the working group have been appointed, consistent with subsection (d).

(c) DUTIES.—In developing recommendations under subsection (b), the telecommunications interagency working group shall—

(1) determine whether, and if so how, any Federal laws, regulations, guidance, policies, or practices, or any budgetary constraints, may be amended to strengthen the ability of institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or for-profit businesses to establish, adopt, or expand programs intended to address the workforce needs of the telecommunications industry, including the workforce needed to build and maintain the 5G wireless infrastructure necessary to support 5G wireless technology;

(2) identify potential policies and programs that could encourage and improve coordination among Federal agencies, between Federal agencies and States, and among States, on telecommunications workforce needs;

(3) identify ways in which existing Federal programs, including programs that help facilitate the employment of veterans and military personnel transitioning into civilian life, could be

leveraged to help address the workforce needs of the telecommunications industry;

(4) identify ways to improve recruitment in workforce development programs in the telecommunications industry;

(5) identify Federal incentives that could be provided to institutions of higher education, for-profit businesses, State workforce development boards established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111), or other relevant stakeholders to establish or adopt new programs, expand current programs, or partner with registered apprenticeship programs, to address the workforce needs of the telecommunications industry, including such needs in rural areas;

(6) identify ways to improve the safety of telecommunications workers, including tower climbers; and

(7) identify ways that trends in wages, benefits, and working conditions in the telecommunications industry impact recruitment of employees in the sector.

(d) MEMBERS.—The telecommunications interagency working group shall be composed of the following representatives of Federal agencies and relevant non-Federal industry and labor stakeholder organizations:

(1) A representative of the Department of Education, appointed by the Secretary of Education.

(2) A representative of the National Telecommunications and Information Administration, appointed by the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information.

(3) A representative of the Commission, appointed by the Chairman of the Commission.

(4) A representative of a registered apprenticeship program in construction or maintenance, appointed by the Secretary of Labor.

(5) A representative of a telecommunications industry association, appointed by the Chairman of the Commission.

(6) A representative of an Indian Tribe or Tribal organization, appointed by the Chairman of the Commission.

(7) A representative of a rural telecommunications carrier, appointed by the Chairman of the Commission.

(8) A representative of a telecommunications contractor firm, appointed by the Chairman of the Commission.

(9) A representative of an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), appointed by the Secretary of Education.

(10) A public interest advocate for tower climber safety, appointed by the Secretary of Labor.

(11) A representative of the Directorate of Construction of the Occupational Safety and Health Administration, appointed by the Secretary of Labor.

(12) A representative of a labor organization representing the telecommunications workforce, appointed by the Secretary of Labor.

(e) NO COMPENSATION.—A member of the telecommunications interagency working group shall serve without compensation.

(f) OTHER MATTERS.—

(1) CHAIR AND VICE CHAIR.—The telecommunications interagency working group shall name a chair and a vice chair, who shall be responsible for organizing the business of the working group.

(2) SUBGROUPS.—The chair and vice chair of the telecommunications interagency working group, in consultation with the other members of the telecommunications interagency working group, may establish such subgroups as necessary to help conduct the work of the telecommunications interagency working group.

(3) SUPPORT.—The Commission and the Secretary of Labor may detail employees of the Commission and the Department of Labor, respectively, to assist and support the work of the telecommunications interagency working group, though such a detailee shall not be considered to be a member of the working group.

(g) REPORT TO CONGRESS.—

(1) REPORT TO CONGRESS.—Not later than 1 year after the date on which the telecommunications interagency working group is established, the working group shall submit a report containing its recommendations to address the workforce needs of the telecommunications industry to—

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

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Energy and Commerce of the House of Representatives;

(D) the Committee on Education and Labor of the House of Representatives;

(E) the Department of Labor; and

(F) the Commission.

(2) MAJORITY SUPPORT.—The telecommunications interagency working group may not submit the report under paragraph (1) unless the report has the support of not less than the majority of the members of the working group.

(3) VIEWS.—The telecommunications interagency working group shall—

(A) include with the report submitted under paragraph (1) any concurring or dissenting view offered by a member of the working group; and

(B) identify each member to whom each concurring or dissenting view described in subparagraph (A) should be attributed.

(4) PUBLIC POSTING.—The Commission and the Secretary of Labor shall make a copy of the report submitted under paragraph (1) available to the public on the websites of the Commission and the Department of Labor, respectively.

(h) NONAPPLICABILITY OF FACIA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the telecommunications interagency working group.

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HOMELAND SECURITY ACT OF 2002

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TITLE XVIII—EMERGENCY COMMUNICATIONS

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SEC. 1805. REGIONAL EMERGENCY COMMUNICATIONS COORDINATION.

(a) IN GENERAL.—There is established in each Regional Office a Regional Emergency Communications Coordination Working Group (in this section referred to as an “RECC Working Group”). Each RECC Working Group shall report to the relevant Regional Administrator and coordinate its activities with the relevant Regional Advisory Council.

(b) MEMBERSHIP.—Each RECC Working Group shall consist of the following:

(1) NON-FEDERAL.—Organizations representing the interests of the following:

- (A) State officials.
- (B) Local government officials, including sheriffs.
- (C) State police departments.
- (D) Local police departments.
- (E) Local fire departments.
- (F) Public safety answering points (9–1–1 services).
- (G) State emergency managers, homeland security directors, or representatives of State Administrative Agencies.
- (H) Local emergency managers or homeland security directors.
- (I) Other emergency response providers as appropriate.

(2) FEDERAL.—Representatives from the Department, the Federal Communications Commission, and other Federal departments and agencies with responsibility for coordinating interoperable emergency communications with or providing emergency support services to State, local, and tribal governments.

(c) COORDINATION.—Each RECC Working Group shall coordinate its activities with the following:

- (1) Communications equipment manufacturers and vendors (including broadband data service providers).
- (2) Local exchange carriers.
- (3) Local broadcast media.
- (4) Wireless carriers.
- (5) Satellite communications services.
- (6) Cable operators.
- (7) Hospitals.
- (8) Public utility services.
- (9) Emergency evacuation transit services.
- (10) Ambulance services.
- (11) HAM and amateur radio operators.
- (12) Representatives from other private sector entities and nongovernmental organizations as the Regional Administrator determines appropriate.

(d) DUTIES.—The duties of each RECC Working Group shall include—

(1) assessing the survivability, sustainability, and interoperability of local emergency communications systems to meet the goals of the National Emergency Communications Plan;

(2) reporting annually to the relevant Regional Administrator, the Assistant Director for Emergency Communications, the Chairman of the Federal Communications Commission, and the [Assistant Secretary for Communications and Information of the Department of Commerce] *Under Secretary of Commerce for Communications and Information* on the status of its region in building robust and sustainable interoperable voice and data emergency communications networks and, not later than 60 days after the completion of the initial National Emergency Communications Plan under section 1802, on the progress of the region in meeting the goals of such plan;

(3) ensuring a process for the coordination of effective multi-jurisdictional, multi-agency emergency communications networks for use during natural disasters, acts of terrorism, and other man-made disasters through the expanded use of emergency management and public safety communications mutual aid agreements; and

(4) coordinating the establishment of Federal, State, local, and tribal support services and networks designed to address the immediate and critical human needs in responding to natural disasters, acts of terrorism, and other man-made disasters.

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AGRICULTURE IMPROVEMENT ACT OF 2018

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TITLE VI—RURAL DEVELOPMENT

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Subtitle B—Connecting Rural Americans to High Speed Broadband

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SEC. 6212. FEDERAL BROADBAND PROGRAM COORDINATION.

(a) CONSULTATION BETWEEN USDA AND NTIA.—The Secretary shall consult with the [Assistant Secretary] *Under Secretary* to assist in the verification of eligibility of the broadband loan and grant programs of the Department of Agriculture. In providing assistance under the preceding sentence, the [Assistant Secretary] *Under Secretary* shall make available the broadband assessment and mapping capabilities of the National Telecommunications and Information Administration.

(b) CONSULTATION BETWEEN USDA AND FCC.—

(1) BY USDA.—The Secretary shall consult with the Commission before providing broadband assistance for a project to serve an area with respect to which another entity is receiving Connect America Fund or Mobility Fund support under the Federal universal service support mechanisms established under section 254 of the Communications Act of 1934 (47 U.S.C. 254).

(2) BY FCC.—The Commission shall consult with the Secretary before offering or providing Connect America Fund or Mobility Fund support under the Federal universal service support mechanisms established under section 254 of the Communications Act of 1934 (47 U.S.C. 254) to serve an area with respect to which another entity has received broadband assistance under a loan or grant program of the Department of Agriculture.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary, the Commission, and the [Assistant Secretary] *Under Secretary* shall submit to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate a report on how best to coordinate federally supported broadband programs and activities in order to achieve the following objectives:

(1) Promote high-quality broadband service that meets the long-term needs of rural residents and businesses, by evaluating the broadband service needs in rural areas for each decade through 2050.

(2) Support the long-term viability, sustainability, and utility of federally supported rural broadband infrastructure, by analyzing the technical capabilities of the technologies currently available and reasonably expected to be available by 2035 to meet the broadband service needs of rural residents identified under paragraph (1), including by analyzing the following:

(A) The real-world performance of such technologies, including data rates, latency, data usage restrictions, and other aspects of service quality, as defined by the Commission.

(B) The suitability of each such technology for residential, agricultural, educational, healthcare, commercial, and industrial purposes in rural areas.

(C) The cost to deploy and support such technologies in several rural geographies.

(D) The costs associated with online platforms, specifically the resulting constraints on rural network bandwidth.

(3) Identify and quantify the availability of broadband service and ongoing broadband deployment in rural areas, including ways to do the following:

(A) Harmonize broadband notification and reporting requirements and develop common verification procedures across all federally supported broadband programs.

(B) Consolidate and utilize the existing broadband service data.

(C) Collect and share data on those projects in rural areas where Federal programs are currently supporting broadband deployment, including areas with respect to which an entity is receiving—

(i) support under a broadband assistance program of the Department of Agriculture; or

(ii) Connect America Fund or Mobility Fund support under the Federal universal service support mechanisms established under section 254 of the Communications Act of 1934 (47 U.S.C. 254).

(D) Leverage support technologies and services from on-line platforms for providers of broadband service in rural areas.

(d) DEFINITIONS.—In this section:

(1) **【ASSISTANT SECRETARY】** *UNDER SECRETARY*.—The term “**【Assistant Secretary】** *Under Secretary*” means the **【Assistant Secretary】** *Under Secretary* of Commerce for Communications and Information.

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

(3) **RURAL AREA**.—The term “rural area” has the meaning given the term in section 601(b)(3) of the Rural Electrification Act of 1936.

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TITLE 17, UNITED STATES CODE

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CHAPTER 12—COPYRIGHT PROTECTION AND MANAGEMENT SYSTEMS

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§ 1201. Circumvention of copyright protection systems

(a) **VIOLATIONS REGARDING CIRCUMVENTION OF TECHNOLOGICAL MEASURES**.—(1)(A) No person shall circumvent a technological measure that effectively controls access to a work protected under this title. The prohibition contained in the preceding sentence shall take effect at the end of the 2-year period beginning on the date of the enactment of this chapter.

(B) The prohibition contained in subparagraph (A) shall not apply to persons who are users of a copyrighted work which is in a particular class of works, if such persons are, or are likely to be in the succeeding 3-year period, adversely affected by virtue of such prohibition in their ability to make noninfringing uses of that particular class of works under this title, as determined under subparagraph (C).

(C) During the 2-year period described in subparagraph (A), and during each succeeding 3-year period, the Librarian of Congress, upon the recommendation of the Register of Copyrights, who shall consult with the **【Assistant Secretary for Communications and Information of the Department of Commerce】** *Under Secretary of Commerce for Communications and Information* and report and comment on his or her views in making such recommendation,

shall make the determination in a rulemaking proceeding for purposes of subparagraph (B) of whether persons who are users of a copyrighted work are, or are likely to be in the succeeding 3-year period, adversely affected by the prohibition under subparagraph (A) in their ability to make noninfringing uses under this title of a particular class of copyrighted works. In conducting such rulemaking, the Librarian shall examine—

- (i) the availability for use of copyrighted works;
- (ii) the availability for use of works for nonprofit archival, preservation, and educational purposes;
- (iii) the impact that the prohibition on the circumvention of technological measures applied to copyrighted works has on criticism, comment, news reporting, teaching, scholarship, or research;
- (iv) the effect of circumvention of technological measures on the market for or value of copyrighted works; and
- (v) such other factors as the Librarian considers appropriate.

(D) The Librarian shall publish any class of copyrighted works for which the Librarian has determined, pursuant to the rulemaking conducted under subparagraph (C), that noninfringing uses by persons who are users of a copyrighted work are, or are likely to be, adversely affected, and the prohibition contained in subparagraph (A) shall not apply to such users with respect to such class of works for the ensuing 3-year period.

(E) Neither the exception under subparagraph (B) from the applicability of the prohibition contained in subparagraph (A), nor any determination made in a rulemaking conducted under subparagraph (C), may be used as a defense in any action to enforce any provision of this title other than this paragraph.

(2) No person shall manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component, or part thereof, that—

(A) is primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to a work protected under this title;

(B) has only limited commercially significant purpose or use other than to circumvent a technological measure that effectively controls access to a work protected under this title; or

(C) is marketed by that person or another acting in concert with that person with that person's knowledge for use in circumventing a technological measure that effectively controls access to a work protected under this title.

(3) As used in this subsection—

(A) to “circumvent a technological measure” means to descramble a scrambled work, to decrypt an encrypted work, or otherwise to avoid, bypass, remove, deactivate, or impair a technological measure, without the authority of the copyright owner; and

(B) a technological measure “effectively controls access to a work” if the measure, in the ordinary course of its operation, requires the application of information, or a process or a treatment, with the authority of the copyright owner, to gain access to the work.

(b) ADDITIONAL VIOLATIONS.—(1) No person shall manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component, or part thereof, that—

(A) is primarily designed or produced for the purpose of circumventing protection afforded by a technological measure that effectively protects a right of a copyright owner under this title in a work or a portion thereof;

(B) has only limited commercially significant purpose or use other than to circumvent protection afforded by a technological measure that effectively protects a right of a copyright owner under this title in a work or a portion thereof; or

(C) is marketed by that person or another acting in concert with that person with that person's knowledge for use in circumventing protection afforded by a technological measure that effectively protects a right of a copyright owner under this title in a work or a portion thereof.

(2) As used in this subsection—

(A) to “circumvent protection afforded by a technological measure” means avoiding, bypassing, removing, deactivating, or otherwise impairing a technological measure; and

(B) a technological measure “effectively protects a right of a copyright owner under this title” if the measure, in the ordinary course of its operation, prevents, restricts, or otherwise limits the exercise of a right of a copyright owner under this title.

(c) OTHER RIGHTS, ETC., NOT AFFECTED.—(1) Nothing in this section shall affect rights, remedies, limitations, or defenses to copyright infringement, including fair use, under this title.

(2) Nothing in this section shall enlarge or diminish vicarious or contributory liability for copyright infringement in connection with any technology, product, service, device, component, or part thereof.

(3) Nothing in this section shall require that the design of, or design and selection of parts and components for, a consumer electronics, telecommunications, or computing product provide for a response to any particular technological measure, so long as such part or component, or the product in which such part or component is integrated, does not otherwise fall within the prohibitions of subsection (a)(2) or (b)(1).

(4) Nothing in this section shall enlarge or diminish any rights of free speech or the press for activities using consumer electronics, telecommunications, or computing products.

(d) EXEMPTION FOR NONPROFIT LIBRARIES, ARCHIVES, AND EDUCATIONAL INSTITUTIONS.—(1) A nonprofit library, archives, or educational institution which gains access to a commercially exploited copyrighted work solely in order to make a good faith determination of whether to acquire a copy of that work for the sole purpose of engaging in conduct permitted under this title shall not be in violation of subsection (a)(1)(A). A copy of a work to which access has been gained under this paragraph—

(A) may not be retained longer than necessary to make such good faith determination; and

(B) may not be used for any other purpose.

(2) The exemption made available under paragraph (1) shall only apply with respect to a work when an identical copy of that work is not reasonably available in another form.

(3) A nonprofit library, archives, or educational institution that willfully for the purpose of commercial advantage or financial gain violates paragraph (1)—

(A) shall, for the first offense, be subject to the civil remedies under section 1203; and

(B) shall, for repeated or subsequent offenses, in addition to the civil remedies under section 1203, forfeit the exemption provided under paragraph (1).

(4) This subsection may not be used as a defense to a claim under subsection (a)(2) or (b), nor may this subsection permit a nonprofit library, archives, or educational institution to manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, component, or part thereof, which circumvents a technological measure.

(5) In order for a library or archives to qualify for the exemption under this subsection, the collections of that library or archives shall be—

(A) open to the public; or

(B) available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.

(e) **LAW ENFORCEMENT, INTELLIGENCE, AND OTHER GOVERNMENT ACTIVITIES.**—This section does not prohibit any lawfully authorized investigative, protective, information security, or intelligence activity of an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or a person acting pursuant to a contract with the United States, a State, or a political subdivision of a State. For purposes of this subsection, the term “information security” means activities carried out in order to identify and address the vulnerabilities of a government computer, computer system, or computer network.

(f) **REVERSE ENGINEERING.**—(1) Notwithstanding the provisions of subsection (a)(1)(A), a person who has lawfully obtained the right to use a copy of a computer program may circumvent a technological measure that effectively controls access to a particular portion of that program for the sole purpose of identifying and analyzing those elements of the program that are necessary to achieve interoperability of an independently created computer program with other programs, and that have not previously been readily available to the person engaging in the circumvention, to the extent any such acts of identification and analysis do not constitute infringement under this title.

(2) Notwithstanding the provisions of subsections (a)(2) and (b), a person may develop and employ technological means to circumvent a technological measure, or to circumvent protection afforded by a technological measure, in order to enable the identification and analysis under paragraph (1), or for the purpose of enabling interoperability of an independently created computer program with other programs, if such means are necessary to achieve such interoperability, to the extent that doing so does not constitute infringement under this title.

(3) The information acquired through the acts permitted under paragraph (1), and the means permitted under paragraph (2), may be made available to others if the person referred to in paragraph (1) or (2), as the case may be, provides such information or means

solely for the purpose of enabling interoperability of an independently created computer program with other programs, and to the extent that doing so does not constitute infringement under this title or violate applicable law other than this section.

(4) For purposes of this subsection, the term “interoperability” means the ability of computer programs to exchange information, and of such programs mutually to use the information which has been exchanged.

(g) ENCRYPTION RESEARCH.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term “encryption research” means activities necessary to identify and analyze flaws and vulnerabilities of encryption technologies applied to copyrighted works, if these activities are conducted to advance the state of knowledge in the field of encryption technology or to assist in the development of encryption products; and

(B) the term “encryption technology” means the scrambling and descrambling of information using mathematical formulas or algorithms.

(2) PERMISSIBLE ACTS OF ENCRYPTION RESEARCH.—Notwithstanding the provisions of subsection (a)(1)(A), it is not a violation of that subsection for a person to circumvent a technological measure as applied to a copy, phonorecord, performance, or display of a published work in the course of an act of good faith encryption research if—

(A) the person lawfully obtained the encrypted copy, phonorecord, performance, or display of the published work;

(B) such act is necessary to conduct such encryption research;

(C) the person made a good faith effort to obtain authorization before the circumvention; and

(D) such act does not constitute infringement under this title or a violation of applicable law other than this section, including section 1030 of title 18 and those provisions of title 18 amended by the Computer Fraud and Abuse Act of 1986.

(3) FACTORS IN DETERMINING EXEMPTION.—In determining whether a person qualifies for the exemption under paragraph (2), the factors to be considered shall include—

(A) whether the information derived from the encryption research was disseminated, and if so, whether it was disseminated in a manner reasonably calculated to advance the state of knowledge or development of encryption technology, versus whether it was disseminated in a manner that facilitates infringement under this title or a violation of applicable law other than this section, including a violation of privacy or breach of security;

(B) whether the person is engaged in a legitimate course of study, is employed, or is appropriately trained or experienced, in the field of encryption technology; and

(C) whether the person provides the copyright owner of the work to which the technological measure is applied with notice of the findings and documentation of the research, and the time when such notice is provided.

(4) USE OF TECHNOLOGICAL MEANS FOR RESEARCH ACTIVITIES.—Notwithstanding the provisions of subsection (a)(2), it is not a violation of that subsection for a person to—

(A) develop and employ technological means to circumvent a technological measure for the sole purpose of that person performing the acts of good faith encryption research described in paragraph (2); and

(B) provide the technological means to another person with whom he or she is working collaboratively for the purpose of conducting the acts of good faith encryption research described in paragraph (2) or for the purpose of having that other person verify his or her acts of good faith encryption research described in paragraph (2).

(5) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this chapter, the Register of Copyrights and the Assistant Secretary for Communications and Information of the Department of Commerce shall jointly report to the Congress on the effect this subsection has had on—

(A) encryption research and the development of encryption technology;

(B) the adequacy and effectiveness of technological measures designed to protect copyrighted works; and

(C) protection of copyright owners against the unauthorized access to their encrypted copyrighted works.

The report shall include legislative recommendations, if any.

(h) EXCEPTIONS REGARDING MINORS.—In applying subsection (a) to a component or part, the court may consider the necessity for its intended and actual incorporation in a technology, product, service, or device, which—

(1) does not itself violate the provisions of this title; and

(2) has the sole purpose to prevent the access of minors to material on the Internet.

(i) PROTECTION OF PERSONALLY IDENTIFYING INFORMATION.—

(1) CIRCUMVENTION PERMITTED.—Notwithstanding the provisions of subsection (a)(1)(A), it is not a violation of that subsection for a person to circumvent a technological measure that effectively controls access to a work protected under this title, if—

(A) the technological measure, or the work it protects, contains the capability of collecting or disseminating personally identifying information reflecting the online activities of a natural person who seeks to gain access to the work protected;

(B) in the normal course of its operation, the technological measure, or the work it protects, collects or disseminates personally identifying information about the person who seeks to gain access to the work protected, without providing conspicuous notice of such collection or dissemination to such person, and without providing such person with the capability to prevent or restrict such collection or dissemination;

(C) the act of circumvention has the sole effect of identifying and disabling the capability described in subparagraph (A), and has no other effect on the ability of any person to gain access to any work; and

(D) the act of circumvention is carried out solely for the purpose of preventing the collection or dissemination of personally identifying information about a natural person who seeks to gain access to the work protected, and is not in violation of any other law.

(2) INAPPLICABILITY TO CERTAIN TECHNOLOGICAL MEASURES.—This subsection does not apply to a technological measure, or a work it protects, that does not collect or disseminate personally identifying information and that is disclosed to a user as not having or using such capability.

(j) SECURITY TESTING.—

(1) DEFINITION.—For purposes of this subsection, the term “security testing” means accessing a computer, computer system, or computer network, solely for the purpose of good faith testing, investigating, or correcting, a security flaw or vulnerability, with the authorization of the owner or operator of such computer, computer system, or computer network.

(2) PERMISSIBLE ACTS OF SECURITY TESTING.—Notwithstanding the provisions of subsection (a)(1)(A), it is not a violation of that subsection for a person to engage in an act of security testing, if such act does not constitute infringement under this title or a violation of applicable law other than this section, including section 1030 of title 18 and those provisions of title 18 amended by the Computer Fraud and Abuse Act of 1986.

(3) FACTORS IN DETERMINING EXEMPTION.—In determining whether a person qualifies for the exemption under paragraph (2), the factors to be considered shall include—

(A) whether the information derived from the security testing was used solely to promote the security of the owner or operator of such computer, computer system or computer network, or shared directly with the developer of such computer, computer system, or computer network; and

(B) whether the information derived from the security testing was used or maintained in a manner that does not facilitate infringement under this title or a violation of applicable law other than this section, including a violation of privacy or breach of security.

(4) USE OF TECHNOLOGICAL MEANS FOR SECURITY TESTING.—Notwithstanding the provisions of subsection (a)(2), it is not a violation of that subsection for a person to develop, produce, distribute or employ technological means for the sole purpose of performing the acts of security testing described in subsection (2), provided such technological means does not otherwise violate section (a)(2).

(k) CERTAIN ANALOG DEVICES AND CERTAIN TECHNOLOGICAL MEASURES.—

(1) CERTAIN ANALOG DEVICES.—

(A) Effective 18 months after the date of the enactment of this chapter, no person shall manufacture, import, offer to the public, provide or otherwise traffic in any—

(i) VHS format analog video cassette recorder unless such recorder conforms to the automatic gain control copy control technology;

(ii) 8mm format analog video cassette camcorder unless such camcorder conforms to the automatic gain control technology;

(iii) Beta format analog video cassette recorder, unless such recorder conforms to the automatic gain control copy control technology, except that this requirement shall not apply until there are 1,000 Beta format analog video cassette recorders sold in the United States in any one calendar year after the date of the enactment of this chapter;

(iv) 8mm format analog video cassette recorder that is not an analog video cassette camcorder, unless such recorder conforms to the automatic gain control copy control technology, except that this requirement shall not apply until there are 20,000 such recorders sold in the United States in any one calendar year after the date of the enactment of this chapter; or

(v) analog video cassette recorder that records using an NTSC format video input and that is not otherwise covered under clauses (i) through (iv), unless such device conforms to the automatic gain control copy control technology.

(B) Effective on the date of the enactment of this chapter, no person shall manufacture, import, offer to the public, provide or otherwise traffic in—

(i) any VHS format analog video cassette recorder or any 8mm format analog video cassette recorder if the design of the model of such recorder has been modified after such date of enactment so that a model of recorder that previously conformed to the automatic gain control copy control technology no longer conforms to such technology; or

(ii) any VHS format analog video cassette recorder, or any 8mm format analog video cassette recorder that is not an 8mm analog video cassette camcorder, if the design of the model of such recorder has been modified after such date of enactment so that a model of recorder that previously conformed to the four-line colorstripe copy control technology no longer conforms to such technology.

Manufacturers that have not previously manufactured or sold a VHS format analog video cassette recorder, or an 8mm format analog cassette recorder, shall be required to conform to the four-line colorstripe copy control technology in the initial model of any such recorder manufactured after the date of the enactment of this chapter, and thereafter to continue conforming to the four-line colorstripe copy control technology. For purposes of this subparagraph, an analog video cassette recorder “conforms to” the four-line colorstripe copy control technology if it records a signal that, when played back by the playback function of that recorder in the normal viewing mode, exhibits, on a reference display device, a display containing distracting visible lines through portions of the viewable picture.

(2) CERTAIN ENCODING RESTRICTIONS.—No person shall apply the automatic gain control copy control technology or colorstripe copy control technology to prevent or limit consumer copying except such copying—

(A) of a single transmission, or specified group of transmissions, of live events or of audiovisual works for which a member of the public has exercised choice in selecting the transmissions, including the content of the transmissions or the time of receipt of such transmissions, or both, and as to which such member is charged a separate fee for each such transmission or specified group of transmissions;

(B) from a copy of a transmission of a live event or an audiovisual work if such transmission is provided by a channel or service where payment is made by a member of the public for such channel or service in the form of a subscription fee that entitles the member of the public to receive all of the programming contained in such channel or service;

(C) from a physical medium containing one or more prerecorded audiovisual works; or

(D) from a copy of a transmission described in subparagraph (A) or from a copy made from a physical medium described in subparagraph (C).

In the event that a transmission meets both the conditions set forth in subparagraph (A) and those set forth in subparagraph (B), the transmission shall be treated as a transmission described in subparagraph (A).

(3) INAPPLICABILITY.—This subsection shall not—

(A) require any analog video cassette camcorder to conform to the automatic gain control copy control technology with respect to any video signal received through a camera lens;

(B) apply to the manufacture, importation, offer for sale, provision of, or other trafficking in, any professional analog video cassette recorder; or

(C) apply to the offer for sale or provision of, or other trafficking in, any previously owned analog video cassette recorder, if such recorder was legally manufactured and sold when new and not subsequently modified in violation of paragraph (1)(B).

(4) DEFINITIONS.—For purposes of this subsection:

(A) An “analog video cassette recorder” means a device that records, or a device that includes a function that records, on electromagnetic tape in an analog format the electronic impulses produced by the video and audio portions of a television program, motion picture, or other form of audiovisual work.

(B) An “analog video cassette camcorder” means an analog video cassette recorder that contains a recording function that operates through a camera lens and through a video input that may be connected with a television or other video playback device.

(C) An analog video cassette recorder “conforms” to the automatic gain control copy control technology if it—

(i) detects one or more of the elements of such technology and does not record the motion picture or transmission protected by such technology; or

(ii) records a signal that, when played back, exhibits a meaningfully distorted or degraded display.

(D) The term “professional analog video cassette recorder” means an analog video cassette recorder that is designed, manufactured, marketed, and intended for use by a person who regularly employs such a device for a lawful business or industrial use, including making, performing, displaying, distributing, or transmitting copies of motion pictures on a commercial scale.

(E) The terms “VHS format”, “8mm format”, “Beta format”, “automatic gain control copy control technology”, “colorstripe copy control technology”, “four-line version of the colorstripe copy control technology”, and “NTSC” have the meanings that are commonly understood in the consumer electronics and motion picture industries as of the date of the enactment of this chapter.

(5) VIOLATIONS.—Any violation of paragraph (1) of this subsection shall be treated as a violation of subsection (b)(1) of this section. Any violation of paragraph (2) of this subsection shall be deemed an “act of circumvention” for the purposes of section 1203(c)(3)(A) of this chapter.

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UNLOCKING CONSUMER CHOICE AND WIRELESS COMPETITION ACT

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SEC. 2. REPEAL OF EXISTING RULE AND ADDITIONAL RULEMAKING BY LIBRARIAN OF CONGRESS.

(a) REPEAL AND REPLACE.—As of the date of the enactment of this Act, paragraph (3) of section 201.40(b) of title 37, Code of Federal Regulations, as amended and revised by the Librarian of Congress on October 28, 2012, pursuant to the Librarian’s authority under section 1201(a) of title 17, United States Code, shall have no force and effect, and such paragraph shall read, and shall be in effect, as such paragraph was in effect on July 27, 2010.

(b) RULEMAKING.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, who shall consult with the [Assistant Secretary for Communications and Information of the Department of Commerce] *Under Secretary of Commerce for Communications and Information* and report and comment on his or her views in making such recommendation, shall determine, consistent with the requirements set forth under section 1201(a)(1) of title 17, United States Code, whether to extend the exemption for the class of works described in section 201.40(b)(3) of title 37, Code of Federal Regulations, as amended by subsection (a), to include any other category of wireless devices in addition to wireless telephone handsets. The determination shall be made in the first rulemaking under section 1201(a)(1)(C) of title 17, United States Code, that begins on or after the date of enactment of this Act.

(c) UNLOCKING AT DIRECTION OF OWNER.—Circumvention of a technological measure that restricts wireless telephone handsets or other wireless devices from connecting to a wireless telecommunications network—

(1)(A) as authorized by paragraph (3) of section 201.40(b) of title 37, Code of Federal Regulations, as made effective by subsection (a); and

(B) as may be extended to other wireless devices pursuant to a determination in the rulemaking conducted under subsection (b); or

(2) as authorized by an exemption adopted by the Librarian of Congress pursuant to a determination made on or after the date of enactment of this Act under section 1201(a)(1)(C) of title 17, United States Code,

may be initiated by the owner of any such handset or other device, by another person at the direction of the owner, or by a provider of a commercial mobile radio service or a commercial mobile data service at the direction of such owner or other person, solely in order to enable such owner or a family member of such owner to connect to a wireless telecommunications network, when such connection is authorized by the operator of such network.

(d) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—Except as expressly provided herein, nothing in this Act shall be construed to alter the scope of any party's rights under existing law.

(2) LIBRARIAN OF CONGRESS.—Nothing in this Act alters, or shall be construed to alter, the authority of the Librarian of Congress under section 1201(a)(1) of title 17, United States Code.

(e) DEFINITIONS.—In this Act:

(1) COMMERCIAL MOBILE DATA SERVICE; COMMERCIAL MOBILE RADIO SERVICE.—The terms “commercial mobile data service” and “commercial mobile radio service” have the respective meanings given those terms in section 20.3 of title 47, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(2) WIRELESS TELECOMMUNICATIONS NETWORK.—The term “wireless telecommunications network” means a network used to provide a commercial mobile radio service or a commercial mobile data service.

(3) WIRELESS TELEPHONE HANDSETS; WIRELESS DEVICES.—The terms “wireless telephone handset” and “wireless device” mean a handset or other device that operates on a wireless telecommunications network.

COMMUNICATIONS SATELLITE ACT OF 1962

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TITLE VI—COMMUNICATIONS COMPETITION AND PRIVATIZATION

* * * * *

Subtitle B—Federal Communications Commission Licensing Criteria: Privatization Criteria

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SEC. 625. ENCOURAGING MARKET ACCESS AND PRIVATIZATION.

(a) NTIA DETERMINATION.—

(1) DETERMINATION REQUIRED.—Within 180 days after the date of enactment of this section, the Secretary of Commerce shall, through the [Assistant Secretary] *Under Secretary of Commerce* for Communications and Information, transmit to the Commission—

(A) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that impose barriers to market access for private satellite systems; and

(B) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that are not supporting pro-competitive privatization of INTELSAT and Inmarsat.

(2) CONSULTATION.—The Secretary's determinations under paragraph (1) shall be made in consultation with the Federal Communications Commission, the Secretary of State, and the United States Trade Representative, and shall take into account the totality of a country's actions in all relevant fora, including the Assemblies of Parties of INTELSAT and Inmarsat.

(b) IMPOSITION OF COST-BASED SETTLEMENT RATE.—Notwithstanding—

(1) any higher settlement rate that an overseas carrier charges any United States carrier to originate or terminate international message telephone services; and

(2) any transition period that would otherwise apply, the Commission may by rule prohibit United States carriers from paying an amount in excess of a cost-based settlement rate to overseas carriers in countries listed by the Commission pursuant to subsection (a).

(c) SETTLEMENTS POLICY.—The Commission shall, in exercising its authority to establish settlements rates for United States international common carriers, seek to advance United States policy in favor of cost-based settlements in all relevant fora on international telecommunications policy, including in meetings with parties and signatories of INTELSAT and Inmarsat.

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SPECTRUM PIPELINE ACT OF 2015

TITLE X—SPECTRUM PIPELINE

SEC. 1001. SHORT TITLE.

This title may be cited as the “Spectrum Pipeline Act of 2015”.

SEC. 1002. DEFINITIONS.

In this title:

(1) **【ASSISTANT SECRETARY】 UNDER SECRETARY.**—The term “**【Assistant Secretary】 Under Secretary**” means the **【Assistant Secretary】 Under Secretary** of Commerce for Communications and Information.

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

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

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

* * * * *

SEC. 1006. PLANS FOR AUCTION OF CERTAIN SPECTRUM.

(a) **REPORTS TO CONGRESS.**—In accordance with each paragraph of subsection (c), the Commission, in coordination with the **【Assistant Secretary】 Under Secretary**, shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a proposed plan for the assignment of new licenses for non-Federal use of the spectrum identified under such paragraph, including—

(1) an assessment of the operations of Federal entities that operate Federal Government stations authorized to use such spectrum;

(2) an estimated timeline for the competitive bidding process; and

(3) a proposed plan for balance between unlicensed and licensed use.

(b) **INFORMATION FOR ASSESSMENT OF FEDERAL ENTITY OPERATIONS.**—The **【Assistant Secretary】 Under Secretary**, in coordination with the affected Federal entities, shall provide to the Commission the necessary information to carry out subsection (a)(1).

(c) **REPORT DEADLINES; IDENTIFICATION OF SPECTRUM.**—The Commission shall submit reports under subsection (a) as follows:

(1) Not later than January 1, 2024, for at least 50 megahertz of spectrum (in bands of not less than 10 megahertz of contiguous frequencies) below 6 gigahertz, to be identified by the Commission, in coordination with the **【Assistant Secretary】 Under Secretary**, from spectrum other than the spectrum identified under section 1004(a).

(2) Not later than January 1, 2024, for at least 50 megahertz of spectrum (in bands of not less than 10 megahertz of contiguous frequencies) below 6 gigahertz, to be identified by the Commission, in coordination with the **【Assistant Secretary】 Under Secretary**, from spectrum other than the spectrum identified under paragraph (1) or section 1004(a).

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SECTION 606 OF THE WARNING, ALERT, AND RESPONSE NETWORK ACT

SEC. 606. FUNDING.

(a) **IN GENERAL.**—In addition to any amounts provided by appropriation Acts, funding for this title shall be provided from the Digital Transition and Public Safety Fund in accordance with section 3010 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

(b) **COMPENSATION.**—The **【Assistant Secretary】** *Under Secretary* of Commerce **【for7Communications】** *for Communications* and Information shall compensate any such broadcast station licensee or permittee for reasonable costs incurred in complying with the requirements imposed pursuant to section 602(c) from funds made available under this section. The **【Assistant Secretary】** *Under Secretary* shall ensure that sufficient funds are made available to effectuate geographically targeted alerts.

(c) **CREDIT.**—The **【Assistant Secretary】** *Under Secretary* of Commerce for Communications and Information, in consultation with the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Commerce for Oceans and Atmosphere, may borrow from the Treasury beginning on October 1, 2006, such sums as may be necessary, but not to exceed \$106,000,000, to implement this title. The **【Assistant Secretary】** *Under Secretary* of Commerce for Communications and Information shall ensure that the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Commerce for Oceans and Atmosphere are provided adequate funds to carry out their responsibilities under sections 604 and 605 of this title. The Treasury shall be reimbursed, without interest, from amounts in the Digital Television Transition and Public Safety Fund as funds are deposited into the Fund.

SECTION 6001 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

SEC. 6001. BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

(a) The **【Assistant Secretary】** *Under Secretary* of Commerce for Communications and Information (**【Assistant Secretary】** *Under Secretary*), in consultation with the Federal Communications Commission (Commission), shall establish a national broadband service development and expansion program in conjunction with the technology opportunities program, which shall be referred to as the Broadband Technology Opportunities Program. The **【Assistant Secretary】** *Under Secretary* shall ensure that the program complements and enhances and does not conflict with other Federal broadband initiatives and programs.

(b) The purposes of the program are to—

- (1) provide access to broadband service to consumers residing in unserved areas of the United States;
- (2) provide improved access to broadband service to consumers residing in underserved areas of the United States;
- (3) provide broadband education, awareness, training, access, equipment, and support to—

- (A) schools, libraries, medical and healthcare providers, community colleges and other institutions of higher education, and other community support organizations and entities to facilitate greater use of broadband service by or through these organizations;
 - (B) organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by low-income, unemployed, aged, and otherwise vulnerable populations; and
 - (C) job-creating strategic facilities located within a State-designated economic zone, Economic Development District designated by the Department of Commerce, Renewal Community or Empowerment Zone designated by the Department of Housing and Urban Development, or Enterprise Community designated by the Department of Agriculture;
 - (4) improve access to, and use of, broadband service by public safety agencies; and
 - (5) stimulate the demand for broadband, economic growth, and job creation.
- (c) The **【Assistant Secretary】** *Under Secretary* may consult a State, the District of Columbia, or territory or possession of the United States with respect to—
- (1) the identification of areas described in subsection (b)(1) or
 - (2) located in that State; and
 - (2) the allocation of grant funds within that State for projects in or affecting the State.
- (d) The **【Assistant Secretary】** *Under Secretary* shall—
- (1) establish and implement the grant program as expeditiously as practicable;
 - (2) ensure that all awards are made before the end of fiscal year 2010; *and*
 - (3) seek such assurances as may be necessary or appropriate from grantees under the program that they will substantially complete projects supported by the program in accordance with project timelines, not to exceed 2 years following an award**【; and】**.
 - 【(4) report on the status of the program to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, every 90 days.】**
- (e) To be eligible for a grant under the program, an applicant shall—
- (1)(A) be a State or political subdivision thereof, the District of Columbia, a territory or possession of the United States, an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(b)) or native Hawaiian organization;
 - (B) a nonprofit—
 - (i) foundation,
 - (ii) corporation,
 - (iii) institution, or
 - (iv) association; or

- (C) any other entity, including a broadband service or infrastructure provider, that the **【Assistant Secretary】** *Under Secretary* finds by rule to be in the public interest. In establishing such rule, the **【Assistant Secretary】** *Under Secretary* shall to the extent practicable promote the purposes of this section in a technologically neutral manner;
- (2) submit an application, at such time, in such form, and containing such information as the **【Assistant Secretary】** *Under Secretary* may require;
- (3) provide a detailed explanation of how any amount received under the program will be used to carry out the purposes of this section in an efficient and expeditious manner, including a showing that the project would not have been implemented during the grant period without Federal grant assistance;
- (4) demonstrate, to the satisfaction of the **【Assistant Secretary】** *Under Secretary*, that it is capable of carrying out the project or function to which the application relates in a competent manner in compliance with all applicable Federal, State, and local laws;
- (5) demonstrate, to the satisfaction of the **【Assistant Secretary】** *Under Secretary*, that it will appropriate (if the applicant is a State or local government agency) or otherwise unconditionally obligate, from non-Federal sources, funds required to meet the requirements of subsection (f);
- (6) disclose to the **【Assistant Secretary】** *Under Secretary* the source and amount of other Federal or State funding sources from which the applicant receives, or has applied for, funding for activities or projects to which the application relates; and
- (7) provide such assurances and procedures as the **【Assistant Secretary】** *Under Secretary* may require to ensure that grant funds are used and accounted for in an appropriate manner.
- (f) The Federal share of any project may not exceed 80 percent, except that the **【Assistant Secretary】** *Under Secretary* may increase the Federal share of a project above 80 percent if—
- (1) the applicant petitions the **【Assistant Secretary】** *Under Secretary* for a waiver; and
- (2) the **【Assistant Secretary】** *Under Secretary* determines that the petition demonstrates financial need.
- (g) The **【Assistant Secretary】** *Under Secretary* may make competitive grants under the program to—
- (1) acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, and infrastructure for broadband services;
- (2) construct and deploy broadband service related infrastructure;
- (3) ensure access to broadband service by community anchor institutions;
- (4) facilitate access to broadband service by low-income, unemployed, aged, and otherwise vulnerable populations in order to provide educational and employment opportunities to members of such populations;
- (5) construct and deploy broadband facilities that improve public safety broadband communications services; and

- (6) undertake such other projects and activities as the **【Assistant Secretary】 Under Secretary** finds to be consistent with the purposes for which the program is established.
- (h) The **【Assistant Secretary】 Under Secretary**, in awarding grants under this section, shall, to the extent practical—
 - (1) award not less than 1 grant in each State;
 - (2) consider whether an application to deploy infrastructure in an area—
 - (A) will, if approved, increase the affordability of, and subscribership to, service to the greatest population of users in the area;
 - (B) will, if approved, provide the greatest broadband speed possible to the greatest population of users in the area;
 - (C) will, if approved, enhance service for health care delivery, education, or children to the greatest population of users in the area; and
 - (D) will, if approved, not result in unjust enrichment as a result of support for non-recurring costs through another Federal program for service in the area; and
 - (3) consider whether the applicant is a socially and economically disadvantaged small business concern as defined under section 8(a) of the Small Business Act (15 U.S.C. 637).
- (i) The **【Assistant Secretary】 Under Secretary**—
 - (1) shall require any entity receiving a grant pursuant to this section to report quarterly, in a format specified by the **【Assistant Secretary】 Under Secretary**, on such entity's use of the assistance and progress fulfilling the objectives for which such funds were granted, and the **【Assistant Secretary】 Under Secretary** shall make these reports available to the public;
 - (2) may establish additional reporting and information requirements for any recipient of any assistance made available pursuant to this section;
 - (3) shall establish appropriate mechanisms to ensure appropriate use and compliance with all terms of any use of funds made available pursuant to this section;
 - (4) may, in addition to other authority under applicable law, deobligate awards to grantees that demonstrate an insufficient level of performance, or wasteful or fraudulent spending, as defined in advance by the **【Assistant Secretary】 Under Secretary**, and award these funds competitively to new or existing applicants consistent with this section; and
 - (5) shall create and maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains at least a list of each entity that has applied for a grant under this section, a description of each application, the status of each such application, the name of each entity receiving funds made available pursuant to this section, the purpose for which such entity is receiving such funds, each quarterly report submitted by the entity pursuant to this section, and such other information sufficient to allow the public to understand and monitor grants awarded under the program.
- (j) Concurrent with the issuance of the Request for Proposal for grant applications pursuant to this section, the **【Assistant Secretary】 Under Secretary** shall, in coordination with the Commis-

sion, publish the non-discrimination and network interconnection obligations that shall be contractual conditions of grants awarded under this section, including, at a minimum, adherence to the principles contained in the Commission's broadband policy statement (FCC 05-15, adopted August 5, 2005).

(k)(1) Not later than 1 year after the date of enactment of this section, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report containing a national broadband plan.

(2) The national broadband plan required by this section shall seek to ensure that all people of the United States have access to broadband capability and shall establish benchmarks for meeting that goal. The plan shall also include—

(A) an analysis of the most effective and efficient mechanisms for ensuring broadband access by all people of the United States;

(B) a detailed strategy for achieving affordability of such service and maximum utilization of broadband infrastructure and service by the public;

(C) an evaluation of the status of deployment of broadband service, including progress of projects supported by the grants made pursuant to this section; and

(D) a plan for use of broadband infrastructure and services in advancing consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, worker training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes.

(3) In developing the plan, the Commission shall have access to data provided to other Government agencies under the Broadband Data Improvement Act (47 U.S.C. 1301 note).

(l) The [Assistant Secretary] *Under Secretary* shall develop and maintain a comprehensive nationwide inventory map of existing broadband service capability and availability in the United States that depicts the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider throughout each State. Not later than 2 years after the date of the enactment of this Act, the [Assistant Secretary] *Under Secretary* shall make the broadband inventory map developed and maintained pursuant to this section accessible by the public on a World Wide Web site of the National Telecommunications and Information Administration in a form that is interactive and searchable.

(m) The [Assistant Secretary] *Under Secretary* shall have the authority to prescribe such rules as are necessary to carry out the purposes of this section.

**MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF
2012**

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TITLE VI—PUBLIC SAFETY COMMUNICATIONS AND ELECTROMAGNETIC SPECTRUM AUCTIONS

SEC. 6001. DEFINITIONS.

In this title:

(1) 700 MHZ BAND.—The term “700 MHz band” means the portion of the electromagnetic spectrum between the frequencies from 698 megahertz to 806 megahertz.

(2) 700 MHZ D BLOCK SPECTRUM.—The term “700 MHz D block spectrum” means the portion of the electromagnetic spectrum between the frequencies from 758 megahertz to 763 megahertz and between the frequencies from 788 megahertz to 793 megahertz.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise specifically provided, the term “appropriate committees of Congress” means—

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

(B) the Committee on Energy and Commerce of the House of Representatives.

[(4)] ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.]

[(5)] (4) BOARD.—The term “Board” means the Board of the First Responder Network Authority established under section 6204(b).

[(6)] (5) BROADCAST TELEVISION LICENSEE.—The term “broadcast television licensee” means the licensee of—

(A) a full-power television station; or

(B) a low-power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.

[(7)] (6) BROADCAST TELEVISION SPECTRUM.—The term “broadcast television spectrum” means the portions of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, from 174 megahertz to 216 megahertz, and from 470 megahertz to 698 megahertz.

[(8)] (7) COMMERCIAL MOBILE DATA SERVICE.—The term “commercial mobile data service” means any mobile service (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) that is—

(A) a data service;

(B) provided for profit; and

(C) available to the public or such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission.

[(9)] (8) COMMERCIAL MOBILE SERVICE.—The term “commercial mobile service” has the meaning given such term in section 332 of the Communications Act of 1934 (47 U.S.C. 332).

[(10)] (9) COMMERCIAL STANDARDS.—The term “commercial standards” means the technical standards followed by the com-

mercial mobile service and commercial mobile data service industries for network, device, and Internet Protocol connectivity. Such term includes standards developed by the Third Generation Partnership Project (3GPP), the Institute of Electrical and Electronics Engineers (IEEE), the Alliance for Telecommunications Industry Solutions (ATIS), the Internet Engineering Task Force (IETF), and the International Telecommunication Union (ITU).

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

[(12)] (11) CORE NETWORK.—The term “core network” means the core network described in section 6202(b)(1).

[(13)] (12) EMERGENCY CALL.—The term “emergency call” means any real-time communication with a public safety answering point or other emergency management or response agency, including—

(A) through voice, text, or video and related data; and

(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

[(14)] (13) EXISTING PUBLIC SAFETY BROADBAND SPECTRUM.—The term “existing public safety broadband spectrum” means the portion of the electromagnetic spectrum between the frequencies—

(A) from 763 megahertz to 768 megahertz;

(B) from 793 megahertz to 798 megahertz;

(C) from 768 megahertz to 769 megahertz; and

(D) from 798 megahertz to 799 megahertz.

[(15)] (14) FIRST RESPONDER NETWORK AUTHORITY.—The term “First Responder Network Authority” means the First Responder Network Authority established under section 6204.

[(16)] (15) FORWARD AUCTION.—The term “forward auction” means the portion of an incentive auction of broadcast television spectrum under section 6403(c).

[(17)] (16) INCENTIVE AUCTION.—The term “incentive auction” means a system of competitive bidding under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 6402.

[(18)] (17) INTEROPERABILITY BOARD.—The term “Interoperability Board” means the Technical Advisory Board for First Responder Interoperability established under section 6203.

[(19)] (18) MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR.—The term “multichannel video programming distributor” has the meaning given such term in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

[(20)] (19) NARROWBAND SPECTRUM.—The term “narrowband spectrum” means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

[(21)] (20) NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK.—The term “nationwide public safety broadband network” means the nationwide, interoperable public safety broadband network described in section 6202.

[(22)] (21) NEXT GENERATION 9-1-1 SERVICES.—The term “Next Generation 9-1-1 services” means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

(A) provides standardized interfaces from emergency call and message services to support emergency communications;

(B) processes all types of emergency calls, including voice, text, data, and multimedia information;

(C) acquires and integrates additional emergency call data useful to call routing and handling;

(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

(E) supports data or video communications needs for coordinated incident response and management; and

(F) provides broadband service to public safety answering points or other first responder entities.

[(23)] (22) NIST.—The term “NIST” means the National Institute of Standards and Technology.

[(24)] (23) NTIA.—The term “NTIA” means the National Telecommunications and Information Administration.

[(25)] (24) PUBLIC SAFETY ANSWERING POINT.—The term “public safety answering point” has the meaning given such term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

[(26)] (25) PUBLIC SAFETY ENTITY.—The term “public safety entity” means an entity that provides public safety services.

[(27)] (26) PUBLIC SAFETY SERVICES.—The term “public safety services”—

(A) has the meaning given the term in section 337(f) of the Communications Act of 1934 (47 U.S.C. 337(f)); and

(B) includes services provided by emergency response providers, as that term is defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

[(28)] (27) PUBLIC SAFETY TRUST FUND.—The term “Public Safety Trust Fund” means the trust fund established under section 6413(a)(1).

[(29)] (28) RADIO ACCESS NETWORK.—The term “radio access network” means the radio access network described in section 6202(b)(2).

[(30)] (29) REVERSE AUCTION.—The term “reverse auction” means the portion of an incentive auction of broadcast television spectrum under section 6403(a), in which a broadcast television licensee may submit bids stating the amount it would accept for voluntarily relinquishing some or all of its broadcast television spectrum usage rights.

[(31)] (30) STATE.—The term “State” has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

[(32)] (31) ULTRA HIGH FREQUENCY.—The term “ultra high frequency” means, with respect to a television channel, that the channel is located in the portion of the electromagnetic spectrum between the frequencies from 470 megahertz to 698 megahertz.

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

(33) *VERY HIGH FREQUENCY*.—The term “very high frequency” means, with respect to a television channel, that the channel is located in the portion of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, or from 174 megahertz to 216 megahertz.

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SEC. 6003. ENFORCEMENT.

(a) *IN GENERAL*.—The Commission shall implement and enforce this title as if this title is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.). A violation of this title, or a regulation promulgated under this title, shall be considered to be a violation of the Communications Act of 1934, or a regulation promulgated under such Act, respectively.

(b) *EXCEPTIONS*.—

(1) *OTHER AGENCIES*.—Subsection (a) does not apply in the case of a provision of this title that is expressly required to be carried out by an agency (as defined in section 551 of title 5, United States Code) other than the Commission.

(2) *NTIA REGULATIONS*.—The [Assistant Secretary] *Under Secretary* may promulgate such regulations as are necessary to implement and enforce any provision of this title that is expressly required to be carried out by the [Assistant Secretary] *Under Secretary*.

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Subtitle B—Governance of Public Safety Spectrum

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SEC. 6203. PUBLIC SAFETY INTEROPERABILITY BOARD.

(a) *ESTABLISHMENT*.—There is established within the Commission an advisory board to be known as the “Technical Advisory Board for First Responder Interoperability”.

(b) *MEMBERSHIP*.—

(1) *IN GENERAL*.—

(A) *VOTING MEMBERS*.—Not later than 30 days after the date of enactment of this title, the Chairman of the Commission shall appoint 14 voting members to the Interoperability Board, of which—

(i) 4 members shall be representatives of wireless providers, of which—

(I) 2 members shall be representatives of national wireless providers;

(II) 1 member shall be a representative of regional wireless providers; and

(III) 1 member shall be a representative of rural wireless providers;

(ii) 3 members shall be representatives of equipment manufacturers;

(iii) 4 members shall be representatives of public safety entities, of which—

(I) not less than 1 member shall be a representative of management level employees of public safety entities; and

(II) not less than 1 member shall be a representative of employees of public safety entities;

(iv) 3 members shall be representatives of State and local governments, chosen to reflect geographic and population density differences across the United States; and

(v) all members shall have specific expertise necessary to developing technical requirements under this section, such as technical expertise, public safety communications expertise, and commercial network experience.

(B) NON-VOTING MEMBER.—The **Assistant Secretary Under Secretary** shall appoint 1 non-voting member to the Interoperability Board.

(2) PERIOD OF APPOINTMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Interoperability Board shall be appointed for the life of the Interoperability Board.

(B) REMOVAL FOR CAUSE.—A member of the Interoperability Board may be removed for cause upon the determination of the Chairman of the Commission.

(3) VACANCIES.—Any vacancy in the Interoperability Board shall not affect the powers of the Interoperability Board, and shall be filled in the same manner as the original appointment.

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

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

(c) DUTIES OF THE INTEROPERABILITY BOARD.—

(1) DEVELOPMENT OF TECHNICAL REQUIREMENTS.—Not later than 90 days after the date of enactment of this Act, the Interoperability Board, in consultation with the NTIA, NIST, and the Office of Emergency Communications of the Department of Homeland Security, shall—

(A) develop recommended minimum technical requirements to ensure a nationwide level of interoperability for the nationwide public safety broadband network; and

(B) submit to the Commission for review in accordance with paragraph (3) recommended minimum technical requirements described in subparagraph (A).

(2) CONSIDERATION.—In developing recommended minimum technical requirements under paragraph (1), the Interoperability Board shall base the recommended minimum technical requirements on the commercial standards for Long Term Evolution (LTE) service.

(3) APPROVAL OF RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 30 days after the date on which the Interoperability Board submits recommended minimum technical requirements under paragraph (1)(B), the Commission shall approve the recommendations, with any revisions it deems necessary, and transmit such recommendations to the First Responder Network Authority.

(B) REVIEW.—Any actions taken under subparagraph (A) shall not be reviewable as a final agency action.

(d) TRAVEL EXPENSES.—The members of the Interoperability Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Interoperability Board.

(e) EXEMPTION FROM CHAPTER 10 OF TITLE 5, UNITED STATES CODE.—Chapter 10 of title 5, United States Code, shall not apply to the Interoperability Board.

(f) TERMINATION OF AUTHORITY.—The Interoperability Board shall terminate 15 days after the date on which the Commission transmits the recommendations to the First Responder Network Authority under subsection (c)(3)(A).

* * * * *

Subtitle C—Public Safety Commitments

SEC. 6301. STATE AND LOCAL IMPLEMENTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the State and Local Implementation Fund.

(b) AMOUNTS AVAILABLE FOR STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM.—Any amounts borrowed under subsection (c)(1) and any amounts in the State and Local Implementation Fund that are not necessary to reimburse the general fund of the Treasury for such borrowed amounts shall be available to the [Assistant Secretary] *Under Secretary* to implement section 6302.

(c) BORROWING AUTHORITY.—

(1) IN GENERAL.—Prior to the end of fiscal year 2022, the [Assistant Secretary] *Under Secretary* may borrow from the general fund of the Treasury such sums as may be necessary, but not to exceed \$135,000,000, to implement section 6302.

(2) REIMBURSEMENT.—The [Assistant Secretary] *Under Secretary* shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under paragraph (1) as funds are deposited into the State and Local Implementation Fund.

(d) TRANSFER OF UNUSED FUNDS.—If there is a balance remaining in the State and Local Implementation Fund on September 30, 2022, the Secretary of the Treasury shall transfer such balance to the general fund of the Treasury, where such balance shall be dedicated for the sole purpose of deficit reduction.

SEC. 6302. STATE AND LOCAL IMPLEMENTATION.

(a) ESTABLISHMENT OF STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM.—The [Assistant Secretary] *Under Secretary*, in

consultation with the First Responder Network Authority, shall take such action as is necessary to establish a grant program to make grants to States to assist State, regional, tribal, and local jurisdictions to identify, plan, and implement the most efficient and effective way for such jurisdictions to utilize and integrate the infrastructure, equipment, and other architecture associated with the nationwide public safety broadband network to satisfy the wireless communications and data services needs of that jurisdiction, including with regards to coverage, siting, and other needs.

(b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of any activity carried out using a grant under this section may not exceed 80 percent of the eligible costs of carrying out that activity, as determined by the [Assistant Secretary] *Under Secretary*, in consultation with the First Responder Network Authority.

(2) WAIVER.—The [Assistant Secretary] *Under Secretary* may waive, in whole or in part, the requirements of paragraph (1) for good cause shown if the [Assistant Secretary] *Under Secretary* determines that such a waiver is in the public interest.

(c) PROGRAMMATIC REQUIREMENTS.—Not later than 6 months after the date of enactment of this Act, the [Assistant Secretary] *Under Secretary*, in consultation with the First Responder Network Authority, shall establish requirements relating to the grant program to be carried out under this section, including the following:

(1) Defining eligible costs for purposes of subsection (b)(1).

(2) Determining the scope of eligible activities for grant funding under this section.

(3) Prioritizing grants for activities that ensure coverage in rural as well as urban areas.

(d) CERTIFICATION AND DESIGNATION OF OFFICER OR GOVERNMENTAL BODY.—In carrying out the grant program established under this section, the [Assistant Secretary] *Under Secretary* shall require each State to certify in its application for grant funds that the State has designated a single officer or governmental body to serve as the coordinator of implementation of the grant funds.

(e) STATE NETWORK.—

(1) NOTICE.—Upon the completion of the request for proposal process conducted by the First Responder Network Authority for the construction, operation, maintenance, and improvement of the nationwide public safety broadband network, the First Responder Network Authority shall provide to the Governor of each State, or his designee—

(A) notice of the completion of the request for proposal process;

(B) details of the proposed plan for buildout of the nationwide, interoperable broadband network in such State; and

(C) the funding level for the State as determined by the NTIA.

(2) STATE DECISION.—Not later than 90 days after the date on which the Governor of a State receives notice under paragraph (1), the Governor shall choose whether to—

(A) participate in the deployment of the nationwide, interoperable broadband network as proposed by the First Responder Network Authority; or

(B) conduct its own deployment of a radio access network in such State.

(3) PROCESS.—

(A) IN GENERAL.—Upon making a decision to opt-out under paragraph (2)(B), the Governor shall notify the First Responder Network Authority, the NTIA, and the Commission of such decision.

(B) STATE REQUEST FOR PROPOSALS.—Not later than 180 days after the date on which a Governor provides notice under subparagraph (A), the Governor shall develop and complete requests for proposals for the construction, maintenance, and operation of the radio access network within the State.

(C) SUBMISSION AND APPROVAL OF ALTERNATIVE PLAN.—

(i) IN GENERAL.—The State shall submit an alternative plan for the construction, maintenance, operation, and improvements of the radio access network within the State to the Commission, and such plan shall demonstrate—

(I) that the State will be in compliance with the minimum technical interoperability requirements developed under section 6203; and

(II) interoperability with the nationwide public safety broadband network.

(ii) COMMISSION APPROVAL OR DISAPPROVAL.—Upon submission of a State plan under clause (i), the Commission shall either approve or disapprove the plan.

(iii) APPROVAL.—If the Commission approves a plan under this subparagraph, the State—

(I) may apply to the NTIA for a grant to construct the radio access network within the State that includes the showing described in subparagraph (D); and

(II) shall apply to the NTIA to lease spectrum capacity from the First Responder Network Authority.

(iv) DISAPPROVAL.—If the Commission disapproves a plan under this subparagraph, the construction, maintenance, operation, and improvements of the network within the State shall proceed in accordance with the plan proposed by the First Responder Network Authority.

(D) FUNDING REQUIREMENTS.—In order to obtain grant funds and spectrum capacity leasing rights under subparagraph (C)(iii), a State shall demonstrate—

(i) that the State has—

(I) the technical capabilities to operate, and the funding to support, the State radio access network;

(II) has the ability to maintain ongoing interoperability with the nationwide public safety broadband network; and

- (III) the ability to complete the project within specified comparable timelines specific to the State;
 - (ii) the cost-effectiveness of the State plan submitted under subparagraph (C)(i); and
 - (iii) comparable security, coverage, and quality of service to that of the nationwide public safety broadband network.
- (f) **USER FEES.**—If a State chooses to build its own radio access network, the State shall pay any user fees associated with State use of elements of the core network.
- (g) **PROHIBITION.**—
- (1) **IN GENERAL.**—A State that chooses to build its own radio access network shall not provide commercial service to consumers or offer wholesale leasing capacity of the network within the State except directly through public-private partnerships for construction, maintenance, operation, and improvement of the network within the State.
 - (2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to prohibit the State and a secondary user from entering into a covered leasing agreement. Any revenue gained by the State from such a leasing agreement shall be used only for constructing, maintaining, operating, or improving the radio access network of the State.
- (h) **JUDICIAL REVIEW.**—
- (1) **IN GENERAL.**—The United States District Court for the District of Columbia shall have exclusive jurisdiction to review a decision of the Commission made under subsection (e)(3)(C)(iv).
 - (2) **STANDARD OF REVIEW.**—The court shall affirm the decision of the Commission unless—
 - (A) the decision was procured by corruption, fraud, or undue means;
 - (B) there was actual partiality or corruption in the Commission; or
 - (C) the Commission was guilty of misconduct in refusing to hear evidence pertinent and material to the decision or of any other misbehavior by which the rights of any party have been prejudiced.

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Subtitle D—Spectrum Auction Authority

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SEC. 6406. UNLICENSED USE IN THE 5 GHZ BAND.

(a) **MODIFICATION OF COMMISSION REGULATIONS TO ALLOW CERTAIN UNLICENSED USE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), not later than 1 year after the date of the enactment of this Act, the Commission shall begin a proceeding to modify part 15 of title 47, Code of Federal Regulations, to allow unlicensed U-NII devices to operate in the 5350-5470 MHz band.

(2) **REQUIRED DETERMINATIONS.**—The Commission may make the modification described in paragraph (1) only if the Commis-

sion, in consultation with the [Assistant Secretary] *Under Secretary*, determines that—

(A) licensed users will be protected by technical solutions, including use of existing, modified, or new spectrum-sharing technologies and solutions, such as dynamic frequency selection; and

(B) the primary mission of Federal spectrum users in the 5350-5470 MHz band will not be compromised by the introduction of unlicensed devices.

(b) STUDY BY NTIA.—

(1) IN GENERAL.—The [Assistant Secretary] *Under Secretary*, in consultation with the Department of Defense and other impacted agencies, shall conduct a study evaluating known and proposed spectrum-sharing technologies and the risk to Federal users if unlicensed U-NII devices were allowed to operate in the 5350-5470 MHz band and in the 5850-5925 MHz band.

(2) SUBMISSION.—The [Assistant Secretary] *Under Secretary* shall submit to the Commission and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) not later than 8 months after the date of the enactment of this Act, a report on the portion of the study required by paragraph (1) with respect to the 5350-5470 MHz band; and

(B) not later than 18 months after the date of the enactment of this Act, a report on the portion of the study required by paragraph (1) with respect to the 5850-5925 MHz band.

(c) DEFINITIONS.—In this section:

(1) 5350-5470 MHZ BAND.—The term “5350-5470 MHz band” means the portion of the electromagnetic spectrum between the frequencies from 5350 megahertz to 5470 megahertz.

(2) 5850-5925 MHZ BAND.—The term “5850-5925 MHz band” means the portion of the electromagnetic spectrum between the frequencies from 5850 megahertz to 5925 megahertz.

* * * * *

SEC. 6408. STUDY ON RECEIVER PERFORMANCE AND SPECTRUM EFFICIENCY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to consider efforts to ensure that each transmission system is designed and operated so that reasonable use of adjacent spectrum does not excessively impair the functioning of such system.

(b) REQUIRED CONSIDERATIONS.—In conducting the study required by subsection (a), the Comptroller General shall consider—

(1) the value of—

(A) improving receiver performance as it relates to increasing spectral efficiency;

(B) improving the operation of services that are located in adjacent spectrum; and

(C) narrowing the guard bands between adjacent spectrum use;

(2) the role of manufacturers, commercial licensees, and government users with respect to their transmission systems and the use of adjacent spectrum;

(3) the feasibility of industry self-compliance with respect to the design and operational requirements of transmission systems and the reasonable use of adjacent spectrum; and

(4) the value of action by the Commission and the [Assistant Secretary] *Under Secretary* to establish, by rule, technical requirements or standards for non-Federal and Federal use, respectively, with respect to the reasonable use of portions of the radio spectrum that are adjacent to each other.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study required by subsection (a) to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) TRANSMISSION SYSTEM DEFINED.—In this section, the term “transmission system” means any telecommunications, broadcast, satellite, commercial mobile service, or other communications system that employs radio spectrum.

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SEC. 6413. PUBLIC SAFETY TRUST FUND.

(a) ESTABLISHMENT OF PUBLIC SAFETY TRUST FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the Public Safety Trust Fund.

(2) AVAILABILITY.—Amounts deposited in the Public Safety Trust Fund shall remain available through fiscal year 2022. Any amounts remaining in the Fund after the end of such fiscal year shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) USE OF FUND.—As amounts are deposited in the Public Safety Trust Fund, such amounts shall be used to make the following deposits or payments in the following order of priority:

(1) REPAYMENT OF AMOUNT BORROWED FOR FIRST RESPONDER NETWORK AUTHORITY.—An amount not to exceed \$2,000,000,000 shall be available to the NTIA to reimburse the general fund of the Treasury for any amounts borrowed under section 6207.

(2) STATE AND LOCAL IMPLEMENTATION FUND.—\$135,000,000 shall be deposited in the State and Local Implementation Fund established by section 6301.

(3) BUILDOUT BY FIRST RESPONDER NETWORK AUTHORITY.—\$7,000,000,000, reduced by the amount borrowed under section 6207, shall be deposited in the Network Construction Fund established by section 6206.

(4) PUBLIC SAFETY RESEARCH.—\$100,000,000 shall be available to the Director of NIST to carry out section 6303.

(5) DEFICIT REDUCTION.—\$20,400,000,000 shall be deposited in the general fund of the Treasury, where such amount shall be dedicated for the sole purpose of deficit reduction.

(6) 9-1-1, E9-1-1, AND NEXT GENERATION 9-1-1 IMPLEMENTATION GRANTS.—\$115,000,000 shall be available to the [Assistant Secretary] *Under Secretary* and the Administrator of the National Highway Traffic Safety Administration to carry out the grant program under section 158 of the National Telecommunications and Information Administration Organization Act, as amended by section 6503 of this title.

(7) ADDITIONAL PUBLIC SAFETY RESEARCH.—\$200,000,000 shall be available to the Director of NIST to carry out section 6303.

(8) ADDITIONAL DEFICIT REDUCTION.—Any remaining amounts deposited in the Public Safety Trust Fund shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(c) INVESTMENT.—Amounts in the Public Safety Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be credited to, and become a part of, the Fund.

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Subtitle E—Next Generation 9-1-1 Advancement Act of 2012

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SEC. 6503. COORDINATION OF 9-1-1 IMPLEMENTATION.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended to read as follows:

“SEC. 158. COORDINATION OF 9-1-1, E9-1-1, AND NEXT GENERATION 9-1-1 IMPLEMENTATION.

“(a) 9-1-1 IMPLEMENTATION COORDINATION OFFICE.—

“(1) ESTABLISHMENT AND CONTINUATION.—The [Assistant Secretary] *Under Secretary* and the Administrator of the National Highway Traffic Safety Administration shall—

“(A) establish and further a program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of 9-1-1 services; and

“(B) establish a 9-1-1 Implementation Coordination Office to implement the provisions of this section.

“(2) MANAGEMENT PLAN.—

“(A) DEVELOPMENT.—The [Assistant Secretary] *Under Secretary* and 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 such program; and

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

“(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of enactment of the Next Generation 9-1-1 Advancement Act of 2012, the [Assistant Secretary] *Under Secretary* and the Administrator shall submit the management plan developed under subparagraph (A) to—

“(i) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

“(ii) the Committees on Energy and Commerce and Appropriations of the House of Representatives.

“(3) PURPOSE OF OFFICE.—The Office shall—

“(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services;

“(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services;

“(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

“(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

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

“(4) REPORTS.—The [Assistant Secretary] *Under Secretary* and the Administrator shall provide an annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services.

“(b) 9-1-1, E9-1-1, AND NEXT GENERATION 9-1-1 IMPLEMENTATION GRANTS.—

“(1) MATCHING GRANTS.—The [Assistant Secretary] *Under Secretary* and the Administrator, acting through the Office, shall provide grants to eligible entities for—

“(A) the implementation and operation of 9-1-1 services, E9-1-1 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 9-1-1 services and applications;

“(B) the implementation of IP-enabled emergency services and applications enabled by Next Generation 9-1-1 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

“(C) training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 9-1-1 services.

“(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 60 percent.

“(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the **【Assistant Secretary】** *Under Secretary* and the Administrator shall require an eligible entity to certify in its application that—

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

“(i) has coordinated its application with the public safety answering points located within the jurisdiction of such entity;

“(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of 9-1-1 services, except that such designation need not vest such coordinator with direct legal authority to implement 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services or to manage emergency communications operations;

“(iii) has established a plan for the coordination and implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services; and

“(iv) has integrated telecommunications services involved in the implementation and delivery of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services; or

“(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

“(4) CRITERIA.—Not later than 120 days after the date of enactment of the Next Generation 9-1-1 Advancement Act of 2012, the **【Assistant Secretary】** *Under Secretary* and the Administrator shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this section. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section. The **【Assistant Secretary】** *Under Secretary* and the Administrator shall update such regulations as necessary.

“(c) DIVERSION OF 9-1-1 CHARGES.—

“(1) DESIGNATED 9-1-1 CHARGES.—For the purposes of this subsection, the term ‘designated 9-1-1 charges’ means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services.

“(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the **【Assistant Secretary】** *Under Secretary* and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the **【Assistant Secretary】** *Under Secretary* and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated 9-1-1 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or

presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

“(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated 9-1-1 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or redesignates such charges for purposes other than the implementation or operation of 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services, all of the funds from such grant shall be returned to the Office.

“(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (2) knowing that the information provided in the certification was false shall—

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

“(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

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

“(d) FUNDING AND TERMINATION.—

“(1) IN GENERAL.—From the amounts made available to the **【Assistant Secretary】** *Under Secretary* and the Administrator under section 6413(b)(6) of the Middle Class Tax Relief and Job Creation Act of 2012, the **【Assistant Secretary】** *Under Secretary* and the Administrator are authorized to provide grants under this section through the end of fiscal year 2022. Not more than 5 percent of such amounts may be obligated or expended to cover the administrative costs of carrying out this section.

“(2) TERMINATION.—Effective on October 1, 2022, the authority provided by this section terminates and this section shall have no effect.

“(e) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) 9-1-1 SERVICES.—The term ‘9-1-1 services’ includes both E9-1-1 services and Next Generation 9-1-1 services.

“(2) E9-1-1 SERVICES.—The term ‘E9-1-1 services’ means both phase I and phase II enhanced 9-1-1 services, as described in section 20.18 of the Commission’s regulations (47 C.F.R. 20.18), as in effect on the date of enactment of the Next Generation 9-1-1 Advancement Act of 2012, or as subsequently revised by the Commission.

“(3) ELIGIBLE ENTITY.—

“(A) IN GENERAL.—The term ‘eligible entity’ means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1))).

“(B) INSTRUMENTALITIES.—The term ‘eligible entity’ includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to provide 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services.

“(C) EXCEPTION.—The term ‘eligible entity’ does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

“(4) EMERGENCY CALL.—The term ‘emergency call’ refers to any real-time communication with a public safety answering point or other emergency management or response agency, including—

“(A) through voice, text, or video and related data; and

“(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

“(5) NEXT GENERATION 9-1-1 SERVICES.—The term ‘Next Generation 9-1-1 services’ means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

“(A) provides standardized interfaces from emergency call and message services to support emergency communications;

“(B) processes all types of emergency calls, including voice, data, and multimedia information;

“(C) acquires and integrates additional emergency call data useful to call routing and handling;

“(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

“(E) supports data or video communications needs for coordinated incident response and management; and

“(F) provides broadband service to public safety answering points or other first responder entities.

“(6) OFFICE.—The term ‘Office’ means the 9-1-1 Implementation Coordination Office.

“(7) PUBLIC SAFETY ANSWERING POINT.—The term ‘public safety answering point’ has the meaning given the term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

“(8) 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.”.

* * * * *

Subtitle G—Federal Spectrum Relocation

SEC. 6701. RELOCATION OF AND SPECTRUM SHARING BY FEDERAL GOVERNMENT STATIONS.

(a) IN GENERAL.—Section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923) is amended—

(1) in subsection (g)—

(A) by striking the heading and inserting “Relocation of and Spectrum Sharing by Federal Government Stations.—”;

(B) by amending paragraph (1) to read as follows:

“(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station authorized to use a band of eligible frequencies described in paragraph (2) and that incurs relocation or sharing costs because of planning for an auction of spectrum frequencies or the reallocation of spectrum frequencies from Federal use to exclusive non-Federal use or to shared use shall receive payment for such relocation or sharing costs from the Spectrum Relocation Fund, in accordance with this section and section 118. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a) are eligible to receive payment under this paragraph.”;

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

“(B) any other band of frequencies reallocated from Federal use to non-Federal use or to shared use after January 1, 2003, that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).”;

(D) by amending paragraph (3) to read as follows:

“(3) RELOCATION OR SHARING COSTS DEFINED.—

“(A) IN GENERAL.—For purposes of this section and section 118, the term ‘relocation or sharing costs’ means the costs incurred by a Federal entity in connection with the auction of spectrum frequencies previously assigned to such entity or the sharing of spectrum frequencies assigned to such entity (including the auction or a planned auction of the rights to use spectrum frequencies on a shared basis with such entity) in order to achieve comparable capability of systems as before the relocation or sharing arrangement. Such term includes, with respect to relocation or sharing, as the case may be—

“(i) the costs of any modification or replacement of equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training, or compliance with regulations that are attributable to relocation or sharing;

“(ii) the costs of all engineering, equipment, software, site acquisition, and construction, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary to carry out the relocation or sharing activities of a Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs associated with the replacement of facilities;

“(iii) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with—

“(I) calculating the estimated relocation or sharing costs that are provided to the Commission pursuant to paragraph (4)(A);

“(II) determining the technical or operational feasibility of relocation to 1 or more potential relocation bands; or

“(III) planning for or managing a relocation or sharing arrangement (including spectrum coordination with auction winners);

“(iv) the one-time costs of any modification of equipment reasonably necessary—

“(I) to accommodate non-Federal use of shared frequencies; or

“(II) in the case of eligible frequencies reallocated for exclusive non-Federal use and assigned through a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) but with respect to which a Federal entity retains primary allocation or protected status for a period of time after the completion of the competitive bidding process, to accommodate shared Federal and non-Federal use of such frequencies for such period; and

“(v) the costs associated with the accelerated replacement of systems and equipment if the acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies.

“(B) COMPARABLE CAPABILITY OF SYSTEMS.—For purposes of subparagraph (A), comparable capability of systems—

“(i) may be achieved by relocating a Federal Government station to a new frequency assignment, by relocating a Federal Government station to a different geographic location, by modifying Federal Government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography, or time, and thereby permitting spectrum sharing (including sharing among relocated Federal entities and incumbents to make spectrum available for non-Federal use) or relocation, or by utilizing an alternative technology; and

“(ii) includes the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality.”;

(E) in paragraph (4)—

(i) in the heading, by striking “relocations costs” and inserting “relocation or sharing costs”;

(ii) by striking “relocation costs” each place it appears and inserting “relocation or sharing costs”; and

(iii) in subparagraph (A), by inserting “or sharing” after “such relocation”;

(F) in paragraph (5)—

(i) by striking “relocation costs” and inserting “relocation or sharing costs”; and

(ii) by inserting “or sharing” after “for relocation”;
and

(G) by amending paragraph (6) to read as follows:

“(6) IMPLEMENTATION OF PROCEDURES.—The NTIA shall take such actions as necessary to ensure the timely relocation of Federal entities’ spectrum-related operations from frequencies described in paragraph (2) to frequencies or facilities of comparable capability and to ensure the timely implementation of arrangements for the sharing of frequencies described in such paragraph. Upon a finding by the NTIA that a Federal entity has achieved comparable capability of systems, the NTIA shall terminate or limit the entity’s authorization and notify the Commission that the entity’s relocation has been completed or sharing arrangement has been implemented. The NTIA shall also terminate such entity’s authorization if the NTIA determines that the entity has unreasonably failed to comply with the timeline for relocation or sharing submitted by the Director of the Office of Management and Budget under section 118(d)(2)(C).”;

(2) by redesignating subsections (h) and (i) as subsections (k) and (l), respectively; and

(3) by inserting after subsection (g) the following:

“(h) DEVELOPMENT AND PUBLICATION OF RELOCATION OR SHARING TRANSITION PLANS.—

“(1) DEVELOPMENT OF TRANSITION PLAN BY FEDERAL ENTITY.—Not later than 240 days before the commencement of any auction of eligible frequencies described in subsection (g)(2), a Federal entity authorized to use any such frequency shall submit to the NTIA and to the Technical Panel established by paragraph (3) a transition plan for the implementation by such entity of the relocation or sharing arrangement. The NTIA shall specify, after public input, a common format for all Federal entities to follow in preparing transition plans under this paragraph.

“(2) CONTENTS OF TRANSITION PLAN.—The transition plan required by paragraph (1) shall include the following information:

“(A) The use by the Federal entity of the eligible frequencies to be auctioned, current as of the date of the submission of the plan.

“(B) The geographic location of the facilities or systems of the Federal entity that use such frequencies.

“(C) The frequency bands used by such facilities or systems, described by geographic location.

“(D) The steps to be taken by the Federal entity to relocate its spectrum use from such frequencies or to share such frequencies, including timelines for specific geographic locations in sufficient detail to indicate when use of such frequencies at such locations will be discontinued by the Federal entity or shared between the Federal entity and non-Federal users.

“(E) The specific interactions between the eligible Federal entity and the NTIA needed to implement the transition plan.

“(F) The name of the officer or employee of the Federal entity who is responsible for the relocation or sharing efforts of the entity and who is authorized to meet and negotiate with non-Federal users regarding the transition.

“(G) The plans and timelines of the Federal entity for—

“(i) using funds received from the Spectrum Relocation Fund established by section 118;

“(ii) procuring new equipment and additional personnel needed for relocation or sharing;

“(iii) field-testing and deploying new equipment needed for relocation or sharing; and

“(iv) hiring and relying on contract personnel, if any, needed for relocation or sharing.

“(H) Factors that could hinder fulfillment of the transition plan by the Federal entity.

“(3) TECHNICAL PANEL.—

“(A) ESTABLISHMENT.—There is established within the NTIA a panel to be known as the Technical Panel.

“(B) MEMBERSHIP.—

“(i) NUMBER AND APPOINTMENT.—The Technical Panel shall be composed of 3 members, to be appointed as follows:

“(I) One member to be appointed by the Director of the Office of Management and Budget (in this subsection referred to as ‘OMB’).

“(II) One member to be appointed by the [Assistant Secretary] *Under Secretary*.

“(III) One member to be appointed by the Chairman of the Commission.

“(ii) QUALIFICATIONS.—Each member of the Technical Panel shall be a radio engineer or a technical expert.

“(iii) INITIAL APPOINTMENT.—The initial members of the Technical Panel shall be appointed not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012.

“(iv) TERMS.—The term of a member of the Technical Panel shall be 18 months, and no individual may serve more than 1 consecutive term.

“(v) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office. A vacancy shall be filled in the manner in which the original appointment was made.

“(vi) NO COMPENSATION.—The members of the Technical Panel shall not receive any compensation for service on the Technical Panel. If any such member is an employee of the agency of the official that appointed such member to the Technical Panel, compensation in the member’s capacity as such an employee shall not be considered compensation under this clause.

“(C) ADMINISTRATIVE SUPPORT.—The NTIA shall provide the Technical Panel with the administrative support services necessary to carry out its duties under this subsection and subsection (i).

“(D) REGULATIONS.—Not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012, the NTIA shall, after public notice and comment and subject to approval by the Director of OMB, adopt regulations to govern the workings of the Technical Panel.

“(E) CERTAIN REQUIREMENTS INAPPLICABLE.—The Federal Advisory Committee Act (5 U.S.C. App.) and sections 552 and 552b of title 5, United States Code, shall not apply to the Technical Panel.

“(4) REVIEW OF PLAN BY TECHNICAL PANEL.—

“(A) IN GENERAL.—Not later than 30 days after the submission of the plan under paragraph (1), the Technical Panel shall submit to the NTIA and to the Federal entity a report on the sufficiency of the plan, including whether the plan includes the information required by paragraph (2) and an assessment of the reasonableness of the proposed timelines and estimated relocation or sharing costs, including the costs of any proposed expansion of the capabilities of a Federal system in connection with relocation or sharing.

“(B) INSUFFICIENCY OF PLAN.—If the Technical Panel finds the plan insufficient, the Federal entity shall, not later than 90 days after the submission of the report by the Technical Panel under subparagraph (A), submit to the Technical Panel a revised plan. Such revised plan shall be treated as a plan submitted under paragraph (1).

“(5) PUBLICATION OF TRANSITION PLAN.—Not later than 120 days before the commencement of the auction described in paragraph (1), the NTIA shall make the transition plan publicly available on its website.

“(6) UPDATES OF TRANSITION PLAN.—As the Federal entity implements the transition plan, it shall periodically update the plan to reflect any changed circumstances, including changes in estimated relocation or sharing costs or the timeline for relocation or sharing. The NTIA shall make the updates available on its website.

“(7) CLASSIFIED AND OTHER SENSITIVE INFORMATION.—

“(A) CLASSIFIED INFORMATION.—If any of the information required to be included in the transition plan of a Federal entity is classified information (as defined in section 798(b) of title 18, United States Code), the entity shall—

“(i) include in the plan—

“(I) an explanation of the exclusion of any such information, which shall be as specific as possible; and

“(II) all relevant non-classified information that is available; and

“(ii) discuss as a factor under paragraph (2)(H) the extent of the classified information and the effect of

such information on the implementation of the relocation or sharing arrangement.

“(B) REGULATIONS.—Not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012, the NTIA, in consultation with the Director of OMB and the Secretary of Defense, shall adopt regulations to ensure that the information publicly released under paragraph (5) or (6) does not contain classified information or other sensitive information.

“(i) DISPUTE RESOLUTION PROCESS.—

“(1) IN GENERAL.—If a dispute arises between a Federal entity and a non-Federal user regarding the execution, timing, or cost of the transition plan submitted by the Federal entity under subsection (h)(1), the Federal entity or the non-Federal user may request that the NTIA establish a dispute resolution board to resolve the dispute.

“(2) ESTABLISHMENT OF BOARD.—

“(A) IN GENERAL.—If the NTIA receives a request under paragraph (1), it shall establish a dispute resolution board.

“(B) MEMBERSHIP AND APPOINTMENT.—The dispute resolution board shall be composed of 3 members, as follows:

“(i) A representative of the Office of Management and Budget (in this subsection referred to as ‘OMB’), to be appointed by the Director of OMB.

“(ii) A representative of the NTIA, to be appointed by the [Assistant Secretary] *Under Secretary*.

“(iii) A representative of the Commission, to be appointed by the Chairman of the Commission.

“(C) CHAIR.—The representative of OMB shall be the Chair of the dispute resolution board.

“(D) VACANCIES.—Any vacancy in the dispute resolution board shall be filled in the manner in which the original appointment was made.

“(E) NO COMPENSATION.—The members of the dispute resolution board shall not receive any compensation for service on the board. If any such member is an employee of the agency of the official that appointed such member to the board, compensation in the member’s capacity as such an employee shall not be considered compensation under this subparagraph.

“(F) TERMINATION OF BOARD.—The dispute resolution board shall be terminated after it rules on the dispute that it was established to resolve and the time for appeal of its decision under paragraph (7) has expired, unless an appeal has been taken under such paragraph. If such an appeal has been taken, the board shall continue to exist until the appeal process has been exhausted and the board has completed any action required by a court hearing the appeal.

“(3) PROCEDURES.—The dispute resolution board shall meet simultaneously with representatives of the Federal entity and the non-Federal user to discuss the dispute. The dispute resolution board may require the parties to make written submissions to it.

“(4) DEADLINE FOR DECISION.—The dispute resolution board shall rule on the dispute not later than 30 days after the request was made to the NTIA under paragraph (1).

“(5) ASSISTANCE FROM TECHNICAL PANEL.—The Technical Panel established under subsection (h)(3) shall provide the dispute resolution board with such technical assistance as the board requests.

“(6) ADMINISTRATIVE SUPPORT.—The NTIA shall provide the dispute resolution board with the administrative support services necessary to carry out its duties under this subsection.

“(7) APPEALS.—A decision of the dispute resolution board may be appealed to the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal with that court not later than 30 days after the date of such decision. Each party shall bear its own costs and expenses, including attorneys’ fees, for any appeal under this paragraph.

“(8) REGULATIONS.—Not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012, the NTIA shall, after public notice and comment and subject to approval by OMB, adopt regulations to govern the working of any dispute resolution boards established under paragraph (2)(A) and the role of the Technical Panel in assisting any such board.

“(9) CERTAIN REQUIREMENTS INAPPLICABLE.—The Federal Advisory Committee Act (5 U.S.C. App.) and sections 552 and 552b of title 5, United States Code, shall not apply to a dispute resolution board established under paragraph (2)(A).

“(j) RELOCATION PRIORITIZED OVER SHARING.—

“(1) IN GENERAL.—In evaluating a band of frequencies for possible reallocation for exclusive non-Federal use or shared use, the NTIA shall give priority to options involving reallocation of the band for exclusive non-Federal use and shall choose options involving shared use only when it determines, in consultation with the Director of the Office of Management and Budget, that relocation of a Federal entity from the band is not feasible because of technical or cost constraints.

“(2) NOTIFICATION OF CONGRESS WHEN SHARING CHOSEN.—If the NTIA determines under paragraph (1) that relocation of a Federal entity from the band is not feasible, the NTIA shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives of the determination, including the specific technical or cost constraints on which the determination is based.”.

(b) CONFORMING AMENDMENT.—Section 309(j) of the Communications Act of 1934 is further amended by striking “relocation costs” each place it appears and inserting “relocation or sharing costs”.

* * * * *

SEC. 6703. NATIONAL SECURITY AND OTHER SENSITIVE INFORMATION.

Part B of title I 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. 119. NATIONAL SECURITY AND OTHER SENSITIVE INFORMATION.

“(a) DETERMINATION.—If the head of an Executive agency (as defined in section 105 of title 5, United States Code) determines that public disclosure of any information contained in a notification or report required by section 113 or 118 would reveal classified national security information, or other information for which there is a legal basis for nondisclosure and the public disclosure of which would be detrimental to national security, homeland security, or public safety or would jeopardize a law enforcement investigation, the head of the Executive agency shall notify the [Assistant Secretary] *Under Secretary* of that determination prior to the release of such information.

“(b) INCLUSION IN ANNEX.—The head of the Executive agency shall place the information with respect to which a determination was made under subsection (a) in a separate annex to the notification or report required by section 113 or 118. The annex shall be provided to the subcommittee of primary jurisdiction of the congressional committee of primary jurisdiction in accordance with appropriate national security stipulations but shall not be disclosed to the public or provided to any unauthorized person through any means.”.

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RAY BAUM’S ACT OF 2018

DIVISION P—RAY BAUM’S ACT OF 2018

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018” or the “RAY BAUM’S Act of 2018”.

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TITLE V—ADDITIONAL PROVISIONS

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SEC. 507. NTIA STUDY ON INTERAGENCY PROCESS FOLLOWING CYBERSECURITY INCIDENTS.

(a) IN GENERAL.—The [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information shall complete a study on how the National Telecommunications and Information Administration can best coordinate the interagency process following cybersecurity incidents.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the [Assistant Secretary] *Under Secretary* shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the

findings and recommendations of the study conducted under subsection (a).

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TITLE VI—MOBILE NOW

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SEC. 608. COMMUNICATIONS FACILITIES INSTALLATION.

(a) IN GENERAL.—Section 21 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note) is amended—

(1) in subsection (b), by adding at the end the following:

“(8) The ability of the Federal real property to support a communications facility installation.”; and

(2) by adding at the end the following:

“(f) DEFINITION OF COMMUNICATIONS FACILITY INSTALLATION.—In this section, the term ‘communications facility installation’ means—

“(1) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with the licensed or permitted unlicensed wireless or wireline transmission of writings, signs, signals, data, images, pictures, and sounds of any kind; and

“(2) any antenna or apparatus that—

“(A) is designed for the purpose of emitting radio frequency;

“(B) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Federal Communications Commission or is using duly authorized devices that do not require individual licenses; and

“(C) is added to a tower, building, or other structure.”.

(b) PUBLIC COMMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of General Services shall issue a notice for public comment regarding the inclusion of a communications facility installation under section 21 of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note), as amended by subsection (a) of this section.

(2) CONTENTS.—In seeking public comment under paragraph (1), the Administrator shall include a request for recommendations on—

(A) the criteria that make Federal real property capable of supporting communications facility installations;

(B) the types of information related to the Federal real property that should be included in the database; and

(C) other matters that the Administrator determines necessary.

(c) PROVISION OF INFORMATION.—

(1) IN GENERAL.—Not later than 90 days after the period for public comment under subsection (b)(1) ends, the Administrator of General Services shall notify the head of each Executive agency of the manner and format for submitting such information as the Administrator determines appropriate to the database established under section 21 of the Federal Assets

Sale and Transfer Act of 2016 (40 U.S.C. 1303 note), as amended by subsection (a) of this section.

(2) SUBMISSION.—Not later than 90 days after the date of the notification under paragraph (1), the head of an Executive agency shall submit the information required under paragraph (1).

(d) STATE AND LOCAL GOVERNMENTS.—

(1) IN GENERAL.—The Administrator of General Services, in consultation with the Chairman of the Commission, the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information, the Under Secretary of Commerce for Standards and Technology, and the Director of OMB, shall study—

(A) how to incentivize State and local governments to provide the Administrator with information, similar to the information required under subsection (c)(1), for inclusion in the database described in that subsection; and

(B) the feasibility of establishing or operating a database to which State and local governments can voluntarily submit such information.

(2) REPORT ON INCENTIVIZING PARTICIPATION BY STATE AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of General Services, in consultation with the Chairman of the Commission, the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information, the Under Secretary of Commerce for Standards and Technology, and the Director of OMB, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, and the Committee on Oversight and Government Reform of the House of Representatives a report on the findings of the study under paragraph (1), including recommendations, if any, consistent with this section.

(B) CONSIDERATIONS.—The Administrator of General Services, in preparing the report under subparagraph (A), shall—

(i) consult with State and local governments, or their representatives, to identify for inclusion in the report the most cost-effective options for State and local governments to collect and provide the information described in paragraph (1), including utilizing and leveraging State broadband initiatives and programs; and

(ii) make recommendations on ways the Federal Government can assist State and local governments in collecting and providing the information described in paragraph (1).

(e) SAVINGS PROVISIONS.—

(1) REAL PROPERTY AUTHORITIES.—Nothing in this section, or an amendment made by this section, shall be construed as providing any Executive agency with any new leasing or other

real property authority that did not exist prior to the date of enactment of this Act.

(2) **EFFECT ON OTHER LAWS.**—Nothing in this section, or an amendment made by this section, and no information submitted pursuant to this section, or pursuant to an amendment made by this section, shall be used to prevent or otherwise restrict a decision or determination by any Executive agency to sell, dispose of, declare excess or surplus, lease, reuse or redevelop any Federal real property pursuant to—

(A) title 40 of the United States Code;

(B) the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note); or

(C) any other law governing real property activities of the Federal Government.

SEC. 609. REALLOCATION INCENTIVES.

(a) **IN GENERAL.**—Not later than 24 months after the date of enactment of this Act, the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information, in consultation with the Commission, the Director of OMB, and the head of each affected Federal agency (or a designee thereof), after notice and an opportunity for public comment, shall submit to the appropriate committees of Congress a report that includes legislative or regulatory recommendations to incentivize a Federal entity to relinquish, or share with Federal or non-Federal users, Federal spectrum for the purpose of allowing commercial wireless broadband services to operate on that Federal spectrum.

(b) **POST-AUCTION PAYMENTS.**—

(1) **REPORT.**—In preparing the report under subsection (a), the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information shall—

(A) consider whether permitting eligible Federal entities that are implementing a transition plan submitted under section 113(h) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)) to accept payments could result in access to the eligible frequencies that are being reallocated for exclusive non-Federal use or shared use sooner than would otherwise occur without such payments; and

(B) include the findings under subparagraph (A), including the analysis under paragraph (2) and any recommendations for legislation, in the report.

(2) **ANALYSIS.**—In considering payments under paragraph (1)(A), the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information shall conduct an analysis of whether and how such payments would affect—

(A) bidding in auctions conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of such eligible frequencies; and

(B) receipts collected from the auctions described in subparagraph (A).

(3) **DEFINITIONS.**—In this subsection:

(A) **PAYMENT.**—The term “payment” means a payment in cash or in-kind by any auction winner, or any person affiliated with an auction winner, of eligible frequencies during the period after eligible frequencies have been reallocated

by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) but prior to the completion of relocation or sharing transition of such eligible frequencies per transition plans approved by the Technical Panel.

(B) ELIGIBLE FREQUENCIES.—The term “eligible frequencies” has the meaning given the term in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)).

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SEC. 611. UNLICENSED SERVICES IN GUARD BANDS.

(a) IN GENERAL.—After public notice and comment, and in consultation with the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information and the head of each affected Federal agency (or a designee thereof), with respect to frequencies allocated for Federal use, the Commission shall adopt rules that permit unlicensed services where feasible to use any frequencies that are designated as guard bands to protect frequencies allocated after the date of enactment of this Act by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), including spectrum that acts as a duplex gap between transmit and receive frequencies.

(b) LIMITATION.—The Commission may not permit any use of a guard band under this section that would cause harmful interference to a licensed service or a Federal service.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the Commission or the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information from otherwise making spectrum available for licensed or unlicensed use in any frequency band in addition to guard bands, including under section 603 of this title, consistent with their statutory jurisdictions.

* * * * *

SEC. 619. SPECTRUM CHALLENGE PRIZE.

(a) SHORT TITLE.—This section may be cited as the “Spectrum Challenge Prize Act”.

(b) DEFINITION OF PRIZE COMPETITION.—In this section, the term “prize competition” means a prize competition conducted by the Secretary under subsection (c)(1).

(c) SPECTRUM CHALLENGE PRIZE.—

(1) IN GENERAL.—The Secretary, in consultation with the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information and the Under Secretary of Commerce for Standards and Technology, shall, subject to the availability of funds for prize competitions under this section—

(A) conduct prize competitions to dramatically accelerate the development and commercialization of technology that improves spectrum efficiency and is capable of cost-effective deployment; and

(B) define a measurable set of performance goals for participants in the prize competitions to demonstrate their solutions on a level playing field while making a significant advancement over the current state of the art.

(2) **AUTHORITY OF SECRETARY.**—In carrying out paragraph (1), the Secretary may—

(A) enter into a grant, contract, cooperative agreement, or other agreement with a private sector for-profit or non-profit entity to administer the prize competitions;

(B) invite the Defense Advanced Research Projects Agency, the Commission, the National Aeronautics and Space Administration, the National Science Foundation, or any other Federal agency to provide advice and assistance in the design or administration of the prize competitions; and

(C) award not more than \$5,000,000, in the aggregate, to the winner or winners of the prize competitions.

(d) **CRITERIA.**—Not later than 180 days after the date on which funds for prize competitions are made available pursuant to this section, the Commission shall publish a technical paper on spectrum efficiency providing criteria that may be used for the design of the prize competitions.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

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SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT OF 2019

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SEC. 8. NTIA PROGRAM FOR PREVENTING FUTURE VULNERABILITIES.

(a) **FUTURE VULNERABILITY PROGRAM.**—

(1) **ESTABLISHMENT.**—Not later than 120 days after the date of the enactment of this Act, including an opportunity for notice and comment, the [Assistant Secretary] *Under Secretary*, in cooperation with the Director of National Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of Homeland Security, and the Commission, shall establish a program to share information regarding supply chain security risks with trusted providers of advanced communications service and trusted suppliers of communications equipment or services.

(2) **ACTIVITIES.**—In carrying out the program established under paragraph (1), the [Assistant Secretary] *Under Secretary* shall—

(A) conduct regular briefings and other events to share information with trusted providers of advanced communications service and trusted suppliers of communications equipment or services;

(B) engage with trusted providers of advanced communications service and trusted suppliers of communications equipment or services, in particular such providers and suppliers that—

(i) are small businesses; or

(ii) primarily serve rural areas;

(C) not later than 180 days after the date of the enactment of this Act, submit to the Committee on Energy and Commerce of the House of Representatives and the Com-

mittee on Commerce, Science, and Transportation of the Senate a plan for—

(i) declassifying material, when feasible, to help share information regarding supply chain security risks with trusted providers of advanced communications service and trusted suppliers of communications equipment or services; and

(ii) expediting and expanding the provision of security clearances to facilitate information sharing regarding supply chain security risks with trusted providers of advanced communications service and trusted suppliers of communications equipment or services; and

(D) ensure that the activities carried out through the program are consistent with and, to the extent practicable, integrated with, ongoing activities of the Department of Homeland Security and the Department of Commerce.

(3) SCOPE OF PROGRAM.—The program established under paragraph (1) shall involve only the sharing of information regarding supply chain security risks by the Federal Government to trusted providers of advanced communications service and trusted suppliers of communications equipment or services, and not the sharing of such information by such providers and suppliers to the Federal Government.

(b) REPRESENTATION ON CSRIC OF INTERESTS OF PUBLIC AND CONSUMERS.—

(1) IN GENERAL.—The Commission shall appoint to the Communications Security, Reliability, and Interoperability Council (or any successor thereof), and to each subcommittee, workgroup, or other subdivision of the Council (or any such successor), at least one member to represent the interests of the public and consumers.

(2) INITIAL APPOINTMENTS.—The Commission shall make the initial appointments required by paragraph (1) not later than 180 days after the date of the enactment of this Act. Any member so appointed shall be in addition to the members of the Council, or the members of the subdivision of the Council to which the appointment is being made, as the case may be, as of the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) **【ASSISTANT SECRETARY】 UNDER SECRETARY**.—The term “**【Assistant Secretary】 Under Secretary**” means the **【Assistant Secretary】 Under Secretary** of Commerce for Communications and Information.

(2) **FOREIGN ADVERSARY**.—The term “foreign adversary” means any foreign government or foreign nongovernment person engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons.

(3) **SUPPLY CHAIN SECURITY RISK**.—The term “supply chain security risk” includes specific risk and vulnerability information related to equipment and software.

(4) **TRUSTED**.—The term “trusted” means, with respect to a provider of advanced communications service or a supplier of communications equipment or service, that the **【Assistant Sec-**

retary] *Under Secretary* has determined that such provider or supplier is not owned by, controlled by, or subject to the influence of a foreign adversary.

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TITLE 51, UNITED STATES CODE

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SUBTITLE V—PROGRAMS TARGETING COMMERCIAL OPPORTUNITIES

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CHAPTER 501—SPACE COMMERCE

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SUBCHAPTER II—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

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§ 50112. Promotion of United States Global Positioning System standards

In order to support and sustain the Global Positioning System in a manner that will most effectively contribute to the national security, public safety, scientific, and economic interests of the United States, Congress encourages the President to—

(1) ensure the operation of the Global Positioning System on a continuous worldwide basis free of direct user fees;

(2) enter into international agreements that promote cooperation with foreign governments and international organizations to—

(A) establish the Global Positioning System and its augmentations as an acceptable international standard; and

(B) eliminate any foreign barriers to applications of the Global Positioning System worldwide; and

(3) provide clear direction and adequate resources to the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information so that on an international basis the [Assistant Secretary] *Under Secretary* can—

(A) achieve and sustain efficient management of the electromagnetic spectrum used by the Global Positioning System; and

(B) protect that spectrum from disruption and interference.

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CONSOLIDATED APPROPRIATIONS ACT, 2021

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DIVISION N—ADDITIONAL CORONAVIRUS RESPONSE AND RELIEF

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TITLE IX—BROADBAND INTERNET ACCESS SERVICE

* * * * *

SEC. 902. CONNECTING MINORITY COMMUNITIES.

(a) DEFINITIONS.—In this section:

(1) ANCHOR COMMUNITY.—

(A) IN GENERAL.—The term “anchor community” means any area that—

(i) except as provided in subparagraph (B), is not more than 15 miles from a historically Black college or university, a Tribal College or University, or a Minority-serving institution; and

(ii) has an estimated median annual household income of not more than 250 percent of the poverty line, as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(B) CERTAIN TRIBAL COLLEGES OR UNIVERSITIES.—With respect to a Tribal College or University that is located on land held in trust by the United States, the [Assistant Secretary] *Under Secretary*, in consultation with the Secretary of the Interior, may establish a different maximum distance for the purposes of subparagraph (A)(i) if the [Assistant Secretary] *Under Secretary* is able to ensure that, in establishing that different maximum distance, each anchor community that is established as a result of that action is statistically comparable to other anchor communities described in subparagraph (A).

(2) [ASSISTANT SECRETARY] *UNDER SECRETARY*.—The term “[Assistant Secretary] *Under Secretary*” means the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information.

(3) BROADBAND INTERNET ACCESS SERVICE.—The term “broadband internet access service” has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

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

(5) CONNECTED DEVICE.—The term “connected device” means a laptop computer, tablet computer, or similar device that is capable of connecting to broadband internet access service.

(6) DIRECTOR.—The term “Director” means the Director of the Office.

(7) ELIGIBLE EQUIPMENT.—The term “eligible equipment” means—

- (A) a Wi-Fi hotspot;
- (B) a modem;
- (C) a router;

- (D) a device that combines a modem and router;
 - (E) a connected device; or
 - (F) any other equipment used to provide access to broadband internet access service.
- (8) ELIGIBLE RECIPIENT.—The term “eligible recipient” means—
- (A) a historically Black college or university;
 - (B) a Tribal College or University;
 - (C) a Minority-serving institution; or
 - (D) a consortium that is led by a historically Black college or university, a Tribal College or University, or a Minority-serving institution and that also includes—
 - (i) a minority business enterprise; or
 - (ii) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.
- (9) 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).
- (10) MINORITY-SERVING INSTITUTION.—The term “Minority-serving institution” means any of the following:
- (A) An Alaska Native-serving institution, as that term is defined in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).
 - (B) A Native Hawaiian-serving institution, as that term is defined in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).
 - (C) A Hispanic-serving institution, as that term is defined in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).
 - (D) A Predominantly Black institution, as that term is defined in section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c)).
 - (E) An Asian American and Native American Pacific Islander-serving institution, as that term is defined in section 320(b) of the Higher Education Act of 1965 (20 U.S.C. 1059g(b)).
 - (F) A Native American-serving, nontribal institution, as that term is defined in section 319(b) of the Higher Education Act of 1965 (20 U.S.C. 1059f(b)).
- (11) MINORITY BUSINESS ENTERPRISE.—The term “minority business enterprise” has the meaning given the term in section 1400.2 of title 15, Code of Federal Regulations, or any successor regulation.
- (12) OFFICE.—The term “Office” means the Office of Minority Broadband Initiatives established pursuant to subsection (b)(1).
- (13) PILOT PROGRAM.—The term “Pilot Program” means the Connecting Minority Communities Pilot Program established under the rules promulgated by the [Assistant Secretary] *Under Secretary* under subsection (c)(1).
- (14) 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. 1059c(b)).

(15) WI-FI.—The term “Wi-Fi” means a wireless networking protocol based on Institute of Electrical and Electronics Engineers standard 802.11, or any successor standard.

(16) WI-FI HOTSPOT.—The term “Wi-Fi hotspot” means a device that is capable of—

(A) receiving broadband internet access service; and

(B) sharing broadband internet access service with another device through the use of Wi-Fi.

(b) OFFICE OF MINORITY BROADBAND INITIATIVES.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the [Assistant Secretary] *Under Secretary* shall establish within the National Telecommunications and Information Administration the Office of Minority Broadband Initiatives.

(2) DIRECTOR.—The Office shall be headed by the Director of the Office of Minority Broadband Initiatives, who shall be appointed by the [Assistant Secretary] *Under Secretary*.

(3) DUTIES.—The Office, acting through the Director, shall—

(A) collaborate with Federal agencies that carry out broadband internet access service support programs to determine how to expand access to broadband internet access service and other digital opportunities in anchor communities;

(B) collaborate with State, local, and Tribal governments, historically Black colleges or universities, Tribal Colleges or Universities, Minority-serving institutions, and stakeholders in the communications, education, business, and technology fields to—

(i) promote—

(I) initiatives relating to broadband internet access service connectivity for anchor communities; and

(II) digital opportunities for anchor communities;

(ii) develop recommendations to promote the rapid, expanded deployment of broadband internet access service to unserved historically Black colleges or universities, Tribal Colleges or Universities, Minority-serving institutions, and anchor communities, including to—

(I) students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions; and

(II) senior citizens and veterans who live in anchor communities;

(iii) promote activities that would accelerate the adoption of broadband internet access service (including any associated equipment or personnel necessary to access and use that service, such as modems, routers, devices that combine a modem and a router, Wi-Fi hotspots, and connected devices)—

(I) by students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions; and

(II) within anchor communities;

(iv) upon request, provide assistance to historically Black colleges or universities, Tribal Colleges or Universities, Minority-serving institutions, and leaders from anchor communities with respect to navigating Federal programs dealing with broadband internet access service;

(v) promote digital literacy skills, including by providing opportunities for virtual or in-person digital literacy training and education;

(vi) promote professional development opportunity partnerships between industry and historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions to help ensure that information technology personnel and students of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions have the skills needed to work with new and emerging technologies with respect to broadband internet access service; and

(vii) explore how to leverage investment in infrastructure with respect to broadband internet access service to—

(I) expand connectivity with respect to that service in anchor communities and by students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions;

(II) encourage investment in communities that have been designated as qualified opportunity zones under section 1400Z-1 of the Internal Revenue Code of 1986; and

(III) serve as a catalyst for adoption of that service, so as to promote job growth and economic development and deployment of advanced technologies; and

(C) assume any functions carried out under the Minority Broadband Initiative of the National Telecommunications and Information Administration, as of the day before the date of enactment of this Act.

(4) REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date on which the **【Assistant Secretary】** *Under Secretary* establishes the Office under paragraph (1), and annually thereafter, the **【Assistant Secretary】** *Under Secretary* 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 that—

(i) for the year covered by the report, details the work of the Office in expanding access to fixed and mobile broadband internet access service—

(I) at historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions, including by expanding that access to students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions; and

(II) within anchor communities; and

(ii) identifies barriers to providing access to broadband internet access service—

(I) at historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions, including to students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions; and

(II) within anchor communities.

(B) PUBLIC AVAILABILITY.—Not later than 30 days after the date on which the [Assistant Secretary] *Under Secretary* submits a report under subparagraph (A), the [Assistant Secretary] *Under Secretary* shall, to the extent feasible, make that report publicly available.

(c) CONNECTING MINORITY COMMUNITIES PILOT PROGRAM.—

(1) RULES REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the [Assistant Secretary] *Under Secretary* shall promulgate rules establishing the Connecting Minority Communities Pilot Program, the purpose of which shall be to provide grants to eligible recipients in anchor communities for the purchase of broadband internet access service or any eligible equipment, or to hire and train information technology personnel—

(i) in the case of an eligible recipient described in subparagraph (A), (B), or (C) of subsection (a)(8), to facilitate educational instruction and learning, including through remote instruction;

(ii) in the case of an eligible recipient described in subsection (a)(8)(D)(i), to operate the minority business enterprise; or

(iii) in the case of an eligible recipient described in subsection (a)(8)(D)(ii), to operate the organization.

(B) CONTENT.—The rules promulgated under subparagraph (A) shall—

(i) establish a method for identifying which eligible recipients in anchor communities have the greatest unmet financial needs;

(ii) ensure that grants under the Pilot Program are made—

(I) to eligible recipients identified under the method established under clause (i); and

(II) in a manner that best achieves the purposes of the Pilot Program;

(iii) require that an eligible recipient described in subparagraph (A), (B), or (C) of subsection (a)(8) that receives a grant to provide broadband internet access

service or eligible equipment to students prioritizes students who—

(I) are eligible to receive a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a);

(II) are recipients of any other need-based financial aid from the Federal Government, a State, or that eligible recipient;

(III) are qualifying low-income consumers for the purposes of the program carried out under subpart E of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(IV) are low-income individuals, as that term is defined in section 312(g) of the Higher Education Act of 1965 (20 U.S.C. 1058(g)); or

(V) have been approved to receive unemployment insurance benefits under any Federal or State law since March 1, 2020;

(iv) provide that a recipient of a grant under the Pilot Program—

(I) shall use eligible equipment for a purpose that the recipient considers to be appropriate, subject to any restriction provided in those rules (or any successor rules);

(II) if the recipient lends, or otherwise provides, eligible equipment to students or patrons, shall prioritize lending or providing to such individuals that the recipient believes do not have access to that equipment, subject to any restriction provided in those rules (or any successor rules); and

(III) may not sell or otherwise transfer eligible equipment in exchange for any thing (including a service) of value;

(v) include audit requirements that—

(I) ensure that a recipient of a grant made under the Pilot Program uses grant funds in compliance with the requirements of this section and the overall purpose of the Pilot Program; and

(II) prevent waste, fraud, and abuse in the operation of the Pilot Program;

(vi) provide that not less than 40 percent of the amount of the grants made under the Pilot Program are made to Historically Black colleges or universities; and

(vii) provide that not less than 20 percent of the amount of the grants made under the Pilot Program are made to eligible recipients described in subparagraphs (A), (B), and (C) of subsection (a)(8) to provide broadband internet access service or eligible equipment to students of those eligible recipients.

(2) FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Connecting Minority Communities Fund.

(B) USE OF FUND.—Amounts in the Connecting Minority Communities Fund established under subparagraph (A) shall be available to the [Assistant Secretary] *Under Secretary* to provide support under the rules promulgated under paragraph (1).

(3) INTERAGENCY COORDINATION.—When making grants under the Pilot Program, the [Assistant Secretary] *Under Secretary* shall coordinate with other Federal agencies, including the Commission, the National Science Foundation, and the Department of Education, to ensure the efficient expenditure of Federal funds, including by preventing multiple expenditures of Federal funds for the same purpose.

(4) AUDITS.—

(A) IN GENERAL.—For each of [fiscal years 2021 and 2022] *fiscal years 2021, 2022, 2023, and 2024*, the Inspector General of the Department of Commerce shall conduct an audit of the Pilot Program according to the requirements established under paragraph (1)(B)(v).

(B) REPORT.—After completing each audit conducted under subparagraph (A), the Inspector General of the Department of Commerce 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 that details the findings of the audit.

(5) DIRECT APPROPRIATION.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2021, to remain available until expended, \$285,000,000 to the Connecting Minority Communities Fund established under paragraph (2).

(6) TERMINATION.—Except with respect to the report required under paragraph (7) and the authority of the Secretary of Commerce and the Inspector General of the Department of Commerce described in paragraph (8), the Pilot Program, including all reporting requirements under this section, shall terminate on the date on which the amounts made available to carry out the Pilot Program are fully expended.

(7) REPORT.—Not later than 90 days after the date on which the Pilot Program terminates under paragraph (6), the [Assistant Secretary] *Under Secretary*, after consulting with eligible recipients that received grants under the Pilot Program, 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 that—

(A) describes the manner in which the Pilot Program was carried out;

(B) identifies each eligible recipient that received a grant under the Pilot Program; and

(C) contains information regarding the effectiveness of the Pilot Program, including lessons learned in carrying out the Pilot Program and recommendations for future action.

(8) SAVINGS PROVISION.—The termination of the Pilot Program under paragraph (6) shall not limit, alter, or affect the

ability of the Secretary of Commerce or the Inspector General of the Department of Commerce to—

(A) investigate waste, fraud, and abuse with respect to the Pilot Program; or

(B) recover funds that are misused under the Pilot Program.

* * * * *

SEC. 905. GRANTS FOR BROADBAND CONNECTIVITY.

(a) **DEFINITIONS.**—In this section:

(1) **【ASSISTANT SECRETARY】 UNDER SECRETARY.**—The term “**【Assistant Secretary】 Under Secretary**” means the **【Assistant Secretary】 Under Secretary** of Commerce for Communications and Information.

(2) **BROADBAND OR BROADBAND SERVICE.**—The term “broadband” or “broadband service” has the meaning given the term “broadband internet access service” in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

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

(4) **COVERED BROADBAND PROJECT.**—The term “covered broadband project” means a competitively and technologically neutral project for the deployment of fixed broadband service that provides qualifying broadband service in an eligible service area.

(5) **COVERED PARTNERSHIP.**—The term “covered partnership” means a partnership between—

(A) a State, or 1 or more political subdivisions of a State; and

(B) a provider of fixed broadband service.

(6) **DEPARTMENT.**—The term “Department” means the Department of Commerce.

(7) **ELIGIBLE SERVICE AREA.**—The term “eligible service area” means a census block in which broadband service is not available at 1 or more households or businesses in the census block, as determined by the **【Assistant Secretary】 Under Secretary** on the basis of—

(A) the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)); or

(B) if the maps described in subparagraph (A) are not available, the most recent information available to the **【Assistant Secretary】 Under Secretary**, including information provided by the Commission.

(8) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a Tribal Government;

(B) a Tribal College or University;

(C) the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community, including Native Hawaiian Education Programs;

(D) a Tribal organization; or

(E) a Native Corporation.

(9) **NATIVE CORPORATION.**—The term “Native Corporation” has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(10) NATIVE HAWAIIAN.—The term “Native Hawaiian” has the meaning given the term in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221).

(11) QUALIFYING BROADBAND SERVICE.—The term “qualifying broadband service” means broadband service with—

(A) a download speed of not less than 25 megabits per second;

(B) an upload speed of not less than 3 megabits per second; and

(C) a latency sufficient to support real-time, interactive applications.

(12) TRIBAL GOVERNMENT.—The term “Tribal Government” means the governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually recognized (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(13) TRIBAL LAND.—The term “Tribal land” means—

(A) any land located within the boundaries of—

(i) an Indian reservation, pueblo, or rancheria; or

(ii) a former reservation within Oklahoma;

(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

(i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

(ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(iii) by a dependent Indian community;

(C) any land located within a region established pursuant to section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a));

(D) Hawaiian Home Lands, as defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221); or

(E) those areas or communities designated by the [Assistant Secretary] *Under Secretary* of Indian Affairs of the Department of the Interior that are near, adjacent, or contiguous to reservations where financial assistance and social service programs are provided to Indians because of their status as Indians.

(14) UNSERVED.—The term “unserved”, with respect to a household, means—

(A) the household lacks access to qualifying broadband service; and

(B) no broadband provider has been selected to receive, or is otherwise receiving, Federal or State funding subject to enforceable build out commitments to deploy qualifying broadband service in the specific area where the household is located by dates certain, even if such service is not yet available, provided that the Federal or State agency pro-

viding the funding has not deemed the service provider to be in default of its buildout obligations under the applicable Federal or State program.

(b) **DIRECT APPROPRIATION.**—There is appropriated to the [Assistant Secretary] *Under Secretary*, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2021, to remain available until expended—

- (1) \$1,000,000,000 for grants under subsection (c); and
- (2) \$300,000,000 for grants under subsection (d).

(c) **TRIBAL BROADBAND CONNECTIVITY PROGRAM.**—

(1) **TRIBAL BROADBAND CONNECTIVITY GRANTS.**—The [Assistant Secretary] *Under Secretary* shall use the funds made available under subsection (b)(1) to implement a program to make grants to eligible entities to expand access to and adoption of—

- (A) broadband service on Tribal land; or
- (B) remote learning, telework, or telehealth resources.

(2) **GRANTS.**—From the amounts appropriated under subsection (b)(1), the [Assistant Secretary] *Under Secretary* shall award a grant to each eligible entity that submits an application that the [Assistant Secretary] *Under Secretary* approves after consultation with the Commission to prevent duplication of funding.

(3) **ALLOCATIONS.**—

(A) **EQUITABLE DISTRIBUTION.**—The amounts appropriated under subsection (b)(1) shall be made available to eligible entities on an equitable basis, and not less than 3 percent of those amounts shall be made available for the benefit of Native Hawaiians.

(B) **ADMINISTRATIVE EXPENSES OF [ASSISTANT SECRETARY] UNDER SECRETARY.**—The [Assistant Secretary] *Under Secretary* may use not more than 2 percent of amounts appropriated under subsection (b)(1) for administrative purposes, including the provision of technical assistance to Tribal Governments to help those Governments take advantage of the program established under this subsection.

(4) **USE OF GRANT FUNDS.**—

(A) **COMMITMENT DEADLINE.**—

(i) **IN GENERAL.**—Not later than 18 months after receiving an allocation of funds pursuant to a specific grant award under this subsection, an eligible entity shall commit the funds in accordance with the approved application of the entity.

(ii) **REVERSION OF FUNDS.**—Any grant funds not committed by an eligible entity by the deadline under clause (i) shall be made available to other eligible entities for the purposes provided in this subsection.

(B) **EXPENDITURE DEADLINE.**—

(i) **IN GENERAL.**—Not later than 4 years after receiving an allocation of funds pursuant to a specific grant award under this subsection, an eligible entity shall expend the grant funds.

(ii) **EXTENSIONS FOR INFRASTRUCTURE PROJECTS.**—The [Assistant Secretary] *Under Secretary* may ex-

tend the period under clause (i) for an eligible entity that proposes to use the grant funds for construction of broadband infrastructure if the eligible entity certifies that—

(I) the eligible entity has a plan for use of the grant funds;

(II) the construction project is underway; or

(III) extenuating circumstances require an extension of time to allow the project to be completed.

(iii) EXTENSIONS FOR OTHER PROJECTS.—The [Assistant Secretary] *Under Secretary* may, for good cause shown, extend the period under clause (i) for an eligible entity that proposes to use the grant funds for an eligible use other than construction of broadband infrastructure, based on a detailed showing by the eligible entity of the need for an extension.

(iv) REVERSION OF FUNDS.—Any grant funds not expended by an eligible entity by the deadline under clause (i) shall be made available to other eligible entities for the purposes provided in this subsection.

(C) MULTIPLE GRANT AWARDS.—If the [Assistant Secretary] *Under Secretary* awards multiple grants to an eligible entity under this subsection, the deadlines under subparagraphs (A) and (B) shall apply individually to each grant award.

(5) ELIGIBLE USES.—An eligible entity may use grant funds made available under this subsection for—

(A) broadband infrastructure deployment, including support for the establishment of carrier-neutral submarine cable landing stations;

(B) affordable broadband programs, including—

(i) providing free or reduced-cost broadband service; and

(ii) preventing disconnection of existing broadband service;

(C) distance learning;

(D) telehealth;

(E) digital inclusion efforts; and

(F) broadband adoption activities.

(6) ADMINISTRATIVE EXPENSES OF ELIGIBLE ENTITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible entity may use not more than 2 percent of grant funds received under this subsection for administrative purposes.

(B) BROADBAND INFRASTRUCTURE PROJECTS.—An eligible entity that proposes to use grant funds for the construction of broadband infrastructure may use an amount of the grant funds equal to not more than 2.5 percent of the total project cost for planning, feasibility, and sustainability studies related to the project.

(7) SUBGRANTEES.—

(A) IN GENERAL.—An eligible entity may enter into a contract with a subgrantee, including a non-Tribal entity,

as part of its use of grant funds pursuant to this subsection.

(B) REQUIREMENTS.—An eligible entity that enters into a contract with a subgrantee for use of grant funds received under this subsection shall—

(i) before entering into the contract, after a reasonable investigation, make a determination that the subgrantee—

(I) is capable of carrying out the project for which grant funds will be provided in a competent manner in compliance with all applicable laws;

(II) has the financial capacity to meet the obligations of the project and the requirements of this subsection; and

(III) has the technical and operational capability to carry out the project; and

(ii) stipulate in the contract reasonable provisions for recovery of funds for nonperformance.

(8) BROADBAND INFRASTRUCTURE DEPLOYMENT.—In using grant funds received under this subsection for new construction of broadband infrastructure, an eligible entity shall prioritize projects that deploy broadband infrastructure to unserved households.

(d) BROADBAND INFRASTRUCTURE PROGRAM.—

(1) BROADBAND INFRASTRUCTURE DEPLOYMENT GRANTS.—The **【Assistant Secretary】** *Under Secretary* shall use the funds made available under subsection (b)(2) to implement a program under which the **【Assistant Secretary】** *Under Secretary* makes grants on a competitive basis to covered partnerships for covered broadband projects.

(2) MAPPING.—

(A) DATA FROM COMMISSION.—Not less frequently than annually, the Commission shall, through the process established under section 802(b)(7) of the Communications Act of 1934 (47 U.S.C. 642(b)(7)), provide the **【Assistant Secretary】** *Under Secretary* any data collected by the Commission pursuant to title VIII of that Act (47 U.S.C. 641 et seq.).

(B) USE BY **【ASSISTANT SECRETARY】** *UNDER SECRETARY*.—The **【Assistant Secretary】** *Under Secretary* shall rely on the data provided under subparagraph (A) in carrying out this subsection to the greatest extent practicable.

(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a grant under this subsection, a covered partnership shall submit an application at such time, in such manner, and containing such information as the **【Assistant Secretary】** *Under Secretary* may require, which application shall, at a minimum, include a description of—

(A) the covered partnership;

(B) the covered broadband project to be funded by the grant, including—

(i) the speed or speeds at which the covered partnership plans to offer broadband service; and

(ii) the cost of the project;

(C) the area to be served by the covered broadband project (in this paragraph referred to as the “proposed service area”);

(D) any support provided to the provider of broadband service that is part of the covered partnership through—

(i) any grant, loan, or loan guarantee provided by a State to the provider of broadband service for the deployment of broadband service in the proposed service area;

(ii) any grant, loan, or loan guarantee with respect to the proposed service area provided by the Secretary of Agriculture—

(I) under title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.), including—

(aa) any program to provide grants, loans, or loan guarantees under sections 601 through 603 of that Act (7 U.S.C. 950bb et seq.); and

(bb) the Community Connect Grant Program established under section 604 of that Act (7 U.S.C. 950bb-3); or

(II) the broadband loan and grant pilot program known as the “Rural eConnectivity Pilot Program” or the “ReConnect Program” authorized under section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115-141; 132 Stat. 348);

(iii) any high-cost universal service support provided under section 254 of the Communications Act of 1934 (47 U.S.C. 254);

(iv) any grant provided under section 6001 of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. 1305);

(v) amounts made available for the Education Stabilization Fund under the heading “**DEPARTMENT OF EDUCATION**” in title VIII of division B of the CARES Act (Public Law 116-136; 134 Stat. 564); or

(vi) any other grant, loan, or loan guarantee provided by the Federal Government for the provision of broadband service.

(4) **PRIORITY.**—In awarding grants under this subsection, the **[Assistant Secretary]** *Under Secretary* shall give priority to applications for covered broadband projects as follows, in decreasing order of priority:

(A) Covered broadband projects designed to provide broadband service to the greatest number of households in an eligible service area.

(B) Covered broadband projects designed to provide broadband service in an eligible service area that is wholly within any area other than—

(i) a county, city, or town that has a population of more than 50,000 inhabitants; and

(ii) the urbanized area contiguous and adjacent to a city or town described in clause (i).

(C) Covered broadband projects that are the most cost-effective, prioritizing such projects in areas that are the most rural.

(D) Covered broadband projects designed to provide broadband service with a download speed of not less than 100 megabits per second and an upload speed of not less than 20 megabits per second.

(E) Any other covered broadband project that meets the requirements of this subsection.

(5) EXPENDITURE DEADLINE.—

(A) IN GENERAL.—Not later than 1 year after receiving grant funds under this subsection, a covered partnership shall expend the grant funds.

(B) EXTENSIONS.—The [Assistant Secretary] *Under Secretary* may extend the period under subparagraph (A) for a covered partnership that proposes to use the grant funds for construction of broadband infrastructure if the covered partnership certifies that—

(i) the covered partnership has a plan for use of the grant funds;

(ii) the construction project is underway; or

(iii) extenuating circumstances require an extension of time to allow the project to be completed.

(C) REVERSION OF FUNDS.—Any grant funds not expended by an covered partnership by the deadline under subparagraph (A) shall be made available to other covered partnerships for the purposes provided in this subsection.

(6) GRANT CONDITIONS.—

(A) PROHIBITIONS.—As a condition of receiving a grant under this subsection, the [Assistant Secretary] *Under Secretary* shall prohibit a provider of broadband service that is part of a covered partnership receiving the grant—

(i) from using the grant amounts to repay, or make any other payment relating to, a loan made by any public or private lender;

(ii) from using grant amounts as collateral for a loan made by any public or private lender; and

(iii) from using more than \$50,000 of the grant amounts to pay for the preparation of the grant.

(B) NONDISCRIMINATION.—The [Assistant Secretary] *Under Secretary* may not require a provider of broadband service that is part of a covered partnership to be designated as an eligible telecommunications carrier pursuant to section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) to be eligible to receive a grant under this subsection or as a condition of receiving a grant under this subsection.

(e) IMPLEMENTATION.—

(1) REQUIREMENTS; OUTREACH.—Not earlier than 30 days, and not later than 60 days, after the date of enactment of this Act, the [Assistant Secretary] *Under Secretary* shall—

(A) issue a notice inviting eligible entities and covered partnerships to submit applications for grants under this section, which shall contain details about how awarding decisions will be made; and

(B) outline—

- (i) the requirements for applications for grants under this section; and
- (ii) the allowed uses of grant funds awarded under this section.

(2) APPLICATIONS.—

(A) SUBMISSION.—During the 90-day period beginning on the date on which the **【Assistant Secretary】** *Under Secretary* issues the notice under paragraph (1), an eligible entity or covered partnership may submit an application for a grant under this section.

(B) PROCESSING.—

(i) IN GENERAL.—Not later than 90 days after receiving an application under subparagraph (A), the **【Assistant Secretary】** *Under Secretary* shall approve or deny the application.

(ii) DENIAL.—The **【Assistant Secretary】** *Under Secretary* may deny an application submitted under subparagraph (A) only if—

(I) the **【Assistant Secretary】** *Under Secretary* provides the applicant an opportunity to cure any defects in the application; and

(II) after receiving the opportunity under subclause (I), the applicant still fails to meet the requirements of this section.

(C) SINGLE APPLICATION.—An eligible entity or covered partnership may submit only 1 application under this paragraph.

(D) PROPOSED USE OF FUNDS.—An application submitted by an eligible entity or a covered partnership under this paragraph shall describe each proposed use of grant funds.

(E) ALLOCATION OF FUNDS.—Not later than 14 days after approving an application for a grant under this paragraph, the **【Assistant Secretary】** *Under Secretary* shall allocate the grant funds to the eligible entity or covered partnership.

(F) TREATMENT OF UNALLOCATED FUNDS.—

(i) IN GENERAL.—If an eligible entity or covered partnership does not submit an application by the deadline under subparagraph (A), or the **【Assistant Secretary】** *Under Secretary* does not approve an application submitted by an eligible entity or a covered partnership under that subparagraph, the **【Assistant Secretary】** *Under Secretary* shall make the amounts allocated for, as applicable—

(I) the eligible entity under subsection (c) available to other eligible entities on an equitable basis; or

(II) the covered partnership under subsection (d) to other covered partnerships.

(ii) SECOND PROCESS.—The **【Assistant Secretary】** *Under Secretary* shall initiate a second notice and application process described in this subsection to reallocate any funds made available to other eligible entities or covered partnerships under clause (i).

(3) **TRANSPARENCY, ACCOUNTABILITY, AND OVERSIGHT REQUIRED.**—In implementing this section, the **【Assistant Secretary】** *Under Secretary* shall adopt measures, including audit requirements, to—

(A) ensure sufficient transparency, accountability, and oversight to provide the public with information regarding the award and use of grant funds under this section;

(B) ensure that a recipient of a grant under this section uses the grant funds in compliance with the requirements of this section and the overall purpose of the applicable grant program under this section; and

(C) deter waste, fraud, and abuse of grant funds.

(4) **PROHIBITION ON USE FOR COVERED COMMUNICATIONS EQUIPMENT OR SERVICES.**—An eligible entity or covered partnership may not use grant funds received under this section to purchase or support any covered communications equipment or service (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)).

(5) **UNAUTHORIZED USE OF FUNDS.**—To the extent that the **【Assistant Secretary】** *Under Secretary* or the Inspector General of the Department determines that an eligible entity or covered partnership has expended grant funds received under this section in violation of this section, the **【Assistant Secretary】** *Under Secretary* shall recover the amount of funds that were so expended.

(6) **ADDITIONAL APPROPRIATIONS FOR TRIBAL BROADBAND CONNECTIVITY PROGRAM.**—

(A) **DEFINITION.**—In this paragraph, the term “initial round of funding”—

(i) means the allocation under paragraph (2)(E) of funds appropriated under subsection (b)(1); and

(ii) does not include any reallocation of funds under paragraph (2)(F).

(B) **NEW FUNDING.**—If Congress appropriates additional funds for grants under subsection (c) after the date of enactment of this Act, the **【Assistant Secretary】** *Under Secretary*—

(i) may use a portion of the funds to fully fund any grants under that subsection for which the **【Assistant Secretary】** *Under Secretary* received an application and which the **【Assistant Secretary】** *Under Secretary* did not fully fund during the initial round of funding; and

(ii) shall allocate any remaining funds through subsequent funding rounds consistent with the requirements of this section, except as provided in subparagraph (C) of this paragraph.

(C) **EXCEPTIONS.**—If Congress appropriates additional funds for grants under subsection (c) after the date of enactment of this Act—

(i) the **【Assistant Secretary】** *Under Secretary* shall not be required to issue an additional notice under paragraph (1) of this subsection, but shall inform eligible entities that additional funding has been made available for grants under subsection (c) and describe

the changes made to the Tribal Broadband Connectivity Program under that subsection by section 60201 of the Infrastructure Investment and Jobs Act;

(ii) the requirement under paragraph (2)(C) of this subsection shall be applied individually to each round of funding for grants under subsection (c);

(iii) paragraph (2)(A) of this subsection shall be applied by substituting “180-day period beginning on the date on which the [Assistant Secretary] *Under Secretary* informs eligible entities that additional funding has been made available for grants under subsection (c)” for “90-day period beginning on the date on which the [Assistant Secretary] *Under Secretary* issues the notice under paragraph (1)”;

(iv) notwithstanding paragraph (2)(F) of this subsection, in the case of funds appropriated under subsection (b)(1) that were not allocated during the initial round of funding, the [Assistant Secretary] *Under Secretary* may elect to allocate the funds during any subsequent round of funding for grants under subsection (c).

(f) REPORTING.—

(1) ELIGIBLE ENTITIES AND COVERED PARTNERSHIPS.—

(A) ANNUAL REPORT.—Not later than 1 year after receiving grant funds under this section, and annually thereafter until the funds have been expended, an eligible entity or covered partnership shall submit to the [Assistant Secretary] *Under Secretary* a report, with respect to the 1-year period immediately preceding the report date, that—

(i) describes how the eligible entity or covered partnership expended the funds;

(ii) certifies that the eligible entity or covered partnership complied with the requirements of this section and with any additional reporting requirements prescribed by the [Assistant Secretary] *Under Secretary*, including—

(I) a description of each service provided with the grant funds; and

(II) the number of locations or geographic areas at which broadband service was provided using the grant funds; and

(iii) identifies each subgrantee that received a subgrant from the eligible entity or covered partnership and a description of the specific project for which grant funds were provided.

(B) PROVISION OF INFORMATION TO FCC AND USDA.—The [Assistant Secretary] *Under Secretary* shall provide the information collected under subparagraph (A) to the Commission and the Department of Agriculture to be used when determining whether to award funds for the deployment of broadband under any program administered by those agencies.

(C) TRANSMISSION OF REPORTS TO CONGRESS.—Not later than 5 days after receiving a report from an eligible entity under subparagraph (A), the [Assistant Secretary] *Under*

Secretary shall transmit the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(2) INSPECTOR GENERAL AND GAO.—Not later than 6 months after the date on which the first grant is awarded under this section, and every 6 months thereafter until all of the grant funds awarded under this section are expended, the Inspector General of the Department and the Comptroller General of the United States shall each 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 that reviews the grants awarded under this section during the preceding 6-month period. Each such report shall include recommendations to address waste, fraud, and abuse, if any.

(g) IMPACT ON OTHER FEDERAL BROADBAND PROGRAMS.—The use of grant funds received under this section by an eligible entity, covered partnership, or subgrantee shall not impact the eligibility of, or otherwise disadvantage, the eligible entity, covered partnership, or subgrantee with respect to participation in any other Federal broadband program.

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DIVISION FF—OTHER MATTER

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TITLE IX—TELECOMMUNICATIONS AND CONSUMER PROTECTION

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SEC. 903. OFFICE OF INTERNET CONNECTIVITY AND GROWTH.

(a) SHORT TITLE.—This section may be cited as the “Advancing Critical Connectivity Expands Service, Small Business Resources, Opportunities, Access, and Data Based on Assessed Need and Demand Act” or the “ACCESS BROADBAND Act”.

(b) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the [Assistant Secretary] *Under Secretary* shall establish the Office of Internet Connectivity and Growth within the National Telecommunications and Information Administration.

(c) DUTIES.—

(1) OUTREACH.—The Office shall—

(A) connect with communities that need access to high-speed internet and improved digital inclusion efforts through various forms of outreach and communication techniques;

(B) hold regional workshops across the country to share best practices and effective strategies for promoting broadband access and adoption;

(C) develop targeted broadband training and presentations for various demographic communities through various media;

(D) develop and distribute publications (including toolkits, primers, manuals, and white papers) providing guidance, strategies, and insights to communities as the communities develop strategies to expand broadband access and adoption; and

(E) as applicable in carrying out subparagraphs (A) through (D), coordinate with State agencies that provide similar broadband investments, outreach, and coordination through Federal programs.

(2) TRACKING OF FEDERAL DOLLARS.—

(A) BROADBAND INFRASTRUCTURE.—The Office shall track the construction and use of and access to any broadband infrastructure built using any Federal support in a central database.

(B) ACCOUNTING MECHANISM.—The Office shall develop a streamlined accounting mechanism by which any agency offering a Federal broadband support program and the Commission for any Universal Service Fund Program shall provide the information described in subparagraph (A) in a standardized and efficient fashion.

(C) REPORT.—[Not later than 1 year after the date of the enactment of this Act, and every year thereafter,] *In the first quarter of each calendar year*, the Office shall make public on the website of the Office and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, *for the fiscal year ending most recently before the beginning of such quarter*, on the following:

(i) A description of the work of the Office [for the previous year] and the number of residents of the United States that received broadband as result of Federal broadband support programs and the Universal Service Fund Programs.

(ii) A description of how many residents of the United States were provided broadband by which universal service mechanism or which Federal broadband support program.

(iii) An estimate of the economic impact of such broadband deployment efforts on local economies, including any effect on small businesses or jobs.

(d) RELATION TO CURRENT BROADBAND ACTIVITIES OF NTIA.—The [Assistant Secretary] *Under Secretary* shall assign to the Office all activities performed by the National Telecommunications and Information Administration as of the date of the enactment of this Act that are similar to the activities required to be conducted by the Office under this Act.

(e) STREAMLINED APPLICATIONS FOR SUPPORT.—

(1) AGENCY CONSULTATION.—The Office shall consult with any agency offering a Federal broadband support program to streamline and standardize the applications process for financial assistance or grants for such program.

(2) AGENCY STREAMLINING.—Any agency offering a Federal broadband support program shall amend the applications of the agency for broadband support, to the extent practicable and as necessary, to streamline and standardize applications for Federal broadband support programs across the Government.

(3) SINGLE APPLICATION.—To the greatest extent practicable, the Office shall seek to create one application that may be submitted to apply for all, or substantially all, Federal broadband support programs.

(4) WEBSITE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Office shall create a central website through which potential applicants can learn about and apply for support through any Federal broadband support program.

(f) COORDINATION OF SUPPORT.—

(1) IN GENERAL.—To ensure that Federal support for broadband deployment is being distributed in an efficient, technology-neutral, and financially sustainable manner, and that a program does not duplicate any other Federal broadband support program or any Universal Service Fund high-cost program—

(A) any agency that offers a Federal broadband support program shall coordinate with the Office consistent with the goals described in paragraph (2); and

(B) the Office, with respect to Federal broadband support programs, and the Commission, with respect to the Universal Service Fund high-cost programs, shall coordinate with each other consistent with the goals described in paragraph (2).

(2) GOALS.—The goals of any coordination conducted pursuant to this subsection are the following:

(A) Serving the largest number of unserved locations in the United States and ensuring all residents of the United States have access to high-speed broadband.

(B) Promoting the most job and economic growth for all residents of the United States.

(3) BROADBAND AVAILABILITY MAPS.—The Office and the Commission shall consult the broadband availability maps produced by the Commission when coordinating under paragraph (1).

(g) DEFINITIONS.—In this Act:

(1) AGENCY.—The term “agency” has the meaning given that term in section 551 of title 5, United States Code.

(2) **[ASSISTANT SECRETARY]** *UNDER SECRETARY*.—The term “**[Assistant Secretary]** *Under Secretary*” means the **[Assistant Secretary]** *Under Secretary* of Commerce for Communications and Information.

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

(4) FEDERAL BROADBAND SUPPORT PROGRAM.—The term “Federal broadband support program” does not include any Universal Service Fund Program and means any of the following programs (or any other similar Federal program) to the extent the program offers broadband internet service, support for

broadband deployment, or programs for promoting broadband access and adoption for various demographic communities through various media for residential, commercial, community providers, or academic establishments:

(A) The Telecommunications and Technology Program of the Appalachian Regional Commission.

(B) The Telecommunications Infrastructure Loan and Loan Guarantee Program established under the Rural Electrification Act of 1936, the rural broadband access program established under title VI of that Act (7 U.S.C. 950bb et seq.), the initiative under section 306F of that Act (7 U.S.C. 936f), the Community Connect Grant Program established under section 604 of that Act (7 U.S.C. 950bb-3), the broadband loan and grant pilot program authorized under section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115-141; 132 Stat. 399) (commonly known as the “Rural eConnectivity Pilot Program” or the “ReConnect Program”), and the Distance Learning and Telemedicine Program under chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.).

(C) Community facility direct and guaranteed loans under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)), community facility grants under paragraph (19), (20), or (21) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)), and the Rural Community Development Initiative authorized under the heading “**Rural Housing Service—Rural Community Facilities Program Account**” under title III of division B of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94; 133 Stat. 2629).

(D) The Public Works and Economic Adjustment Assistance Programs and the Planning and Local Technical Assistance Programs of the Economic Development Administration of the Department of Commerce.

(E) The Community Development Block Grants and Section 108 Loan Guarantees Programs, the Funds for Public Housing Authorities: Capital Fund and Operating Fund, the Multifamily Housing Programs, the Indian Community Development Block Grant Program, the Indian Housing Block Grant Program, the Title VI Loan Guarantee Program, the Choice Neighborhoods Program, the HOME Investment Partnerships Program, the Housing Trust Fund, and the Housing Opportunities for Persons with AIDS Program of the Department of Housing and Urban Development.

(F) The American Job Centers of the Employment and Training Administration of the Department of Labor.

(G) The Library Services and Technology Grant Programs of the Institute of Museum and Library Services.

(5) OFFICE.—The term “Office” means the Office of Internet Connectivity and Growth established pursuant to subsection (b).

(6) **UNIVERSAL SERVICE FUND HIGH-COST PROGRAMS.**—The term “Universal Service Fund high-cost programs” means—

(A) the program for Universal Service Support for High-Cost Areas set forth under subpart D of part 54 of title 47, Code of Federal Regulations, or any successor thereto;

(B) the Rural Digital Opportunity Fund set forth under subpart J of part 54 of title 47, Code of Federal Regulations, or any successor thereto;

(C) the Interstate Common Line Support Mechanism for Rate-of-Return Carriers set forth under subpart K of part 54 of title 47, Code of Federal Regulations, or any successor thereto;

(D) the Mobility Fund and 5G Fund set forth under subpart L of part 54 of title 47, Code of Federal Regulations, or any successor thereto; and

(E) the High Cost Loop Support for Rate-of-Return Carriers program set forth under subpart M of part 54 of title 47, Code of Federal Regulations, or any successor thereto.

(7) **UNIVERSAL SERVICE FUND PROGRAM.**—The term “Universal Service Fund Program” means any program authorized under section 254 of the Communications Act of 1934 (47 U.S.C. 254) to help deploy broadband.

(8) **UNIVERSAL SERVICE MECHANISM.**—The term “universal service mechanism” means any funding stream provided by a Universal Service Fund Program to support broadband access.

(h) **RULE OF CONSTRUCTION.**—Nothing in this Act is intended to alter or amend any provision of section 254 of the Communications Act of 1934 (47 U.S.C. 254).

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SEC. 905. REALLOCATION AND AUCTION OF 3450-3550 MHZ SPECTRUM BAND.

(a) **SHORT TITLE.**—This section may be cited as the “Beat China by Harnessing Important, National Airwaves for 5G Act of 2020” or the “Beat CHINA for 5G Act of 2020”.

(b) **DEFINITIONS.**—In this Act—

(1) the term “Commission” means the Federal Communications Commission; and

(2) the term “covered band” means the band of electromagnetic spectrum between the frequencies of 3450 megahertz and 3550 megahertz, inclusive.

(c) **WITHDRAWAL OR MODIFICATION OF FEDERAL GOVERNMENT ASSIGNMENTS.**—The President, acting through the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information, shall—

(1) not later than 180 days after the date of enactment of this Act, in coordination with relevant Federal users, begin the process of withdrawing or modifying the assignments to Federal Government stations of the covered band as necessary for the Commission to comply with subsection (d); and

(2) not later than 30 days after completing any necessary withdrawal or modification under paragraph (1), notify the Commission that the withdrawal or modification is complete.

(d) **REALLOCATION AND AUCTION.**—

(1) **IN GENERAL.**—The Commission shall—

(A) revise the non-Federal allocation for the covered band to permit flexible-use services; and

(B) notwithstanding paragraph (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), not later than December 31, 2021, begin a system of competitive bidding under that section to grant new initial licenses for the use of a portion or all of the covered band, subject to flexible-use service rules.

(2) EXEMPTION FROM NOTIFICATION REQUIREMENT.—The first sentence of section 113(g)(4)(A) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(4)(A)) shall not apply with respect to the system of competitive bidding required under paragraph (1)(B) of this subsection.

(3) PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

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INFRASTRUCTURE INVESTMENT AND JOBS ACT

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DIVISION B—SURFACE TRANSPORTATION INVESTMENT ACT OF 2021

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TITLE VII—GENERAL PROVISIONS

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SEC. 27003. DEPARTMENT OF TRANSPORTATION SPECTRUM AUDIT.

(a) AUDIT AND REPORT.—Not later than 18 months after the date of enactment of this Act, the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information and the Secretary shall jointly—

(1) conduct an audit of the electromagnetic spectrum that is assigned or otherwise allocated to the Department as of the date of the audit; and

(2) submit to Congress, and make available to each Member of Congress upon request, a report containing the results of the audit conducted under paragraph (1).

(b) CONTENTS OF REPORT.—The [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information and the Secretary shall include in the report submitted under subsection (a)(2), with respect to the electromagnetic spectrum that is assigned or otherwise allocated to the Department as of the date of the audit—

(1) each particular band of spectrum being used by the Department;

(2) a description of each purpose for which a particular band described in paragraph (1) is being used, and how much of the band is being used for that purpose;

(3) the State or other geographic area in which a particular band described in paragraph (1) is assigned or allocated for use;

(4) whether a particular band described in paragraph (1) is used exclusively by the Department or shared with another Federal entity or a non-Federal entity; and

(5) any portion of the spectrum that is not being used by the Department.

(c) **FORM OF REPORT.**—The report required under subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

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DIVISION F—BROADBAND

TITLE I—BROADBAND GRANTS FOR STATES, DISTRICT OF COLUMBIA, PUERTO RICO, AND TERRITORIES

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SEC. 60102. GRANTS FOR BROADBAND DEPLOYMENT.

(a) DEFINITIONS.—

(1) **AREAS, LOCATIONS, AND INSTITUTIONS LACKING BROADBAND ACCESS.**—In this section:

(A) **UNSERVED LOCATION.**—The term “unserved location” means a broadband-serviceable location, as determined in accordance with the broadband DATA maps, that—

- (i) has no access to broadband service; or
- (ii) lacks access to reliable broadband service offered with—

(I) a speed of not less than—

- (aa) 25 megabits per second for downloads;
- and

- (bb) 3 megabits per second for uploads; and

(II) a latency sufficient to support real-time, interactive applications.

(B) **UNSERVED SERVICE PROJECT.**—The term “unserved service project” means a project in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations.

(C) **UNDERSERVED LOCATION.**—The term “underserved location” means a location—

- (i) that is not an unserved location; and
- (ii) as determined in accordance with the broadband DATA maps, lacks access to reliable broadband service offered with—

(I) a speed of not less than—

- (aa) 100 megabits per second for downloads;
- and

(bb) 20 megabits per second for uploads;
and

(II) a latency sufficient to support real-time, interactive applications.

(D) **UNDERSERVED SERVICE PROJECT.**—The term “underserved service project” means a project in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations or underserved locations.

(E) **ELIGIBLE COMMUNITY ANCHOR INSTITUTION.**—The term “eligible community anchor institution” means a community anchor institution that lacks access to gigabit-level broadband service.

(2) **OTHER DEFINITIONS.**—In this section:

(A) **【ASSISTANT SECRETARY】 UNDER SECRETARY.**—The term “【Assistant Secretary】 *Under Secretary*” means the 【Assistant Secretary】 *Under Secretary* of Commerce for Communications and Information.

(B) **BROADBAND; BROADBAND SERVICE.**—The term “broadband” or “broadband service” has the meaning given the term “broadband internet access service” in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

(C) **BROADBAND DATA MAPS.**—The term “broadband DATA maps” means the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)).

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

(E) **COMMUNITY ANCHOR INSTITUTION.**—The term “community anchor institution” means an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals.

(F) **ELIGIBLE ENTITY.**—The term “eligible entity” means a State.

(G) **HIGH-COST AREA.**—

(i) **IN GENERAL.**—The term “high-cost area” means an unserved area in which the cost of building out broadband service is higher, as compared with the average cost of building out broadband service in unserved areas in the United States (as determined by the 【Assistant Secretary】 *Under Secretary*, in consultation with the Commission), incorporating factors that include—

(I) the remote location of the area;

(II) the lack of population density of the area;

(III) the unique topography of the area;

(IV) a high rate of poverty in the area; or

(V) any other factor identified by the 【Assistant Secretary】 *Under Secretary*, in consultation with

the Commission, that contributes to the higher cost of deploying broadband service in the area.

(ii) **UNSERVED AREA.**—For purposes of clause (i), the term “unserved area” means an area in which not less than 80 percent of broadband-serviceable locations are unserved locations.

(H) **LOCATION; BROADBAND-SERVICEABLE LOCATION.**—The terms “location” and “broadband-serviceable location” have the meanings given those terms by the Commission under rules and guidance that are in effect, as of the date of enactment of this Act.

(I) **PRIORITY BROADBAND PROJECT.**—The term “priority broadband project” means a project designed to—

(i) provide broadband service that meets speed, latency, reliability, consistency in quality of service, and related criteria as the **Assistant Secretary** *Under Secretary* shall determine; and

(ii) ensure that the network built by the project can easily scale speeds over time to—

(I) meet the evolving connectivity needs of households and businesses; and

(II) support the deployment of 5G, successor wireless technologies, and other advanced services.

(J) **PROGRAM.**—The term “Program” means the Broadband Equity, Access, and Deployment Program established under subsection (b)(1).

(K) **PROJECT.**—The term “project” means an undertaking by a subgrantee under this section to construct and deploy infrastructure for the provision of broadband service.

(L) **RELIABLE BROADBAND SERVICE.**—The term “reliable broadband service” means broadband service that meets performance criteria for service availability, adaptability to changing end-user requirements, length of serviceable life, or other criteria, other than upload and download speeds, as determined by the **Assistant Secretary** *Under Secretary* in coordination with the Commission.

(M) **STATE.**—The term “State” has the meaning given the term in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), except that that definition shall be applied by striking “, and any other territory or possession of the United States”.

(N) **SUBGRANTEE.**—The term “subgrantee” means an entity that receives grant funds from an eligible entity to carry out activities under subsection (f).

(b) **BROADBAND EQUITY, ACCESS, AND DEPLOYMENT PROGRAM.**—

(1) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the **Assistant Secretary** *Under Secretary* shall establish a grant program, to be known as the “Broadband Equity, Access, and Deployment Program”, under which the **Assistant Secretary** *Under Secretary* makes grants to eligible entities, in accordance with this section, to bridge the digital divide.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the **【Assistant Secretary】** *Under Secretary* to carry out the Program \$42,450,000,000.

(3) **OBLIGATION TIMELINE.**—The **【Assistant Secretary】** *Under Secretary* shall obligate all amounts appropriated pursuant to paragraph (2) in an expedient manner after the **【Assistant Secretary】** *Under Secretary* issues the notice of funding opportunity under subsection (e)(1).

(4) **TECHNICAL SUPPORT AND ASSISTANCE.**—

(A) **PROGRAM ASSISTANCE.**—As part of the Program, the **【Assistant Secretary】** *Under Secretary*, in consultation with the Commission, shall provide technical support and assistance to eligible entities to facilitate their participation in the Program, including by assisting eligible entities with—

- (i) the development of grant applications under the Program;
- (ii) the development of plans and procedures for distribution of funds under the Program; and
- (iii) other technical support as determined by the **【Assistant Secretary】** *Under Secretary*.

(B) **GENERAL ASSISTANCE.**—The **【Assistant Secretary】** *Under Secretary* shall provide technical and other assistance to eligible entities—

- (i) to support the expansion of broadband, with priority for—
 - (I) expansion in rural areas; and
 - (II) eligible entities that consistently rank below most other eligible entities with respect to broadband access and deployment; and
- (ii) regarding cybersecurity resources and programs available through Federal agencies, including the Election Assistance Commission, the Cybersecurity and Infrastructure Security Agency, the Federal Trade Commission, and the National Institute of Standards and Technology.

(c) **ALLOCATION.**—

(1) **ALLOCATION FOR HIGH-COST AREAS.**—

(A) **IN GENERAL.**—On or after the date on which the broadband DATA maps are made public, the **【Assistant Secretary】** *Under Secretary* shall allocate to eligible entities, in accordance with subparagraph (B) of this paragraph, 10 percent of the amount appropriated pursuant to subsection (b)(2).

(B) **FORMULA.**—The **【Assistant Secretary】** *Under Secretary* shall calculate the amount allocated to an eligible entity under subparagraph (A) by—

- (i) dividing the number of unserved locations in high-cost areas in the eligible entity by the total number of unserved locations in high-cost areas in the United States; and
- (ii) multiplying the quotient obtained under clause (i) by the amount made available under subparagraph (A).

(2) MINIMUM INITIAL ALLOCATION.—Of the amount appropriated pursuant to subsection (b)(2)—

(A) except as provided in subparagraph (B) of this paragraph, \$100,000,000 shall be allocated to each State; and

(B) \$100,000,000 shall be allocated to, and divided equally among, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(3) ALLOCATION OF REMAINING AMOUNTS.—

(A) IN GENERAL.—On or after the date on which the broadband DATA maps are made public, of the amount appropriated pursuant to subsection (b)(2), the [Assistant Secretary] *Under Secretary* shall allocate to eligible entities, in accordance with subparagraph (B) of this paragraph, the amount remaining after compliance with paragraphs (1) and (2) of this subsection.

(B) ALLOCATION.—The amount allocated to an eligible entity under subparagraph (B) shall be calculated by—

(i) dividing the number of unserved locations in the eligible entity by the total number of unserved locations in the United States; and

(ii) multiplying the quotient obtained under clause (i) by the amount made available under subparagraph (A).

(4) AVAILABILITY CONDITIONED ON APPROVAL OF APPLICATIONS.—The availability of amounts allocated under paragraph (1), (2), or (3) to an eligible entity shall be subject to approval by the [Assistant Secretary] *Under Secretary* of the letter of intent, initial proposal, or final proposal of the eligible entity, as applicable, under subsection (e).

(5) CONTINGENCY PROCEDURES.—

(A) DEFINITION.—In this paragraph, the term “covered application” means a letter of intent, initial proposal, or final proposal under this section.

(B) POLITICAL SUBDIVISIONS AND CONSORTIA.—

(i) APPLICATION FAILURES.—The [Assistant Secretary] *Under Secretary*, in carrying out the Program, shall provide that if an eligible entity fails to submit a covered application by the applicable deadline, or a covered application submitted by an eligible entity is not approved by the applicable deadline, a political subdivision or consortium of political subdivisions of the eligible entity may submit the applicable type of covered application in place of the eligible entity.

(ii) TREATMENT OF POLITICAL SUBDIVISION OR CONSORTIUM AS ELIGIBLE ENTITY.—In the case of a political subdivision or consortium of political subdivisions that submits a covered application under clause (i) that is approved by the [Assistant Secretary] *Under Secretary*—

(I) except as provided in subclause (II) of this clause, any reference in this section to an eligible entity shall be deemed to refer to the political subdivision or consortium; and

(II) any reference in this section to an eligible entity in a geographic sense shall be deemed to refer to the eligible entity in whose place the political subdivision or consortium submitted the covered application.

(C) REALLOCATION TO OTHER ELIGIBLE ENTITIES.—

(i) APPLICATION FAILURES.—The **Assistant Secretary** *Under Secretary*, in carrying out the Program, shall provide that if an eligible entity fails to submit a covered application by the applicable deadline, or a covered application submitted by an eligible entity is not approved by the applicable deadline, as provided in subparagraph (A)), and no political subdivision or consortium of political subdivisions of the eligible entity submits a covered application by the applicable deadline, or no covered application submitted by such a political subdivision or consortium is approved by the applicable deadline, as provided in subparagraph (B), the **Assistant Secretary** *Under Secretary*—

(I) shall reallocate the amounts that would have been available to the eligible entity pursuant to that type of covered application to other eligible entities that submitted that type of covered application by the applicable deadline; and

(II) shall reallocate the amounts described in subclause (I) of this clause in accordance with the formula under paragraph (3).

(ii) FAILURE TO USE FULL ALLOCATION.—The **Assistant Secretary** *Under Secretary*, in carrying out the Program, shall provide that if an eligible entity fails to use the full amount allocated to the eligible entity under this subsection by the applicable deadline, the **Assistant Secretary** *Under Secretary*—

(I) shall reallocate the unused amounts to other eligible entities with approved final proposals; and

(II) shall reallocate the amounts described in subclause (I) in accordance with the formula under paragraph (3).

(d) ADMINISTRATIVE EXPENSES.—

(1) **ASSISTANT SECRETARY** *UNDER SECRETARY*.—The **Assistant Secretary** *Under Secretary* may use not more than 2 percent of amounts appropriated pursuant to subsection (b) for administrative purposes.

(2) ELIGIBLE ENTITIES.—

(A) PRE-DEPLOYMENT PLANNING.—An eligible entity may use not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2) for the planning and pre-deployment activities under subsection (e)(1)(C).

(B) ADMINISTRATION.—An eligible entity may use not more than 2 percent of the grant amounts made available to the eligible entity under subsection (e) for expenses relating (directly or indirectly) to administration of the grant.

(e) IMPLEMENTATION.—

(1) INITIAL PROGRAM DEPLOYMENT AND PLANNING.—

(A) NOTICE OF FUNDING OPPORTUNITY; PROCESS.—Not later than 180 days after the date of enactment of this Act, the **【Assistant Secretary】** *Under Secretary* shall—

(i) issue a notice of funding opportunity for the Program that—

(I) notifies eligible entities of—

(aa) the establishment of the Program; and

(bb) the amount of the minimum initial allocation to each eligible entity under subsection (c)(2);

(II) invites eligible entities to submit letters of intent under subparagraph (B) in order to—

(aa) participate in the Program; and

(bb) receive funding for planning and pre-deployment activities under subparagraph (C);

(III) contains details about the Program, including an outline of the requirements for—

(aa) applications for grants under the Program, which shall consist of letters of intent, initial proposals, and final proposals; and

(bb) allowed uses of grant amounts awarded under this section, as provided in subsection (f); and

(IV) includes any other information determined relevant by the **【Assistant Secretary】** *Under Secretary*;

(ii) establish a process, in accordance with subparagraph (C), through which to provide funding to eligible entities for planning and pre-deployment activities;

(iii) develop and make public a standard online application form that an eligible entity may use to submit an initial proposal and final proposal for the grant amounts allocated to the eligible entity under subsection (c);

(iv) publish a template—

(I) initial proposal that complies with paragraph (3)(A); and

(II) final proposal that complies with paragraph (4)(A); and

(v) in consultation with the Commission, establish standards for how an eligible entity shall assess the capabilities and capacities of a prospective subgrantee under subsection (g)(2)(A).

(B) LETTER OF INTENT.—

(i) IN GENERAL.—An eligible entity that wishes to participate in the Program shall file a letter of intent to participate in the Program consistent with this subparagraph.

(ii) FORM AND CONTENTS.—The **【Assistant Secretary】** *Under Secretary* may establish the form and contents required for a letter of intent under this subparagraph, which contents may include—

(I) details of—

(aa) the existing broadband program or office of the eligible entity, including—

(AA) activities that the program or office currently conducts;

(BB) the number of rounds of broadband deployment grants that the eligible entity has awarded, if applicable;

(CC) whether the eligible entity has an eligible entity-wide plan and goal for availability of broadband, and any relevant deadlines, as applicable; and

(DD) the amount of funding that the eligible entity has available for broadband deployment or other broadband-related activities, including data collection and local planning, and the sources of that funding, including whether the funds are from the eligible entity or from the Federal Government under the American Rescue Plan Act of 2021 (Public Law 117-2);

(bb) the number of full-time employees and part-time employees of the eligible entity who will assist in administering amounts received under the Program and the duties assigned to those employees;

(cc) relevant contracted support; and

(dd) the goals of the eligible entity for the use of amounts received under the Program, the process that the eligible entity will use to distribute those amounts to subgrantees, the timeline for awarding subgrants, and oversight and reporting requirements that the eligible entity will impose on subgrantees;

(II) the identification of known barriers or challenges to developing and administering a program to administer grants received under the Program, if applicable;

(III) the identification of the additional capacity needed by the eligible entity to implement the requirements under this section, such as—

(aa) enhancing the capacity of the broadband program or office of the eligible entity by receiving technical assistance from Federal entities or other partners, hiring additional employees, or obtaining support from contracted entities; or

(bb) acquiring additional programmatic information or data, such as through surveys or asset inventories;

(IV) an explanation of how the needs described in subclause (III) were identified and how funds may be used to address those needs, including target areas;

(V) details of any relevant partners, such as organizations that may inform broadband deployment and adoption planning; and

(VI) any other information determined relevant by the **【Assistant Secretary】** *Under Secretary*.

(C) PLANNING FUNDS.—

(i) IN GENERAL.—The **【Assistant Secretary】** *Under Secretary* shall establish a process through which an eligible entity, in submitting a letter of intent under subparagraph (B), may request access to not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2) for use consistent with this subparagraph.

(ii) FUNDING AVAILABILITY.—If the **【Assistant Secretary】** *Under Secretary* approves a request from an eligible entity under clause (i), the **【Assistant Secretary】** *Under Secretary* shall make available to the eligible entity an amount, as determined appropriate by the **【Assistant Secretary】** *Under Secretary*, that is not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2).

(iii) ELIGIBLE USE.—The **【Assistant Secretary】** *Under Secretary* shall determine the allowable uses of amounts made available under clause (ii), which may include—

(I) research and data collection, including initial identification of unserved locations and underserved locations;

(II) the development of a preliminary budget for pre-planning activities;

(III) publications, outreach, and communications support;

(IV) providing technical assistance, including through workshops and events;

(V) training for employees of the broadband program or office of the eligible entity or employees of political subdivisions of the eligible entity, and related staffing capacity or consulting or contracted support; and

(VI) with respect to an office that oversees broadband programs and broadband deployment in an eligible entity, establishing, operating, or increasing the capacity of such a broadband office.

(D) ACTION PLAN.—

(i) IN GENERAL.—An eligible entity that receives funding from the **【Assistant Secretary】** *Under Secretary* under subparagraph (C) shall submit to the **【Assistant Secretary】** *Under Secretary* a 5-year action plan, which shall—

(I) be informed by collaboration with local and regional entities; and

(II) detail—

(aa) investment priorities and associated costs;

(bb) alignment of planned spending with economic development, telehealth, and related connectivity efforts.

(ii) REQUIREMENTS OF ACTION PLANS.—The [Assistant Secretary] *Under Secretary* shall establish requirements for the 5-year action plan submitted by an eligible entity under clause (i), which may include requirements to—

(I) address local and regional needs in the eligible entity with respect to broadband service;

(II) propose solutions for the deployment of affordable broadband service in the eligible entity;

(III) include localized data with respect to the deployment of broadband service in the eligible entity, including by identifying locations that should be prioritized for Federal support with respect to that deployment;

(IV) ascertain how best to serve unserved locations in the eligible entity, whether through the establishment of cooperatives or public-private partnerships;

(V) identify the technical assistance that would be necessary to carry out the plan; and

(VI) assess the amount of time it would take to build out universal broadband service in the eligible entity.

(2) NOTICE OF AVAILABLE AMOUNTS; INVITATION TO SUBMIT INITIAL AND FINAL PROPOSALS.—On or after the date on which the broadband DATA maps are made public, the [Assistant Secretary] *Under Secretary*, in coordination with the Commission, shall issue a notice to each eligible entity that—

(A) contains the estimated amount available to the eligible entity under subsection (c); and

(B) invites the eligible entity to submit an initial proposal and final proposal for a grant under this section, in accordance with paragraphs (3) and (4) of this subsection.

(3) INITIAL PROPOSAL.—

(A) SUBMISSION.—

(i) IN GENERAL.—After the [Assistant Secretary] *Under Secretary* issues the notice under paragraph (2), an eligible entity that wishes to receive a grant under this section shall submit an initial proposal for a grant, using the online application form developed by the [Assistant Secretary] *Under Secretary* under paragraph (1)(A)(iii), that—

(I) outlines long-term objectives for deploying broadband, closing the digital divide, and enhancing economic growth and job creation, including—

(aa) information developed by the eligible entity as part of the action plan submitted under paragraph (1)(D), if applicable; and

(bb) information from any comparable strategic plan otherwise developed by the eligible entity, if applicable;

(II)(aa) identifies, and outlines steps to support, local and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide; and

(bb) describes coordination with local governments, along with local and regional broadband planning processes;

(III) identifies existing efforts funded by the Federal Government or a State within the jurisdiction of the eligible entity to deploy broadband and close the digital divide;

(IV) includes a plan to competitively award subgrants to ensure timely deployment of broadband;

(V) identifies—

(aa) each unserved location or underserved location under the jurisdiction of the eligible entity; and

(bb) each community anchor institution under the jurisdiction of the eligible entity that is an eligible community anchor institution; and

(VI) certifies the intent of the eligible entity to comply with all applicable requirements under this section, including the reporting requirements under subsection (j)(1).

(ii) LOCAL COORDINATION.—

(I) IN GENERAL.—The **【Assistant Secretary】** *Under Secretary* shall establish local coordination requirements for eligible entities to follow, to the greatest extent practicable.

(II) REQUIREMENTS.—The local coordination requirements established under subclause (I) shall include, at minimum, an opportunity for political subdivisions of an eligible entity to—

(aa) submit plans for consideration by the eligible entity; and

(bb) comment on the initial proposal of the eligible entity before the initial proposal is submitted to the **【Assistant Secretary】** *Under Secretary*.

(B) SINGLE INITIAL PROPOSAL.—An eligible entity may submit only 1 initial proposal under this paragraph.

(C) CORRECTIONS TO INITIAL PROPOSAL.—The **【Assistant Secretary】** *Under Secretary* may accept corrections to the initial proposal of an eligible entity after the initial proposal has been submitted.

(D) CONSIDERATION OF INITIAL PROPOSAL.—After receipt of an initial proposal for a grant under this paragraph, the **【Assistant Secretary】** *Under Secretary*—

(i) shall acknowledge receipt;

(ii) if the initial proposal is complete—

(I) shall determine whether the use of funds proposed in the initial proposal—

(aa) complies with subsection (f);

(bb) is in the public interest; and

(cc) effectuates the purposes of this Act;

(II) shall approve or disapprove the initial proposal based on the determinations under subclause (I); and

(III) if the **【Assistant Secretary】** *Under Secretary* approves the initial proposal under clause (ii)(II), shall make available to the eligible entity—

(aa) 20 percent of the grant funds that were allocated to the eligible entity under subsection (c); or

(bb) a higher percentage of the grant funds that were allocated to the eligible entity under subsection (c), at the discretion of the **【Assistant Secretary】** *Under Secretary*; and

(iii) if the initial proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the initial proposal.

(E) CONSIDERATION OF RESUBMITTED INITIAL PROPOSAL.—After receipt of a resubmitted initial proposal for a grant under this paragraph, the **【Assistant Secretary】** *Under Secretary*—

(i) shall acknowledge receipt;

(ii) if the initial proposal is complete—

(I) shall determine whether the use of funds proposed in the initial proposal—

(aa) complies with subsection (f);

(bb) is in the public interest; and

(cc) effectuates the purposes of this Act;

(II) shall approve or disapprove the initial proposal based on the determinations under subclause (I); and

(III) if the **【Assistant Secretary】** *Under Secretary* approves the initial proposal under clause (ii)(II), shall make available to the eligible entity—

(aa) 20 percent of the grant funds that were allocated to the eligible entity under subsection (c); or

(bb) a higher percentage of the grant funds that were allocated to the eligible entity under subsection (c), at the discretion of the **【Assistant Secretary】** *Under Secretary*; and

(iii) if the initial proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the initial proposal.

(4) FINAL PROPOSAL.—

(A) SUBMISSION.—

(i) IN GENERAL.—After the **【Assistant Secretary】** *Under Secretary* approves the initial proposal of an eligible entity under paragraph (3), the eligible entity may submit a final proposal for the remainder of the amount allocated to the eligible entity under sub-

section (c), using the online application form developed by the **【Assistant Secretary】** *Under Secretary* under paragraph (1)(A)(iii), that includes—

(I) a detailed plan that specifies how the eligible entity will—

(aa) allocate grant funds for the deployment of broadband networks to unserved locations and underserved locations, in accordance with subsection (h)(1)(A)(i); and

(bb) align the grant funds allocated to the eligible entity under subsection (c), where practicable, with the use of other funds that the eligible entity receives from the Federal Government, a State, or a private entity for related purposes;

(II) a timeline for implementation;

(III) processes for oversight and accountability to ensure the proper use of the grant funds allocated to the eligible entity under subsection (c); and

(IV) a description of coordination with local governments, along with local and regional broadband planning processes.

(ii) LOCAL COORDINATION.—

(I) IN GENERAL.—The **【Assistant Secretary】** *Under Secretary* shall establish local coordination requirements for eligible entities to follow, to the greatest extent practicable.

(II) REQUIREMENTS.—The local coordination requirements established under subclause (I) shall include, at minimum, an opportunity for political subdivisions of an eligible entity to—

(aa) submit plans for consideration by the eligible entity; and

(bb) comment on the final proposal of the eligible entity before the final proposal is submitted to the **【Assistant Secretary】** *Under Secretary*.

(iii) FEDERAL COORDINATION.—To ensure efficient and effective use of taxpayer funds, an eligible entity shall, to the greatest extent practicable, align the use of grant funds proposed in the final proposal under clause (i) with funds available from other Federal programs that support broadband deployment and access.

(B) SINGLE FINAL PROPOSAL.—An eligible entity may submit only 1 final proposal under this paragraph.

(C) CORRECTIONS TO FINAL PROPOSAL.—The **【Assistant Secretary】** *Under Secretary* may accept corrections to the final proposal of an eligible entity after the final proposal has been submitted.

(D) CONSIDERATION OF FINAL PROPOSAL.—After receipt of a final proposal for a grant under this paragraph, the **【Assistant Secretary】** *Under Secretary*—

(i) shall acknowledge receipt;

(ii) if the final proposal is complete—

(I) shall determine whether the use of funds proposed in the final proposal—

- (aa) complies with subsection (f);
- (bb) is in the public interest; and
- (cc) effectuates the purposes of this Act;

(II) shall approve or disapprove the final proposal based on the determinations under subclause (I); and

(III) if the **【Assistant Secretary】** *Under Secretary* approves the final proposal under clause (ii)(II), shall make available to the eligible entity the remainder of the grant funds allocated to the eligible entity under subsection (c); and

(iii) if the final proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the final proposal.

(E) CONSIDERATION OF RESUBMITTED FINAL PROPOSAL.—After receipt of a resubmitted final proposal for a grant under this paragraph, the **【Assistant Secretary】** *Under Secretary*—

(i) shall acknowledge receipt;

(ii) if the final proposal is complete—

(I) shall determine whether the use of funds proposed in the final proposal—

- (aa) complies with subsection (f);
- (bb) is in the public interest; and
- (cc) effectuates the purposes of this Act;

(II) shall approve or disapprove the final proposal based on the determinations under subclause (I); and

(III) if the **【Assistant Secretary】** *Under Secretary* approves the final proposal under clause (ii)(II), shall make available to the eligible entity the remainder of the grant funds allocated to the eligible entity under subsection (c); and

(iii) if the final proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the final proposal.

(f) USE OF FUNDS.—An eligible entity may use grant funds received under this section to competitively award subgrants for—

(1) unserved service projects and underserved service projects;

(2) connecting eligible community anchor institutions;

(3) data collection, broadband mapping, and planning;

(4) installing internet and Wi-Fi infrastructure or providing reduced-cost broadband within a multi-family residential building, with priority given to a residential building that—

(A) has a substantial share of unserved households; or

(B) is in a location in which the percentage of individuals with a household income that is at or below 150 percent of the poverty line applicable to a family of the size involved (as determined under section 673(2) of the Com-

- community Services Block Grant Act (42 U.S.C. 9902(2)) is higher than the national percentage of such individuals;
 - (5) broadband adoption, including programs to provide affordable internet-capable devices; and
 - (6) any use determined necessary by the [Assistant Secretary] *Under Secretary* to facilitate the goals of the Program.
- (g) GENERAL PROGRAM REQUIREMENTS.—

(1) SUBGRANTEE OBLIGATIONS.—A subgrantee, in carrying out activities using amounts received from an eligible entity under this section—

(A) shall adhere to quality-of-service standards, as established by the [Assistant Secretary] *Under Secretary*;

(B) shall comply with prudent cybersecurity and supply chain risk management practices, as specified by the [Assistant Secretary] *Under Secretary*, in consultation with the Director of the National Institute of Standards and Technology and the Commission;

(C) shall incorporate best practices, as defined by the [Assistant Secretary] *Under Secretary*, for ensuring reliability and resilience of broadband infrastructure; and

(D) may not use the amounts to purchase or support—

(i) any covered communications equipment or service, as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608); or

(ii) fiber optic cable and optical transmission equipment manufactured in the People's Republic of China, except that the [Assistant Secretary] *Under Secretary* may waive the application of this clause with respect to a project if the eligible entity that awards a subgrant for the project shows that such application would unreasonably increase the cost of the project.

(2) ELIGIBLE ENTITY OBLIGATIONS.—In distributing funds to subgrantees under this section, an eligible entity shall—

(A) ensure that any prospective subgrantee—

(i) is capable of carrying out activities funded by the subgrant in a competent manner in compliance with all applicable Federal, State, and local laws;

(ii) has the financial and managerial capacity to meet—

(I) the commitments of the subgrantee under the subgrant;

(II) the requirements of the Program; and

(III) such requirements as may be further prescribed by the [Assistant Secretary] *Under Secretary*; and

(iii) has the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award;

(B) stipulate, in any contract with a subgrantee for the use of such funds, reasonable provisions for recovery of funds for nonperformance; and

(C)(i) distribute the funds in an equitable and non-discriminatory manner; and

(ii) ensure, through a stipulation in any contract with a subgrantee for the use of such funds, that each subgrantee uses the funds in an equitable and non-discriminatory manner.

(3) DEOBLIGATION OF AWARDS; INTERNET DISCLOSURE.—The **【Assistant Secretary】** *Under Secretary*—

(A) shall establish, in coordination with relevant Federal and State partners, appropriate mechanisms to ensure appropriate use of funds made available under this section;

(B) may, in addition to other authority under applicable law—

(i) deobligate grant funds awarded to an eligible entity that—

(I) violates paragraph (2); or

(II) demonstrates an insufficient level of performance, or wasteful or fraudulent spending, as defined in advance by the **【Assistant Secretary】** *Under Secretary*; and

(ii) award grant funds that are deobligated under clause (i) to new or existing applicants consistent with this section; and

(C) shall create and maintain a fully searchable database, accessible on the internet at no cost to the public, that contains information sufficient to allow the public to understand and monitor grants and subgrants awarded under the Program.

(h) BROADBAND NETWORK DEPLOYMENT.—

(1) ORDER OF AWARDS; PRIORITY.—

(A) IN GENERAL.—An eligible entity, in awarding subgrants for the deployment of a broadband network using grant funds received under this section, as authorized under subsection (f)(1)—

(i) shall award funding in a manner that—

(I) prioritizes unserved service projects;

(II) after certifying to the **【Assistant Secretary】** *Under Secretary* that the eligible entity will ensure coverage of broadband service to all unserved locations within the eligible entity, prioritizes underserved service projects; and

(III) after prioritizing underserved service projects, provides funding to connect eligible community anchor institutions;

(ii) in providing funding under subclauses (I), (II), and (III) of clause (i), shall prioritize funding for deployment of broadband infrastructure for priority broadband projects;

(iii) may not exclude cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments from eligibility for such grant funds; and

(iv) shall give priority to projects based on—

(I) deployment of a broadband network to persistent poverty counties or high-poverty areas;

(II) the speeds of the proposed broadband service;

(III) the expediency with which a project can be completed; and

(IV) a demonstrated record of and plans to be in compliance with Federal labor and employment laws.

(B) **AUTHORITY OF [ASSISTANT SECRETARY] UNDER SECRETARY.**—The [Assistant Secretary] *Under Secretary* may provide additional guidance on the prioritization of subgrants awarded for the deployment of a broadband network using grant funds received under this section.

(2) **CHALLENGE PROCESS.**—

(A) **IN GENERAL.**—After submitting an initial proposal under subsection (e)(3) and before allocating grant funds received under this section for the deployment of broadband networks, an eligible entity shall ensure a transparent, evidence-based, and expeditious challenge process under which a unit of local government, nonprofit organization, or other broadband service provider can challenge a determination made by the eligible entity in the initial proposal as to whether a particular location or community anchor institution within the jurisdiction of the eligible entity is eligible for the grant funds, including whether a particular location is unserved or underserved.

(B) **FINAL IDENTIFICATION; NOTIFICATION OF FUNDING ELIGIBILITY.**—After resolving each challenge under subparagraph (A), and not later than 60 days before allocating grant funds received under this section for the deployment of broadband networks, an eligible entity shall provide public notice of the final classification of each unserved location, underserved location, or eligible community anchor institution within the jurisdiction of the eligible entity.

(C) **CONSULTATION WITH NTIA.**—An eligible entity shall notify the [Assistant Secretary] *Under Secretary* of any modification to the initial proposal of the eligible entity submitted under subsection (e)(3) that is necessitated by a successful challenge under subparagraph (A) of this paragraph.

(D) **NTIA AUTHORITY.**—The [Assistant Secretary] *Under Secretary*—

(i) may modify the challenge process required under subparagraph (A) as necessary; and

(ii) may reverse the determination of an eligible entity with respect to the eligibility of a particular location or community anchor institution for grant funds under this section.

(E) **EXPEDITING BROADBAND DATA COLLECTION ACTIVITIES.**—

(i) **DEADLINE FOR RESOLUTION OF CHALLENGE PROCESS UNDER BROADBAND DATA ACT.**—Section 802(b)(5)(C)(i) of the Communications Act of 1934 (47 U.S.C. 642(b)(5)(C)(i)) is amended by striking “challenges” and inserting the following: “challenges, which shall require that the Commission resolve a challenge

not later than 90 days after the date on which a final response by a provider to a challenge to the accuracy of a map or information described in subparagraph (A) is complete”.

(ii) PAPERWORK REDUCTION ACT EXEMPTION EXPANSION.—Section 806(b) of the Communications Act of 1934 (47 U.S.C. 646(b)) is amended by striking “the initial rule making required under section 802(a)(1)” and inserting “any rule making or other action by the Commission required under this title”.

(iii) IMPLEMENTATION.—The Commission shall implement the amendments made by this subparagraph as soon as possible after the date of enactment of this Act.

(3) NON-FEDERAL SHARE OF BROADBAND INFRASTRUCTURE DEPLOYMENT COSTS.—

(A) IN GENERAL.—

(i) MATCHING REQUIREMENT.—In allocating grant funds received under this section for deployment of broadband networks, an eligible entity shall provide, or require a subgrantee to provide, a contribution, derived from non-Federal funds (or funds from a Federal regional commission or authority), except in high-cost areas or as otherwise provided by this Act, of not less than 25 percent of project costs.

(ii) WAIVER.—Upon request by an eligible entity or a subgrantee, the [Assistant Secretary] *Under Secretary* may reduce or waive the required matching contribution under clause (i).

(B) SOURCE OF MATCH.—A matching contribution under subparagraph (A)—

(i) may be provided by an eligible entity, a unit of local government, a utility company, a cooperative, a nonprofit organization, a for-profit company, regional planning or governmental organization, a Federal regional commission or authority, or any combination thereof;

(ii) may include in-kind contributions; and

(iii) may include funds that were provided to an eligible entity or a subgrantee—

(I) under—

(aa) the Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178);

(bb) the CARES Act (Public Law 116-136; 134 Stat. 281);

(cc) the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182);

(dd) the American Rescue Plan Act of 2021 (Public Law 117-2; 135 Stat. 4); or

(ee) any amendment made by an Act described in any of items (aa) through (dd); and

(II) for the purpose of deployment of broadband service, as described in the applicable provision of law described in subclause (I).

- (C) DEFINITION.—For purposes of this paragraph, the term “Federal regional commission or authority” means—
- (i) the Appalachian Regional Commission;
 - (ii) the Delta Regional Authority;
 - (iii) the Denali Commission; and
 - (iv) the Northern Border Regional Commission.
- (4) DEPLOYMENT AND PROVISION OF SERVICE REQUIREMENTS.—An entity that receives a subgrant under subsection (f)(1) for the deployment of a broadband network—
- (A) in providing broadband service using the network—
 - (i) shall provide broadband service—
 - (I) at a speed of not less than 100 megabits per second for downloads and 20 megabits per second for uploads;
 - (II) with a latency that is sufficiently low to allow reasonably foreseeable, real-time, interactive applications; and
 - (III) with network outages that do not exceed, on average, 48 hours over any 365-day period; and
 - (ii) shall provide access to broadband service to each customer served by the project that desires broadband service;
 - (B) shall offer not less than 1 low-cost broadband service option for eligible subscribers, as those terms are defined in paragraph (5) of this subsection;
 - (C) shall deploy the broadband network and begin providing broadband service to each customer that desires broadband service not later than 4 years after the date on which the entity receives the subgrant, except that an eligible entity may extend the deadline under this subparagraph if—
 - (i) the eligible entity has a plan for use of the grant funds;
 - (ii) the construction project is underway; or
 - (iii) extenuating circumstances require an extension of time to allow the project to be completed;
 - (D) for any project that involves laying fiber optic cables or conduit underground or along a roadway, shall include interspersed conduit access points at regular and short intervals;
 - (E) may use the subgrant to deploy broadband infrastructure in or through any area required to reach interconnection points or otherwise to ensure the technical feasibility and financial sustainability of a project providing broadband service to an unserved location, underserved location, or eligible community anchor institution;
 - (F) once the network has been deployed, shall provide public notice, online and through other means, of that fact to the locations and areas to which broadband service has been provided and share the public notice with the eligible entity that awarded the subgrant;
 - (G) shall carry out public awareness campaigns in service areas that are designed to highlight the value and benefits of broadband service in order to increase the adoption of broadband service by consumers; and

(H) if the entity is no longer able to provide broadband service to the locations covered by the subgrant at any time, shall sell the network capacity at a reasonable, wholesale rate on a nondiscriminatory basis to other broadband service providers or public sector entities.

(5) LOW-COST BROADBAND SERVICE OPTION.—

(A) DEFINITIONS.—In this paragraph—

(i) the term “eligible subscriber” shall have the meaning given the term by the **【Assistant Secretary】** *Under Secretary* for purposes of this paragraph; and

(ii) the term “low-cost broadband service option” shall be defined by an eligible entity for subgrantees of the eligible entity in accordance with subparagraph (B).

(B) DEFINING “LOW-COST BROADBAND SERVICE OPTION”.—

(i) PROPOSAL.—An eligible entity shall submit to the **【Assistant Secretary】** *Under Secretary* for approval, in the final proposal of the eligible entity submitted under subsection (e)(4), a proposed definition of “low-cost broadband service option” that shall apply to subgrantees of the eligible entity for purposes of the requirement under paragraph (4)(B) of this subsection.

(ii) CONSULTATION.—An eligible entity shall consult with the **【Assistant Secretary】** *Under Secretary* and prospective subgrantees regarding a proposed definition of “low-cost broadband service option” before submitting the proposed definition to the **【Assistant Secretary】** *Under Secretary* under clause (i).

(iii) APPROVAL OF **【ASSISTANT SECRETARY】** *UNDER SECRETARY*.—

(I) IN GENERAL.—A proposed definition of “low-cost broadband service option” submitted by an eligible entity under clause (i) shall not take effect until the **【Assistant Secretary】** *Under Secretary* approves the final proposal of the eligible entity submitted under subsection (e)(4), including approval of the proposed definition of “low-cost broadband service option”.

(II) RESUBMISSION.—If the **【Assistant Secretary】** *Under Secretary* does not approve a proposed definition of “low-cost broadband service option” submitted by an eligible entity under clause (i), the **【Assistant Secretary】** *Under Secretary* shall—

(aa) notify the eligible entity and provide the eligible entity with an opportunity to resubmit the final proposal, as provided in subsection (e)(4), with an improved definition of “low-cost broadband service option”; and

(bb) provide the eligible entity with instructions on how to cure the defects in the proposed definition.

(iv) PUBLIC DISCLOSURE.—After the **【Assistant Secretary】** *Under Secretary* approves the final proposal of an eligible entity under subsection (e)(4), and before

the **【Assistant Secretary】 Under Secretary** disburses any funds to the eligible entity based on that approval, the **【Assistant Secretary】 Under Secretary** shall publicly disclose the eligible entity's definition of "low-cost broadband service option".

(C) NONPERFORMANCE.—The **【Assistant Secretary】 Under Secretary** shall develop procedures under which the **【Assistant Secretary】 Under Secretary** or an eligible entity may—

- (i) evaluate the compliance of a subgrantee with the requirement under paragraph (4)(B); and
- (ii) take corrective action, including recoupment of funds from the subgrantee, for noncompliance with the requirement under paragraph (4)(B).

(D) NO REGULATION OF RATES PERMITTED.—Nothing in this title may be construed to authorize the **【Assistant Secretary】 Under Secretary** or the National Telecommunications and Information Administration to regulate the rates charged for broadband service.

(E) GUIDANCE.—The **【Assistant Secretary】 Under Secretary** may issue guidance to eligible entities to carry out the purposes of this paragraph.

(6) RETURN OF FUNDS.—An entity that receives a subgrant from an eligible entity under subsection (f) and fails to comply with any requirement under this subsection shall return up to the entire amount of the subgrant to the eligible entity, at the discretion of the eligible entity or the **【Assistant Secretary】 Under Secretary**.

(i) REGULATIONS.—The **【Assistant Secretary】 Under Secretary** may issue such regulations or other guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that those programs, projects, or activities are completed in a timely and effective manner.

(j) REPORTING.—

(1) ELIGIBLE ENTITIES.—

(A) INITIAL REPORT.—Not later than 90 days after receiving grant funds under this section, for the sole purposes of providing transparency and providing information to inform future Federal broadband planning, an eligible entity shall submit to the **【Assistant Secretary】 Under Secretary** a report that—

- (i) describes the planned and actual use of funds;
- (ii) describes the planned and actual process of subgranting;
- (iii) identifies the establishment of appropriate mechanisms by the eligible entity to ensure that all subgrantees of the eligible entity comply with the eligible uses prescribed under subsection (f); and
- (iv) includes any other information required by the **【Assistant Secretary】 Under Secretary**.

(B) SEMIANNUAL REPORT.—Not later than 1 year after receiving grant funds under this section, and semiannually thereafter until the funds have been expended, an eligible entity shall submit to the **【Assistant Secretary】 Under**

Secretary a report, with respect to the 6-month period immediately preceding the report date, that—

- (i) describes how the eligible entity expended the grant funds;
- (ii) describes each service provided with the grant funds;
- (iii) describes the number of locations at which broadband service was made available using the grant funds, and the number of those locations at which broadband service was utilized; and
- (iv) certifies that the eligible entity complied with the requirements of this section and with any additional reporting requirements prescribed by the [Assistant Secretary] *Under Secretary*.

(C) FINAL REPORT.—Not later than 1 year after an eligible entity has expended all grant funds received under this section, the eligible entity shall submit to the [Assistant Secretary] *Under Secretary* a report that—

- (i) describes how the eligible entity expended the funds;
- (ii) describes each service provided with the grant funds;
- (iii) describes the number of locations at which broadband service was made available using the grant funds, and the number of those locations at which broadband service was utilized;
- (iv) includes each report that the eligible entity received from a subgrantee under paragraph (2); and
- (v) certifies that the eligible entity complied with the requirements of this section and with any additional reporting requirements prescribed by the [Assistant Secretary] *Under Secretary*.

(D) PROVISION TO FCC AND USDA.—Subject to section 904(b)(2) of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116-260) (relating to an interagency agreement), the [Assistant Secretary] *Under Secretary* shall coordinate with the Commission and the Department of Agriculture, including providing the final reports received under subparagraph (C) to the Commission and the Department of Agriculture to be used when determining whether to award funds for the deployment of broadband under any program administered by those agencies.

(E) FEDERAL AGENCY REPORTING REQUIREMENT.—

- (i) DEFINITIONS.—In this subparagraph, the terms “agency” and “Federal broadband support program” have the meanings given those terms in section 903 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116-260) (also known as the “ACCESS BROADBAND Act”).
- (ii) REQUIREMENT.—An agency that offers a Federal broadband support program shall provide data to the [Assistant Secretary] *Under Secretary*, in a manner and format prescribed by the [Assistant Secretary] *Under Secretary*, to promote coordination of efforts to

track construction and use of broadband infrastructure.

(2) SUBGRANTEES.—

(A) SEMIANNUAL REPORT.—The recipient of a subgrant from an eligible entity under this section shall submit to the eligible entity a semiannual report for the duration of the subgrant to track the effectiveness of the use of funds provided.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall—

(i) describe each type of project carried out using the subgrant and the duration of the subgrant;

(ii) in the case of a broadband infrastructure project—

(I) include a list of addresses or locations that constitute the service locations that will be served by the broadband infrastructure to be constructed;

(II) identify whether each address or location described in subclause (I) is residential, commercial, or a community anchor institution;

(III) describe the types of facilities that have been constructed and installed;

(IV) describe the peak and off-peak actual speeds of the broadband service being offered;

(V) describe the maximum advertised speed of the broadband service being offered;

(VI) describe the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered;

(VII) include any other data that would be required to comply with the data and mapping collection standards of the Commission under section 1.7004 of title 47, Code of Federal Regulations, or any successor regulation, for broadband infrastructure projects; and

(VIII) comply with any other reasonable reporting requirements determined by the eligible entity or the [Assistant Secretary] *Under Secretary*; and

(iii) certify that the information in the report is accurate.

(3) STANDARDIZATION AND COORDINATION.—The [Assistant Secretary] *Under Secretary* and the Commission shall collaborate to—

(A) standardize and coordinate reporting of locations at which broadband service was provided using grant funds received under this section in accordance with title VIII of the Communications Act of 1934 (47 U.S.C. 641 et seq.); and

(B) provide a standardized methodology to recipients of grants and subgrantees under this section for reporting the information described in subparagraph (A).

(4) INFORMATION ON BROADBAND SUBSIDIES AND LOW-INCOME PLANS.—

(A) ESTABLISHMENT OF WEBSITE.—Not later than 2 years after the date of enactment of this Act, the [Assistant Sec-

retary] *Under Secretary*, in consultation with the Commission, shall establish a publicly available website that—

(i) allows a consumer to determine, based on financial information entered by the consumer, whether the consumer is eligible—

(I) to receive a Federal or State subsidy with respect to broadband service; or

(II) for a low-income plan with respect to broadband service; and

(ii) contains information regarding how to apply for the applicable benefit described in clause (i).

(B) PROVISION OF DATA.—A Federal entity, State entity receiving Federal funds, or provider of broadband service that offers a subsidy or low-income plan, as applicable, with respect to broadband service shall provide data to the [Assistant Secretary] *Under Secretary* in a manner and format as established by the [Assistant Secretary] *Under Secretary* as necessary for the [Assistant Secretary] *Under Secretary* to carry out subparagraph (A).

(k) RELATION TO OTHER PUBLIC FUNDING.—Notwithstanding any other provision of law—

(1) an entity that has received amounts from the Federal Government or a State or local government for the purpose of expanding access to broadband service may receive a subgrant under subsection (f) in accordance with this section; and

(2) the receipt of a subgrant under subsection (f) by an entity described in paragraph (1) of this subsection shall not affect the eligibility of the entity to receive the amounts from the Federal Government or a State or local government described in that paragraph.

(l) SUPPLEMENT NOT SUPPLANT.—Grant funds awarded to an eligible entity under this section shall be used to supplement, and not supplant, the amounts that the eligible entity would otherwise make available for the purposes for which the grant funds may be used.

(m) SENSE OF CONGRESS REGARDING FEDERAL AGENCY COORDINATION.—It is the sense of Congress that Federal agencies responsible for supporting broadband deployment, including the Commission, the Department of Commerce, and the Department of Agriculture, to the extent possible, should align the goals, application and reporting processes, and project requirements with respect to broadband deployment supported by those agencies.

(n) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to review a decision of the [Assistant Secretary] *Under Secretary* made under this section.

(2) STANDARD OF REVIEW.—In carrying out any review described in paragraph (1), the court shall affirm the decision of the [Assistant Secretary] *Under Secretary* unless—

(A) the decision was procured by corruption, fraud, or undue means;

(B) there was actual partiality or corruption in the [Assistant Secretary] *Under Secretary*; or

- (C) the **【Assistant Secretary】** *Under Secretary* was guilty of—
- (i) misconduct in refusing to review the administrative record; or
 - (ii) any other misbehavior by which the rights of any party have been prejudiced.
- (o) EXEMPTION FROM CERTAIN LAWS.—Any action taken or decision made by the **【Assistant Secretary】** *Under Secretary* under this section shall be exempt from the requirements of—
- (1) section 3506 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”);
 - (2) chapter 5 or 7 of title 5, United States Code (commonly referred to as the “Administrative Procedures Act”); and
 - (3) chapter 6 of title 5, United States Code (commonly referred to as the “Regulatory Flexibility Act”).

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TITLE II—TRIBAL CONNECTIVITY TECHNICAL AMENDMENTS.—

SEC. 60201. TRIBAL CONNECTIVITY TECHNICAL AMENDMENTS.

Section 905 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) is amended—

- (1) in subsection (c)—
 - (A) in paragraph (1)(B), by striking “during the COVID-19 pandemic”;
 - (B) in paragraph (4)—
 - (i) in subparagraph (A)—
 - (I) in clause (i), by striking “180 days after receiving grant funds” and inserting “18 months after receiving an allocation of funds pursuant to a specific grant award”; and
 - (II) in clause (ii), by striking “revert to the general fund of the Treasury” and inserting “be made available to other eligible entities for the purposes provided in this subsection”;
 - (ii) in subparagraph (B)—
 - (I) in clause (i), by striking “1 year after receiving grant funds” and inserting “4 years after receiving an allocation of funds pursuant to a specific grant award”;
 - (II) by redesignating clause (iii) as clause (iv); and
 - (III) by inserting after clause (ii) the following:

“(iii) EXTENSIONS FOR OTHER PROJECTS.—The **【Assistant Secretary】** *Under Secretary* may, for good cause shown, extend the period under clause (i) for an eligible entity that proposes to use the grant funds for an eligible use other than construction of broadband infrastructure, based on a detailed showing by the eligible entity of the need for an extension.”; and
 - (iii) by adding at the end the following:

“(C) MULTIPLE GRANT AWARDS.—If the **【Assistant Secretary】** *Under Secretary* awards multiple grants to an eli-

gible entity under this subsection, the deadlines under subparagraphs (A) and (B) shall apply individually to each grant award.”; and

(C) by striking paragraph (6) and inserting the following:

“(6) ADMINISTRATIVE EXPENSES OF ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible entity may use not more than 2 percent of grant funds received under this subsection for administrative purposes.

“(B) BROADBAND INFRASTRUCTURE PROJECTS.—An eligible entity that proposes to use grant funds for the construction of broadband infrastructure may use an amount of the grant funds equal to not more than 2.5 percent of the total project cost for planning, feasibility, and sustainability studies related to the project.”; and

(2) in subsection (e), by adding at the end the following:

“(6) ADDITIONAL APPROPRIATIONS FOR TRIBAL BROADBAND CONNECTIVITY PROGRAM.—

“(A) DEFINITION.—In this paragraph, the term ‘initial round of funding’—

“(i) means the allocation under paragraph (2)(E) of funds appropriated under subsection (b)(1); and

“(ii) does not include any reallocation of funds under paragraph (2)(F).

“(B) NEW FUNDING.—If Congress appropriates additional funds for grants under subsection (c) after the date of enactment of this Act, the [Assistant Secretary] *Under Secretary*—

“(i) may use a portion of the funds to fully fund any grants under that subsection for which the [Assistant Secretary] *Under Secretary* received an application and which the [Assistant Secretary] *Under Secretary* did not fully fund during the initial round of funding; and

“(ii) shall allocate any remaining funds through subsequent funding rounds consistent with the requirements of this section, except as provided in subparagraph (C) of this paragraph.

“(C) EXCEPTIONS.—If Congress appropriates additional funds for grants under subsection (c) after the date of enactment of this Act—

“(i) the [Assistant Secretary] *Under Secretary* shall not be required to issue an additional notice under paragraph (1) of this subsection, but shall inform eligible entities that additional funding has been made available for grants under subsection (c) and describe the changes made to the Tribal Broadband Connectivity Program under that subsection by section 60201 of the Infrastructure Investment and Jobs Act;

“(ii) the requirement under paragraph (2)(C) of this subsection shall be applied individually to each round of funding for grants under subsection (c);

“(iii) paragraph (2)(A) of this subsection shall be applied by substituting ‘180-day period beginning on the date on which the [Assistant Secretary] *Under Sec-*

retary informs eligible entities that additional funding has been made available for grants under subsection (c) for ‘90-day period beginning on the date on which the [Assistant Secretary] *Under Secretary* issues the notice under paragraph (1)’; and

“(iv) notwithstanding paragraph (2)(F) of this subsection, in the case of funds appropriated under subsection (b)(1) that were not allocated during the initial round of funding, the [Assistant Secretary] *Under Secretary* may elect to allocate the funds during any subsequent round of funding for grants under subsection (c).”.

TITLE III—DIGITAL EQUITY ACT OF 2021

SEC. 60301. SHORT TITLE.

This title may be cited as the “Digital Equity Act of 2021”.

SEC. 60302. DEFINITIONS.

In this title:

(1) **ADOPTION OF BROADBAND.**—The term “adoption of broadband” means the process by which an individual obtains daily access to the internet—

(A) at a speed, quality, and capacity—

(i) that is necessary for the individual to accomplish common tasks; and

(ii) such that the access qualifies as an advanced telecommunications capability;

(B) with the digital skills that are necessary for the individual to participate online; and

(C) on a—

(i) personal device; and

(ii) secure and convenient network.

(2) **ADVANCED TELECOMMUNICATIONS CAPABILITY.**—The term “advanced telecommunications capability” has the meaning given the term in section 706(d) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d)).

(3) **AGING INDIVIDUAL.**—The term “aging individual” has the meaning given the term “older individual” in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(4) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Appropriations of the Senate;

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

(C) the Committee on Appropriations of the House of Representatives; and

(D) the Committee on Energy and Commerce of the House of Representatives.

(5) **[ASSISTANT SECRETARY] UNDER SECRETARY.**—The term “[Assistant Secretary] *Under Secretary*” means the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information.

(6) **COMMUNITY ANCHOR INSTITUTION.**—The term “community anchor institution” means a public school, a public or multi-

family housing authority, a library, a medical or healthcare provider, a community college or other institution of higher education, a State library agency, and any other nonprofit or governmental community support organization.

(7) COVERED HOUSEHOLD.—The term “covered household” means a household, the income of which for the most recently completed year is not more than 150 percent of an amount equal to the poverty level, as determined by using criteria of poverty established by the Bureau of the Census.

(8) COVERED POPULATIONS.—The term “covered populations” means—

- (A) individuals who live in covered households;
- (B) aging individuals;
- (C) incarcerated individuals, other than individuals who are incarcerated in a Federal correctional facility;
- (D) veterans;
- (E) individuals with disabilities;
- (F) individuals with a language barrier, including individuals who—
 - (i) are English learners; and
 - (ii) have low levels of literacy;
- (G) individuals who are members of a racial or ethnic minority group; and
- (H) individuals who primarily reside in a rural area.

(9) COVERED PROGRAMS.—The term “covered programs” means the State Digital Equity Capacity Grant Program established under section 60304 and the Digital Equity Competitive Grant Program established under section 60305.

(10) DIGITAL EQUITY.—The term “digital equity” means the condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States.

(11) DIGITAL INCLUSION.—The term “digital inclusion”—

(A) means the activities that are necessary to ensure that all individuals in the United States have access to, and the use of, affordable information and communication technologies, such as—

- (i) reliable fixed and wireless broadband internet service;
- (ii) internet-enabled devices that meet the needs of the user; and
- (iii) applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration; and

(B) includes—

- (i) obtaining access to digital literacy training;
- (ii) the provision of quality technical support; and
- (iii) obtaining basic awareness of measures to ensure online privacy and cybersecurity.

(12) DIGITAL LITERACY.—The term “digital literacy” means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.

(13) DISABILITY.—The term “disability” has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(14) ELIGIBLE STATE.—The term “eligible State” means—

(A) with respect to planning grants made available under section 60304(c)(3), a State with respect to which the [Assistant Secretary] *Under Secretary* has approved an application submitted to the [Assistant Secretary] *Under Secretary* under section 60304(c)(3)(C); and

(B) with respect to capacity grants awarded under section 60304(d), a State with respect to which the [Assistant Secretary] *Under Secretary* has approved an application submitted to the [Assistant Secretary] *Under Secretary* under section 60304(d)(2), including approval of the State Digital Equity Plan developed by the State under section 60304(c).

(15) GENDER IDENTITY.—The term “gender identity” has the meaning given the term in section 249(c) of title 18, United States Code.

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

(17) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education”—

(A) has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(B) includes a postsecondary vocational institution.

(18) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given the term in section 8101(30) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(30)).

(19) POSTSECONDARY VOCATIONAL INSTITUTION.—The term “postsecondary vocational institution” has the meaning given the term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

(20) RURAL AREA.—The term “rural area” has the meaning given the term in section 601(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(b)(3)).

(21) STATE.—The term “State” means—

(A) any State of the United States;

(B) the District of Columbia; and

(C) the Commonwealth of Puerto Rico.

(22) VETERAN.—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(23) WORKFORCE DEVELOPMENT PROGRAM.—The term “workforce development program” has the meaning given the term in section 3(66) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102(66)).

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SEC. 60304. STATE DIGITAL EQUITY CAPACITY GRANT PROGRAM.

(a) ESTABLISHMENT; PURPOSE.—

(1) IN GENERAL.—The [Assistant Secretary] *Under Secretary* shall establish in the Department of Commerce the State Digital Equity Capacity Grant Program (referred to in this section as the “Program”)—

(A) the purpose of which is to promote the achievement of digital equity, support digital inclusion activities, and

build capacity for efforts by States relating to the adoption of broadband by residents of those States;

(B) through which the **【Assistant Secretary】** *Under Secretary* shall make grants to States in accordance with the requirements of this section; and

(C) which shall ensure that States have the capacity to promote the achievement of digital equity and support digital inclusion activities.

(2) CONSULTATION WITH OTHER FEDERAL AGENCIES; NO CONFLICT.—In establishing the Program under paragraph (1), the **【Assistant Secretary】** *Under Secretary* shall—

(A) consult with—

- (i) the Secretary of Agriculture;
- (ii) the Secretary of Housing and Urban Development;
- (iii) the Secretary of Education;
- (iv) the Secretary of Labor;
- (v) the Secretary of Health and Human Services;
- (vi) the Secretary of Veterans Affairs;
- (vii) the Secretary of the Interior;
- (viii) the Federal Communications Commission;
- (ix) the Federal Trade Commission;
- (x) the Director of the Institute of Museum and Library Services;
- (xi) the Administrator of the Small Business Administration;
- (xii) the Federal Co-Chair of the Appalachian Regional Commission; and
- (xiii) the head of any other agency that the **【Assistant Secretary】** *Under Secretary* determines to be appropriate; and

(B) ensure that the Program complements and enhances, and does not conflict with, other Federal broadband initiatives and programs.

(b) ADMINISTERING ENTITY.—

(1) SELECTION; FUNCTION.—The governor (or equivalent official) of a State that wishes to be awarded a grant under this section shall, from among entities that are eligible under paragraph (2), select an administering entity for that State, which shall—

(A) serve as the recipient of, and administering agent for, any grant awarded to the State under this section;

(B) develop, implement, and oversee the State Digital Equity Plan for the State described in subsection (c);

(C) make subgrants to any entity described in subsection (c)(1)(D) that is located in the State in support of—

- (i) the State Digital Equity Plan for the State; and
- (ii) digital inclusion activities in the State generally;

and

(D) serve as—

- (i) an advocate for digital equity policy and digital inclusion activities; and
- (ii) a repository of best practice materials regarding the policies and activities described in clause (i).

(2) ELIGIBLE ENTITIES.—Any of the following entities may serve as the administering entity for a State for the purposes of this section if the entity has demonstrated a capacity to administer the Program on a statewide level:

(A) The State, a political subdivision, agency, or instrumentality of the State, an Indian Tribe located in the State, an Alaska Native entity located in the State, or a Native Hawaiian organization located in the State.

(B) A foundation, corporation, institution, association, or coalition that is—

- (i) a not-for-profit entity;
- (ii) providing services in the State; and
- (iii) not a school.

(C) A community anchor institution, other than a school, that is located in the State.

(D) A local educational agency that is located in the State.

(E) An entity located in the State that carries out a workforce development program.

(F) An agency of the State that is responsible for administering or supervising adult education and literacy activities in the State.

(G) A public or multi-family housing authority that is located in the State.

(H) A partnership between any of the entities described in subparagraphs (A) through (G).

(c) STATE DIGITAL EQUITY PLAN.—

(1) DEVELOPMENT; CONTENTS.—A State that wishes to be awarded a grant under subsection (d) shall develop a State Digital Equity Plan for the State, which shall include—

(A) the identification of the barriers to digital equity faced by covered populations in the State;

(B) measurable objectives for documenting and promoting, among each group described in subparagraphs (A) through (H) of section 60302(8) located in that State—

- (i) the availability of, and affordability of access to, fixed and wireless broadband technology;
- (ii) the online accessibility and inclusivity of public resources and services;
- (iii) digital literacy;
- (iv) awareness of, and the use of, measures to secure the online privacy of, and cybersecurity with respect to, an individual; and
- (v) the availability and affordability of consumer devices and technical support for those devices;

(C) an assessment of how the objectives described in subparagraph (B) will impact and interact with the State's—

- (i) economic and workforce development goals, plans, and outcomes;
- (ii) educational outcomes;
- (iii) health outcomes;
- (iv) civic and social engagement; and
- (v) delivery of other essential services;

(D) in order to achieve the objectives described in subparagraph (B), a description of how the State plans to col-

laborate with key stakeholders in the State, which may include—

- (i) community anchor institutions;
- (ii) county and municipal governments;
- (iii) local educational agencies;
- (iv) where applicable, Indian Tribes, Alaska Native entities, or Native Hawaiian organizations;
- (v) nonprofit organizations;
- (vi) organizations that represent—
 - (I) individuals with disabilities, including organizations that represent children with disabilities;
 - (II) aging individuals;
 - (III) individuals with language barriers, including—
 - (aa) individuals who are English learners; and
 - (bb) individuals who have low levels of literacy;
 - (IV) veterans; and
 - (V) individuals in that State who are incarcerated in facilities other than Federal correctional facilities;
- (vii) civil rights organizations;
- (viii) entities that carry out workforce development programs;
- (ix) agencies of the State that are responsible for administering or supervising adult education and literacy activities in the State;
- (x) public housing authorities in the State; and
- (xi) a partnership between any of the entities described in clauses (i) through (x); and

(E) a list of organizations with which the administering entity for the State collaborated in developing and implementing the Plan.

(2) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—The administering entity for a State shall make the State Digital Equity Plan of the State available for public comment for a period of not less than 30 days before the date on which the State submits an application to the **【Assistant Secretary】** *Under Secretary* under subsection (d)(2).

(B) CONSIDERATION OF COMMENTS RECEIVED.—The administering entity for a State shall, with respect to an application submitted to the **【Assistant Secretary】** *Under Secretary* under subsection (d)(2)—

- (i) before submitting the application—
 - (I) consider all comments received during the comment period described in subparagraph (A) with respect to the application (referred to in this subparagraph as the “comment period”); and
 - (II) make any changes to the plan that the administering entity determines to be worthwhile; and
- (ii) when submitting the application—

(I) describe any changes pursued by the administering entity in response to comments received during the comment period; and

(II) include a written response to each comment received during the comment period.

(3) PLANNING GRANTS.—

(A) IN GENERAL.—Beginning in the first fiscal year that begins after the date of enactment of this Act, the [Assistant Secretary] *Under Secretary* shall, in accordance with the requirements of this paragraph, award planning grants to States for the purpose of developing the State Digital Equity Plans of those States under this subsection.

(B) ELIGIBILITY.—In order to be awarded a planning grant under this paragraph, a State—

(i) shall submit to the [Assistant Secretary] *Under Secretary* an application under subparagraph (C); and

(ii) may not have been awarded, at any time, a planning grant under this paragraph.

(C) APPLICATION.—A State that wishes to be awarded a planning grant under this paragraph shall, not later than 60 days after the date on which the notice of funding availability with respect to the grant is released, submit to the [Assistant Secretary] *Under Secretary* an application, in a format to be determined by the [Assistant Secretary] *Under Secretary*, that contains the following materials:

(i) A description of the entity selected to serve as the administering entity for the State, as described in subsection (b).

(ii) A certification from the State that, not later than 1 year after the date on which the [Assistant Secretary] *Under Secretary* awards the planning grant to the State, the administering entity for that State shall develop a State Digital Equity Plan under this subsection, which—

(I) the administering entity shall submit to the [Assistant Secretary] *Under Secretary*; and

(II) shall comply with the requirements of this subsection, including the requirement under paragraph (2)(B).

(iii) The assurances required under subsection (e).

(D) AWARDS.—

(i) AMOUNT OF GRANT.—A planning grant awarded to an eligible State under this paragraph shall be determined according to the formula under subsection (d)(3)(A)(i).

(ii) DURATION.—

(I) IN GENERAL.—Except as provided in subclause (II), with respect to a planning grant awarded to an eligible State under this paragraph, the State shall expend the grant funds during the 1-year period beginning on the date on which the State is awarded the grant funds.

(II) EXCEPTION.—The [Assistant Secretary] *Under Secretary* may grant an extension of not

longer than 180 days with respect to the requirement under subclause (I).

(iii) CHALLENGE MECHANISM.—The [Assistant Secretary] *Under Secretary* shall ensure that any eligible State to which a planning grant is awarded under this paragraph may appeal or otherwise challenge in a timely fashion the amount of the grant awarded to the State, as determined under clause (i).

(E) USE OF FUNDS.—An eligible State to which a planning grant is awarded under this paragraph shall, through the administering entity for that State, use the grant funds only for the following purposes:

(i) To develop the State Digital Equity Plan of the State under this subsection.

(ii)(I) Subject to subclause (II), to make subgrants to any of the entities described in paragraph (1)(D) to assist in the development of the State Digital Equity Plan of the State under this subsection.

(II) If the administering entity for a State makes a subgrant described in subclause (I), the administering entity shall, with respect to the subgrant, provide to the State the assurances required under subsection (e).

(d) STATE CAPACITY GRANTS.—

(1) IN GENERAL.—Beginning not later than 2 years after the date on which the [Assistant Secretary] *Under Secretary* begins awarding planning grants under subsection (c)(3), the [Assistant Secretary] *Under Secretary* shall each year award grants to eligible States to support—

(A) the implementation of the State Digital Equity Plans of those States; and

(B) digital inclusion activities in those States.

(2) APPLICATION.—A State that wishes to be awarded a grant under this subsection shall, not later than 60 days after the date on which the notice of funding availability with respect to the grant is released, submit to the [Assistant Secretary] *Under Secretary* an application, in a format to be determined by the [Assistant Secretary] *Under Secretary*, that contains the following materials:

(A) A description of the entity selected to serve as the administering entity for the State, as described in subsection (b).

(B) The State Digital Equity Plan of that State, as described in subsection (c).

(C) A certification that the State, acting through the administering entity for the State, shall—

(i) implement the State Digital Equity Plan of the State; and

(ii) make grants in a manner that is consistent with the aims of the Plan described in clause (i).

(D) The assurances required under subsection (e).

(E) In the case of a State to which the [Assistant Secretary] *Under Secretary* has previously awarded a grant under this subsection, any amendments to the State Dig-

ital Equity Plan of that State, as compared with the State Digital Equity Plan of the State previously submitted.

(3) AWARDS.—

(A) AMOUNT OF GRANT.—

(i) FORMULA.—Subject to clauses (ii), (iii), and (iv), the **【Assistant Secretary】** *Under Secretary* shall calculate the amount of a grant awarded to an eligible State under this subsection in accordance with the following criteria, using the best available data for all States for the fiscal year in which the grant is awarded:

(I) 50 percent of the total grant amount shall be based on the population of the eligible State in proportion to the total population of all eligible States.

(II) 25 percent of the total grant amount shall be based on the number of individuals in the eligible State who are members of covered populations in proportion to the total number of individuals in all eligible States who are members of covered populations.

(III) 25 percent of the total grant amount shall be based on the comparative lack of availability and adoption of broadband in the eligible State in proportion to the lack of availability and adoption of broadband of all eligible States, which shall be determined according to data collected from—

(aa) the annual inquiry of the Federal Communications Commission conducted under section 706(b) of the Telecommunications Act of 1996 (47 U.S.C. 1302(b));

(bb) the American Community Survey or, if necessary, other data collected by the Bureau of the Census;

(cc) the NTIA Internet Use Survey, which is administered as the Computer and Internet Use Supplement to the Current Population Survey of the Bureau of the Census; and

(dd) any other source that the **【Assistant Secretary】** *Under Secretary*, after appropriate notice and opportunity for public comment, determines to be appropriate.

(ii) MINIMUM AWARD.—The amount of a grant awarded to an eligible State under this subsection in a fiscal year shall be not less than 0.5 percent of the total amount made available to award grants to eligible States for that fiscal year.

(iii) ADDITIONAL AMOUNTS.—If, after awarding planning grants to States under subsection (c)(3) and capacity grants to eligible States under this subsection in a fiscal year, there are amounts remaining to carry out this section, the **【Assistant Secretary】** *Under Secretary* shall distribute those amounts—

(I) to eligible States to which the [Assistant Secretary] *Under Secretary* has awarded grants under this subsection for that fiscal year; and

(II) in accordance with the formula described in clause (i).

(iv) DATA UNAVAILABLE.—If, in a fiscal year, the Commonwealth of Puerto Rico (referred to in this clause as “Puerto Rico”) is an eligible State and specific data for Puerto Rico is unavailable for a factor described in subclause (I), (II), or (II) of clause (i), the [Assistant Secretary] *Under Secretary* shall use the median data point with respect to that factor among all eligible States and assign it to Puerto Rico for the purposes of making any calculation under that clause for that fiscal year.

(B) DURATION.—With respect to a grant awarded to an eligible State under this subsection, the eligible State shall expend the grant funds during the 5-year period beginning on the date on which the eligible State is awarded the grant funds.

(C) CHALLENGE MECHANISM.—The [Assistant Secretary] *Under Secretary* shall ensure that any eligible State to which a grant is awarded under this subsection may appeal or otherwise challenge in a timely fashion the amount of the grant awarded to the State, as determined under subparagraph (A).

(D) USE OF FUNDS.—The administering entity for an eligible State to which a grant is awarded under this subsection shall use the grant amounts for the following purposes:

(i)(I) Subject to subclause (II), to update or maintain the State Digital Equity Plan of the State.

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 20 percent of the amount of the grant for the purpose described in subclause (I).

(ii) To implement the State Digital Equity Plan of the State.

(iii)(I) Subject to subclause (II), to award a grant to any entity that is described in section 60305(b) and is located in the eligible State in order to—

(aa) assist in the implementation of the State Digital Equity Plan of the State;

(bb) pursue digital inclusion activities in the State consistent with the State Digital Equity Plan of the State; and

(cc) report to the State regarding the digital inclusion activities of the entity.

(II) Before an administering entity for an eligible State may award a grant under subclause (I), the administering entity shall require the entity to which the grant is awarded to certify that—

(aa) the entity shall carry out the activities required under items (aa), (bb), and (cc) of that subclause;

(bb) the receipt of the grant shall not result in unjust enrichment of the entity; and

(cc) the entity shall cooperate with any evaluation—

(AA) of any program that relates to a grant awarded to the entity; and

(BB) that is carried out by or for the administering entity, the **Assistant Secretary** *Under Secretary*, or another Federal official.

(iv)(I) Subject to subclause (II), to evaluate the efficacy of the efforts funded by grants made under clause (iii).

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 5 percent of the amount of the grant for a purpose described in subclause (I).

(v)(I) Subject to subclause (II), for the administrative costs incurred in carrying out the activities described in clauses (i) through (iv).

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 3 percent of the amount of the grant for a purpose described in subclause (I).

(e) ASSURANCES.—When applying for a grant under this section, a State shall include in the application for that grant assurances that—

(1) if an entity described in section 60305(b) is awarded grant funds under this section (referred to in this subsection as a “covered recipient”), provide that—

(A) the covered recipient shall use the grant funds in accordance with any applicable statute, regulation, and application procedure;

(B) the administering entity for that State shall adopt and use proper methods of administering any grant that the covered recipient is awarded, including by—

(i) enforcing any obligation imposed under law on any agency, institution, organization, or other entity that is responsible for carrying out the program to which the grant relates;

(ii) correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and

(iii) adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates; and

(C) the administering entity for that State shall cooperate in carrying out any evaluation—

- (i) of any program that relates to a grant awarded to the covered recipient; and
 - (ii) that is carried out by or for the **【Assistant Secretary】** *Under Secretary* or another Federal official;
 - (2) the administering entity for that State shall—
 - (A) use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, any Federal funds that the State is awarded under this section;
 - (B) submit to the **【Assistant Secretary】** *Under Secretary* any reports that may be necessary to enable the **【Assistant Secretary】** *Under Secretary* to perform the duties of the **【Assistant Secretary】** *Under Secretary* under this section;
 - (C) maintain any records and provide any information to the **【Assistant Secretary】** *Under Secretary*, including those records, that the **【Assistant Secretary】** *Under Secretary* determines is necessary to enable the **【Assistant Secretary】** *Under Secretary* to perform the duties of the **【Assistant Secretary】** *Under Secretary* under this section; and
 - (D) with respect to any significant proposed change or amendment to the State Digital Equity Plan for the State, make the change or amendment available for public comment in accordance with subsection (c)(2); and
 - (3) the State, before submitting to the **【Assistant Secretary】** *Under Secretary* the State Digital Equity Plan of the State, has complied with the requirements of subsection (c)(2).
- (f) **TERMINATION OF GRANT.**—
- (1) **IN GENERAL.**—The **【Assistant Secretary】** *Under Secretary* shall terminate a grant awarded to an eligible State under this section if, after notice to the State and opportunity for a hearing, the **【Assistant Secretary】** *Under Secretary*—
 - (A) presents to the State a rationale and supporting information that clearly demonstrates that—
 - (i) the grant funds are not contributing to the development or execution of the State Digital Equity Plan of the State, as applicable; and
 - (ii) the State is not upholding assurances made by the State to the **【Assistant Secretary】** *Under Secretary* under subsection (e); and
 - (B) determines that the grant is no longer necessary to achieve the original purpose for which **【Assistant Secretary】** *Under Secretary* awarded the grant.
 - (2) **REDISTRIBUTION.**—If the **【Assistant Secretary】** *Under Secretary*, in a fiscal year, terminates a grant under paragraph (1), the **【Assistant Secretary】** *Under Secretary* shall redistribute the unspent grant amounts—
 - (A) to eligible States to which the **【Assistant Secretary】** *Under Secretary* has awarded grants under subsection (d) for that fiscal year; and
 - (B) in accordance with the formula described in subsection (d)(3)(A)(i).
- (g) **REPORTING AND INFORMATION REQUIREMENTS; INTERNET DISCLOSURE.**—The **【Assistant Secretary】** *Under Secretary*—
- (1) shall—

- (A) require any entity to which a grant, including a subgrant, is awarded under this section to publicly report, for each year during the period described in subsection (c)(3)(D)(ii) or (d)(3)(B), as applicable, with respect to the grant, and in a format specified by the **Assistant Secretary** *Under Secretary*, on—
- (i) the use of that grant by the entity;
 - (ii) the progress of the entity towards fulfilling the objectives for which the grant was awarded; and
 - (iii) the implementation of the State Digital Equity Plan of the State;
- (B) establish appropriate mechanisms to ensure that each eligible State to which a grant is awarded under this section—
- (i) uses the grant amounts in an appropriate manner; and
 - (ii) complies with all terms with respect to the use of the grant amounts; and
- (C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum—
- (i) the application of each State that has applied for a grant under this section;
 - (ii) the status of each application described in clause (i);
 - (iii) each report submitted by an entity under subparagraph (A);
 - (iv) a record of public comments made regarding the State Digital Equity Plan of a State, as well as any written responses to or actions taken as a result of those comments; and
 - (v) any other information that is sufficient to allow the public to understand and monitor grants awarded under this section; and
- (2) may establish additional reporting and information requirements for any recipient of a grant under this section.
- (h) **SUPPLEMENT NOT SUPPLANT.**—A grant or subgrant awarded under this section shall supplement, not supplant, other Federal or State funds that have been made available to carry out activities described in this section.
- (i) **SET ASIDES.**—From amounts made available in a fiscal year to carry out the Program, the **Assistant Secretary** *Under Secretary* shall reserve—
- (1) not more than 5 percent for the implementation and administration of the Program, which shall include—
 - (A) providing technical support and assistance, including ensuring consistency in data reporting;
 - (B) providing assistance to—
 - (i) States, or administering entities for States, to prepare the applications of those States; and
 - (ii) administering entities with respect to grants awarded under this section; and
 - (C) developing the report required under section 60306(a);

(2) not less than 5 percent to award grants to, or enter into contracts or cooperative agreements with, Indian Tribes, Alaska Native entities, and Native Hawaiian organizations to allow those tribes, entities, and organizations to carry out the activities described in this section; and

(3) not less than 1 percent to award grants to, or enter into contracts or cooperative agreements with, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States that is not a State to enable those entities to carry out the activities described in this section.

(j) RULES.—The [Assistant Secretary] *Under Secretary* may prescribe such rules as may be necessary to carry out this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) \$60,000,000 for the award of grants under subsection (c)(3), which shall remain available until expended;

(2) for the award of grants under subsection (d)—

(A) \$240,000,000 for fiscal year 2022; and

(B) \$300,000,000 for each of fiscal years 2023 through 2026; and

(3) such sums as may be necessary to carry out this section for each fiscal year after the end of the 5-fiscal year period described in paragraph (2).

SEC. 60305. DIGITAL EQUITY COMPETITIVE GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 30 days after the date on which the [Assistant Secretary] *Under Secretary* begins awarding grants under section 60304(d), and not before that date, the [Assistant Secretary] *Under Secretary* shall establish in the Department of Commerce the Digital Equity Competitive Grant Program (referred to in this section as the “Program”), the purpose of which is to award grants to support efforts to achieve digital equity, promote digital inclusion activities, and spur greater adoption of broadband among covered populations.

(2) CONSULTATION; NO CONFLICT.—In establishing the Program under paragraph (1), the [Assistant Secretary] *Under Secretary*—

(A) may consult a State with respect to—

(i) the identification of groups described in subparagraphs (A) through (H) of section 60302(8) located in that State; and

(ii) the allocation of grant funds within that State for projects in or affecting the State; and

(B) shall—

(i) consult with—

(I) the Secretary of Agriculture;

(II) the Secretary of Housing and Urban Development;

(III) the Secretary of Education;

(IV) the Secretary of Labor;

(V) the Secretary of Health and Human Services;

(VI) the Secretary of Veterans Affairs;

- (VII) the Secretary of the Interior;
- (VIII) the Federal Communications Commission;
- (IX) the Federal Trade Commission;
- (X) the Director of the Institute of Museum and Library Services;
- (XI) the Administrator of the Small Business Administration;
- (XII) the Federal Co-Chair of the Appalachian Regional Commission; and
- (XIII) the head of any other agency that the **【Assistant Secretary】** *Under Secretary* determines to be appropriate; and

(ii) ensure that the Program complements and enhances, and does not conflict with, other Federal broadband initiatives and programs.

(b) **ELIGIBILITY.**—The **【Assistant Secretary】** *Under Secretary* may award a grant under the Program to any of the following entities if the entity is not serving, and has not served, as the administering entity for a State under section 60304(b):

(1) A political subdivision, agency, or instrumentality of a State, including an agency of a State that is responsible for administering or supervising adult education and literacy activities, or for providing public housing, in the State.

(2) An Indian Tribe, an Alaska Native entity, or a Native Hawaiian organization.

(3) A foundation, corporation, institution, or association that is—

- (A) a not-for-profit entity; and
- (B) not a school.

(4) A community anchor institution.

(5) A local educational agency.

(6) An entity that carries out a workforce development program.

(7) A partnership between any of the entities described in paragraphs (1) through (6).

(8) A partnership between—

- (A) an entity described in any of paragraphs (1) through (6); and

(B) an entity that—

- (i) the **【Assistant Secretary】** *Under Secretary*, by rule, determines to be in the public interest; and
- (ii) is not a school.

(c) **APPLICATION.**—An entity that wishes to be awarded a grant under the Program shall submit to the **【Assistant Secretary】** *Under Secretary* an application—

(1) at such time, in such form, and containing such information as the **【Assistant Secretary】** *Under Secretary* may require; and

(2) that—

(A) provides a detailed explanation of how the entity will use any grant amounts awarded under the Program to carry out the purposes of the Program in an efficient and expeditious manner;

(B) identifies the period in which the applicant will expend the grant funds awarded under the Program;

- (C) includes—
 - (i) a justification for the amount of the grant that the applicant is requesting; and
 - (ii) for each fiscal year in which the applicant will expend the grant funds, a budget for the activities that the grant funds will support;
 - (D) demonstrates to the satisfaction of the **【Assistant Secretary】 Under Secretary** that the entity—
 - (i) is capable of carrying out—
 - (I) the project or function to which the application relates; and
 - (II) the activities described in subsection (h)—
 - (aa) in a competent manner; and
 - (bb) in compliance with all applicable Federal, State, and local laws; and
 - (ii) if the applicant is an entity described in subsection (b)(1), shall appropriate or otherwise unconditionally obligate from non-Federal sources funds that are necessary to meet the requirements of subsection (e);
 - (E) discloses to the **【Assistant Secretary】 Under Secretary** the source and amount of other Federal, State, or outside funding sources from which the entity receives, or has applied for, funding for activities or projects to which the application relates; and
 - (F) provides—
 - (i) the assurances that are required under subsection (f); and
 - (ii) an assurance that the entity shall follow such additional procedures as the **【Assistant Secretary】 Under Secretary** may require to ensure that grant funds are used and accounted for in an appropriate manner.
- (d) AWARD OF GRANTS.—
- (1) FACTORS CONSIDERED IN AWARD OF GRANTS.—In deciding whether to award a grant under the Program, the **【Assistant Secretary】 Under Secretary** shall, to the extent practicable, consider—
- (A) whether an application shall, if approved—
 - (i) increase internet access and the adoption of broadband among covered populations to be served by the applicant; and
 - (ii) not result in unjust enrichment;
 - (B) the comparative geographic diversity of the application in relation to other eligible applications; and
 - (C) the extent to which an application may duplicate or conflict with another program.
- (2) USE OF FUNDS.—
- (A) IN GENERAL.—In addition to the activities required under subparagraph (B), an entity to which the **【Assistant Secretary】 Under Secretary** awards a grant under the Program shall use the grant amounts to support not less than 1 of the following activities:
- (i) To develop and implement digital inclusion activities that benefit covered populations.

(ii) To facilitate the adoption of broadband by covered populations in order to provide educational and employment opportunities to those populations.

(iii) To implement, consistent with the purposes of this title—

(I) training programs for covered populations that cover basic, advanced, and applied skills; or

(II) other workforce development programs.

(iv) To make available equipment, instrumentation, networking capability, hardware and software, or digital network technology for broadband services to covered populations at low or no cost.

(v) To construct, upgrade, expend, or operate new or existing public access computing centers for covered populations through community anchor institutions.

(vi) To undertake any other project and activity that the [Assistant Secretary] *Under Secretary* finds to be consistent with the purposes for which the Program is established.

(B) EVALUATION.—

(i) IN GENERAL.—An entity to which the [Assistant Secretary] *Under Secretary* awards a grant under the Program shall use not more than 10 percent of the grant amounts to measure and evaluate the activities supported with the grant amounts.

(ii) SUBMISSION TO [ASSISTANT SECRETARY] *UNDER SECRETARY*.—An entity to which the [Assistant Secretary] *Under Secretary* awards a grant under the Program shall submit to the [Assistant Secretary] *Under Secretary* each measurement and evaluation performed under clause (i)—

(I) in a manner specified by the [Assistant Secretary] *Under Secretary*;

(II) not later than 15 months after the date on which the entity is awarded the grant amounts; and

(III) annually after the submission described in subclause (II) for any year in which the entity expends grant amounts.

(C) ADMINISTRATIVE COSTS.—An entity to which the [Assistant Secretary] *Under Secretary* awards a grant under the Program may use not more than 10 percent of the amount of the grant for administrative costs in carrying out any of the activities described in subparagraph (A).

(D) TIME LIMITATIONS.—With respect to a grant awarded to an entity under the Program, the entity—

(i) except as provided in clause (ii), shall expend the grant amounts during the 4-year period beginning on the date on which the entity is awarded the grant amounts; and

(ii) during the 1-year period beginning on the date that is 4 years after the date on which the entity is awarded the grant amounts, may continue to measure and evaluate the activities supported with the grant amounts, as required under subparagraph (B).

(e) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of any project for which the [Assistant Secretary] *Under Secretary* awards a grant under the Program may not exceed 90 percent.

(2) EXCEPTION.—The [Assistant Secretary] *Under Secretary* may grant a waiver with respect to the limitation on the Federal share of a project described in paragraph (1) if—

(A) the applicant with respect to the project petitions the [Assistant Secretary] *Under Secretary* for the waiver; and

(B) the [Assistant Secretary] *Under Secretary* determines that the petition described in subparagraph (A) demonstrates financial need.

(f) ASSURANCES.—When applying for a grant under this section, an entity shall include in the application for that grant assurances that the entity shall—

(1) use any grant funds that the entity is awarded—

(A) in accordance with any applicable statute, regulation, and application procedure; and

(B) to the extent required under applicable law;

(2) adopt and use proper methods of administering any grant that the entity is awarded, including by—

(A) enforcing any obligation imposed under law on any agency, institution, organization, or other entity that is responsible for carrying out a program to which the grant relates;

(B) correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and

(C) adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates;

(3) cooperate with respect to any evaluation—

(A) of any program that relates to a grant awarded to the entity; and

(B) that is carried out by or for the [Assistant Secretary] *Under Secretary* or another Federal official;

(4) use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, any Federal funds that the entity is awarded under the Program;

(5) submit to the [Assistant Secretary] *Under Secretary* any reports that may be necessary to enable the [Assistant Secretary] *Under Secretary* to perform the duties of the [Assistant Secretary] *Under Secretary* under the Program; and

(6) maintain any records and provide any information to the [Assistant Secretary] *Under Secretary*, including those records, that the [Assistant Secretary] *Under Secretary* determines is necessary to enable the [Assistant Secretary] *Under Secretary* to perform the duties of the [Assistant Secretary] *Under Secretary* under the Program.

(g) DEOBLIGATION OR TERMINATION OF GRANT.—In addition to other authority under applicable law, the [Assistant Secretary] *Under Secretary* may—

(1) deobligate or terminate a grant awarded to an entity under this section if, after notice to the entity and opportunity for a hearing, the **【Assistant Secretary】 Under Secretary**—

(A) presents to the entity a rationale and supporting information that clearly demonstrates that—

(i) the grant funds are not being used in a manner that is consistent with the application with respect to the grant submitted by the entity under subsection (c); and

(ii) the entity is not upholding assurances made by the entity to the **【Assistant Secretary】 Under Secretary** under subsection (f); and

(B) determines that the grant is no longer necessary to achieve the original purpose for which **【Assistant Secretary】 Under Secretary** awarded the grant; and

(2) with respect to any grant funds that the **【Assistant Secretary】 Under Secretary** deobligates or terminates under paragraph (1), competitively award the grant funds to another applicant, consistent with the requirements of this section.

(h) REPORTING AND INFORMATION REQUIREMENTS; INTERNET DISCLOSURE.—The **【Assistant Secretary】 Under Secretary**—

(1) shall—

(A) require any entity to which the **【Assistant Secretary】 Under Secretary** awards a grant under the Program to, for each year during the period described in subsection (d)(2)(D) with respect to the grant, submit to the **【Assistant Secretary】 Under Secretary** a report, in a format specified by the **【Assistant Secretary】 Under Secretary**, regarding—

(i) the amount of the grant;

(ii) the use by the entity of the grant amounts; and

(iii) the progress of the entity towards fulfilling the objectives for which the grant was awarded;

(B) establish mechanisms to ensure appropriate use of, and compliance with respect to all terms regarding, grant funds awarded under the Program;

(C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum—

(i) a list of each entity that has applied for a grant under the Program;

(ii) a description of each application described in clause (i), including the proposed purpose of each grant described in that clause;

(iii) the status of each application described in clause (i), including whether the **【Assistant Secretary】 Under Secretary** has awarded a grant with respect to the application and, if so, the amount of the grant;

(iv) each report submitted by an entity under subparagraph (A); and

(v) any other information that is sufficient to allow the public to understand and monitor grants awarded under the Program; and

(D) ensure that any entity with respect to which an award is deobligated or terminated under subsection (g)

- may, in a timely manner, appeal or otherwise challenge that deobligation or termination, as applicable; and
- (2) may establish additional reporting and information requirements for any recipient of a grant under the Program.
- (i) **SUPPLEMENT NOT SUPPLANT.**—A grant awarded to an entity under the Program shall supplement, not supplant, other Federal or State funds that have been made available to the entity to carry out activities described in this section.
- (j) **SET ASIDES.**—From amounts made available in a fiscal year to carry out the Program, the **【Assistant Secretary】** *Under Secretary* shall reserve—
- (1) 5 percent for the implementation and administration of the Program, which shall include—
 - (A) providing technical support and assistance, including ensuring consistency in data reporting;
 - (B) providing assistance to entities to prepare the applications of those entities with respect to grants awarded under this section;
 - (C) developing the report required under section 60306(a); and
 - (D) conducting outreach to entities that may be eligible to be awarded a grant under the Program regarding opportunities to apply for such a grant;
 - (2) 5 percent to award grants to, or enter into contracts or cooperative agreements with, Indian Tribes, Alaska Native entities, and Native Hawaiian organizations to allow those tribes, entities, and organizations to carry out the activities described in this section; and
 - (3) 1 percent to award grants to, or enter into contracts or cooperative agreements with, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States that is not a State to enable those entities to carry out the activities described in this section.
- (k) **RULES.**—The **【Assistant Secretary】** *Under Secretary* may prescribe such rules as may be necessary to carry out this section.
- (l) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—
- (1) \$250,000,000 for each of the first 5 fiscal years in which funds are made available to carry out this section; and
 - (2) such sums as may be necessary for each fiscal year after the end of the 5-fiscal year period described in paragraph (1).
- SEC. 60306. POLICY RESEARCH, DATA COLLECTION, ANALYSIS AND MODELING, EVALUATION, AND DISSEMINATION.**
- (a) **REPORTING REQUIREMENTS.**—
- (1) **IN GENERAL.**—**【Not later than 1 year after the date on which the Assistant Secretary begins awarding grants under section 60304(d)(1), and annually thereafter, the Assistant Secretary shall—】** *For the first fiscal year in which the Under Secretary awards grants under section 60304(d)(1), and each fiscal year thereafter in which the Under Secretary awards grants under such section, the Under Secretary shall—*
 - (A) *in the first quarter of the first calendar year that begins after the end of such fiscal year, submit to the appro-*

priate committees of Congress a report that documents[, for the year covered by the report]—

(i) the findings of each evaluation conducted under subparagraph (B);

(ii) a list of each grant awarded under each covered program, which shall include—

(I) the amount of each such grant;

(II) the recipient of each such grant; and

(III) the purpose for which each such grant was awarded;

(iii) any deobligation, termination, or modification of a grant awarded under the covered programs, which shall include a description of the subsequent usage of any funds to which such an action applies; and

(iv) each challenge made by an applicant for, or a recipient of, a grant under the covered programs and the outcome of each such challenge; and

(B) conduct evaluations of the activities carried out under the covered programs, which shall include an evaluation of—

(i) whether eligible States to which grants are awarded under the program established under section 60304 are—

(I) abiding by the assurances made by those States under subsection (e) of that section;

(II) meeting, or have met, the stated goals of the Digital Equity Plans developed by the States under subsection (c) of that section;

(III) satisfying the requirements imposed by the [Assistant Secretary] *Under Secretary* on those States under subsection (g) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the [Assistant Secretary] *Under Secretary* in implementing that program; and

(ii) whether entities to which grants are awarded under the program established under section 60305 are—

(I) abiding by the assurances made by those entities under subsection (f) of that section;

(II) meeting, or have met, the stated goals of those entities with respect to the use of the grant amounts;

(III) satisfying the requirements imposed by the [Assistant Secretary] *Under Secretary* on those States under subsection (h) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the [Assistant Secretary] *Under Secretary* in implementing that program.

(2) PUBLIC AVAILABILITY.—The [Assistant Secretary] *Under Secretary* shall make each report submitted under paragraph (1)(A) publicly available in an online format that—

(A) facilitates access and ease of use;

(B) is searchable; and

(C) is accessible—

- (i) to individuals with disabilities; and
- (ii) in languages other than English.

(b) **AUTHORITY TO CONTRACT AND ENTER INTO OTHER ARRANGEMENTS.**—The **【Assistant Secretary】** *Under Secretary* may award grants and enter into contracts, cooperative agreements, and other arrangements with Federal agencies, public and private organizations, and other entities with expertise that the **【Assistant Secretary】** *Under Secretary* determines appropriate in order to—

- (1) evaluate the impact and efficacy of activities supported by grants awarded under the covered programs; and
- (2) develop, catalog, disseminate, and promote the exchange of best practices, both with respect to and independent of the covered programs, in order to achieve digital equity.

(c) **CONSULTATION AND PUBLIC ENGAGEMENT.**—In carrying out subsection (a), and to further the objectives described in paragraphs (1) and (2) of subsection (b), the **【Assistant Secretary】** *Under Secretary* shall conduct ongoing collaboration and consult with—

- (1) the Secretary of Agriculture;
- (2) the Secretary of Housing and Urban Development;
- (3) the Secretary of Education;
- (4) the Secretary of Labor;
- (5) the Secretary of Health and Human Services;
- (6) the Secretary of Veterans Affairs;
- (7) the Secretary of the Interior;
- (8) the Federal Communications Commission;
- (9) the Federal Trade Commission;
- (10) the Director of the Institute of Museum and Library Services;
- (11) the Administrator of the Small Business Administration;
- (12) the Federal Co-Chair of the Appalachian Regional Commission;
- (13) State agencies and governors of States (or equivalent officials);
- (14) entities serving as administering entities for States under section 60304(b);
- (15) national, State, tribal, and local organizations that provide digital inclusion, digital equity, or digital literacy services;
- (16) researchers, academics, and philanthropic organizations; and
- (17) other agencies, organizations (including international organizations), entities (including entities with expertise in the fields of data collection, analysis and modeling, and evaluation), and community stakeholders, as determined appropriate by the **【Assistant Secretary】** *Under Secretary*.

(d) **TECHNICAL SUPPORT AND ASSISTANCE.**—The **【Assistant Secretary】** *Under Secretary* shall provide technical support and assistance, assistance to entities to prepare the applications of those entities with respect to grants awarded under the covered programs, and other resources, to the extent practicable, to ensure consistency in data reporting and to meet the objectives of this section.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section, which shall remain available until expended.

SEC. 60307. GENERAL PROVISIONS.**(a) NONDISCRIMINATION.—**

(1) **IN GENERAL.**—No individual in the United States may, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that is funded in whole or in part with funds made available to carry out this title.

(2) **ENFORCEMENT.**—The **【Assistant Secretary】** *Under Secretary* shall effectuate paragraph (1) with respect to any program or activity described in that paragraph by issuing regulations and taking actions consistent with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1).

(3) **JUDICIAL REVIEW.**—Judicial review of an action taken by the **【Assistant Secretary】** *Under Secretary* under paragraph (2) shall be available to the extent provided in section 603 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2).

(b) TECHNOLOGICAL NEUTRALITY.—The **【Assistant Secretary】** *Under Secretary* shall, to the extent practicable, carry out this title in a technologically neutral manner.

(c) AUDIT AND OVERSIGHT.—Beginning in the first fiscal year in which amounts are made available to carry out an activity authorized under this title, and in each of the 4 fiscal years thereafter, there is authorized to be appropriated to the Office of Inspector General for the Department of Commerce \$1,000,000 for audits and oversight of funds made available to carry out this title, which shall remain available until expended.

TITLE IV—ENABLING MIDDLE MILE BROADBAND INFRASTRUCTURE

SEC. 60401. ENABLING MIDDLE MILE BROADBAND INFRASTRUCTURE.**(a) DEFINITIONS.—**In this section:

(1) **ANCHOR INSTITUTION.**—The term “anchor institution” means a school, library, medical or healthcare provider, community college or other institution of higher education, or other community support organization or entity.

(2) **【ASSISTANT SECRETARY】** *UNDER SECRETARY.*—The term “**【Assistant Secretary】** *Under Secretary*” means the **【Assistant Secretary】** *Under Secretary* of Commerce for Communications and Information.

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

(4) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a State, political subdivision of a State, Tribal government, technology company, electric utility, utility cooperative, public utility district, telecommunications company, telecommunications cooperative, nonprofit foundation, nonprofit corporation, nonprofit institution, nonprofit association, regional planning counsel, Native entity, or economic development authority; or

(B) a partnership of 2 or more entities described in subparagraph (A).

(5) **FCC FIXED BROADBAND MAP.**—The term “FCC fixed broadband map” means the map created by the Commission under section 802(c)(1)(B) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)(B)).

(6) **INDIAN TRIBE.**—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

(7) **INTERCONNECT.**—The term “interconnect” means the physical linking of 2 networks for the mutual exchange of traffic on non-discriminatory terms and conditions.

(8) **INTERNET EXCHANGE FACILITY.**—The term “internet exchange facility” means physical infrastructure through which internet service providers and content delivery networks exchange internet traffic between their networks.

(9) **MIDDLE MILE INFRASTRUCTURE.**—The term “middle mile infrastructure”—

(A) means any broadband infrastructure that does not connect directly to an end-user location, including an anchor institution; and

(B) includes—

(i) leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services; and

(ii) wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for a private wireless broadband network, such as towers, fiber, and microwave links.

(10) **MIDDLE MILE GRANT.**—The term “middle mile grant” means a grant awarded under subsection (c).

(11) **NATIVE ENTITY.**—The term “Native entity” means—

(A) an Indian Tribe;

(B) an Alaska Native Corporation;

(C) a Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517));

(D) the Department of Hawaiian Home Lands; and

(E) the Office of Hawaiian Affairs.

(12) **STATE.**—The term “State” has the meaning given the term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(13) **SUBMARINE CABLE LANDING STATION.**—The term “submarine cable landing station” means a cable landing station, as that term is used in section 1.767(a)(5) of title 47, Code of Federal Regulations (or any successor regulation), that can be utilized to land a submarine cable by an entity that has obtained a license under the first section of the Act entitled “An Act relating to the landing and operation of submarine cables in the United States”, approved May 27, 1921 (47 U.S.C. 34) (commonly known as the “Cable Landing Licensing Act”).

(14) **TRIBAL GOVERNMENT.**—The term “Tribal government” means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, compo-

nent band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(15) TRUST LAND.—The term “trust land” has the meaning given the term in section 3765 of title 38, United States Code.

(16) UNDERSERVED.—The term “underserved”, with respect to an area, means an area—

(A) that is designated as a Tribally underserved area through the process described in subsection (g); or

(B) that—

(i) is of a standard size not larger than a census block, as established by the Commission;

(ii) is not an unserved area; and

(iii) as determined in accordance with the FCC fixed broadband map, does not have access to broadband service with—

(I) except as provided in subclause (II)—

(aa) a download speed of not less than 100 megabits per second; and

(bb) an upload speed of not less than 20 megabits per second; or

(II) minimum download and upload speeds established as benchmarks by the Commission for purposes of this Act after the date of enactment of this Act, if those minimum speeds are higher than the minimum speeds required under subclause (I).

(17) UNSERVED.—The term “unserved”, with respect to an area, means an area—

(A) that is designated as a Tribally underserved area through the process described in subsection (g); or

(B) that—

(i) is of a standard size not larger than a census block, as established by the Commission; and

(ii) as determined in accordance with the FCC fixed broadband map, does not have access to broadband service with—

(I) except as provided in subclause (II)—

(aa) a download speed of not less than 25 megabits per second; and

(bb) an upload speed of not less than 3 megabits per second; or

(II) minimum download and upload speeds established as benchmarks by the Commission for purposes of this Act after the date of enactment of this Act, if those minimum speeds are higher than the minimum speeds required under subclause (I).

(b) PURPOSE; SENSE OF CONGRESS.—

(1) PURPOSE.—The purposes of this section are—

(A) to encourage the expansion and extension of middle mile infrastructure to reduce the cost of connecting unserved and underserved areas to the backbone of the internet (commonly referred to as the “last mile”); and

(B) to promote broadband connection resiliency through the creation of alternative network connection paths that can be designed to prevent single points of failure on a broadband network.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) in awarding middle mile grants, the [Assistant Secretary] *Under Secretary* should give priority to—

(i) projects that leverage existing rights-of-way, assets, and infrastructure to minimize financial, regulatory, and permitting challenges;

(ii) projects in which the eligible entity designs the route of the middle mile infrastructure to enable the connection of unserved anchor institutions, including Tribal anchor institutions; and

(iii) projects that facilitate the development of carrier-neutral interconnection facilities; and

(iv) projects that—

(I) improve the redundancy and resiliency of existing middle mile infrastructure; and

(II) reduce regulatory and permitting barriers to promote the construction of new middle mile infrastructure; and

(B) a regulated utility should use funds received from a middle mile grant as a supplement to the core utility capital investment plan of the regulated utility to—

(i) facilitate increased broadband resiliency or redundancy of existing middle mile infrastructure; or

(ii) provide connectivity to unserved areas and underserved areas within the service territory of the utility and nearby communities.

(c) MIDDLE MILE GRANTS.—The [Assistant Secretary] *Under Secretary* shall establish a program under which the [Assistant Secretary] *Under Secretary* makes grants on a technology-neutral, competitive basis to eligible entities for the construction, improvement, or acquisition of middle mile infrastructure.

(d) APPLICATIONS FOR GRANTS.—

(1) IN GENERAL.—The [Assistant Secretary] *Under Secretary* shall establish an application process for middle mile grants in accordance with this subsection.

(2) EVALUATION OF APPLICATIONS.—In establishing an application process for middle mile grants under paragraph (1), the [Assistant Secretary] *Under Secretary* shall give priority to an application from an eligible entity that satisfies 2 or more of the following conditions:

(A) The eligible entity adopts fiscally sustainable middle mile strategies.

(B) The eligible entity commits to offering non-discriminatory interconnect to terrestrial and wireless last mile broadband providers and any other party making a bona fide request.

(C) The eligible entity identifies specific terrestrial and wireless last mile broadband providers that have—

(i) expressed written interest in interconnecting with middle mile infrastructure planned to be deployed by the eligible entity; and

(ii) demonstrated sustainable business plans or adequate funding sources with respect to the interconnect described in clause (i).

(D) The eligible entity has identified supplemental investments or in-kind support (such as waived franchise or permitting fees) that will accelerate the completion of the planned project.

(E) The eligible entity has demonstrated that the middle mile infrastructure will benefit national security interests of the United States and the Department of Defense.

(3) GRANT APPLICATION COMPETENCE.—The [Assistant Secretary] *Under Secretary* shall include in the application process established under paragraph (1) a requirement that an eligible entity provide evidence that the eligible entity is capable of carrying out a proposed project in a competent manner, including by demonstrating that the eligible entity has the financial, technical, and operational capability to carry out the proposed project and operate the resulting middle mile broadband network.

(e) ELIGIBILITY.—

(1) PRIORITIZATION.—To be eligible to obtain a middle mile grant, an eligible entity shall agree, in the application submitted through the process established under subsection (d), to prioritize—

(A) connecting middle mile infrastructure to last mile networks that provide or plan to provide broadband service to households in unserved areas;

(B) connecting non-contiguous trust lands; or

(C) the offering of wholesale broadband service at reasonable rates on a carrier-neutral basis.

(2) BUILDOUT TIMELINE.—Subject to paragraph (5), to be eligible to obtain a middle mile grant, an eligible entity shall agree, in the application submitted through the process established under subsection (d), to complete buildout of the middle mile infrastructure described in the application by not later than 5 years after the date on which amounts from the grant are made available to the eligible entity.

(3) PROJECT ELIGIBILITY REQUIREMENTS.—

(A) CAPABILITY TO SUPPORT RETAIL BROADBAND SERVICE.—A project shall be eligible for a middle mile grant if, at the time of the application, the [Assistant Secretary] *Under Secretary* determines that the proposed middle mile broadband network will be capable of supporting retail broadband service.

(B) MAPPING DATA.—

(i) USE OF MOST RECENT DATA.—In mapping out gaps in broadband coverage, an eligible entity that uses a middle mile grant to build out terrestrial or fixed wireless middle mile infrastructure shall use the most recent broadband mapping data available from one of the following sources:

(I) The FCC fixed broadband map.

(II) The State in which the area that will be served by the middle mile infrastructure is located, or the Tribal government with jurisdiction

over the area that will be served by the middle mile infrastructure (if applicable).

(III) Speed and usage surveys of existing broadband service that—

(aa) demonstrate that more than 25 percent of the respondents display a broadband service speed that is slower than the speeds required for an area to qualify as unserved; and

(bb) are conducted by—

(AA) the eligible entity;

(BB) the State in which the area that will be served by the middle mile infrastructure is located; or

(CC) the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable).

(ii) SHARING FACILITY LOCATIONS.—

(I) DEFINITION.—In this clause, the term “covered recipient”, with respect to an eligible entity, means—

(aa) the [Assistant Secretary] *Under Secretary*;

(bb) the Commission;

(cc) the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable); and

(dd) the State broadband office for the State in which the area that will be served by the middle mile infrastructure is located.

(II) PROVISION OF INFORMATION.—Subject to subclauses (III) and (IV), an eligible entity that constructs, improves, or acquires middle mile infrastructure using a middle mile grant shall share with each covered recipient the location of all the middle mile broadband infrastructure.

(III) FORMAT.—An eligible entity shall provide the information required under subclause (II) to each covered recipient in a uniform format determined by the [Assistant Secretary] *Under Secretary*.

(IV) PROTECTION OF INFORMATION.—

(aa) IN GENERAL.—The information provided by an eligible entity under subclause (II) may only be used for purposes of carrying out the grant program under subsection (c) and any reporting related thereto.

(bb) LEGAL DEFENSES.—

(AA) IN GENERAL.—A covered recipient may not receive information under subclause (II) unless the covered recipient agrees in writing to assert all available legal defenses to the disclosure of the information if a person or entity seeks disclosure from the covered recipient under

any Federal, State, or local public disclosure law.

(BB) RULE OF CONSTRUCTION.—Nothing in subitem (AA) is intended to be or shall be construed as a waiver of Tribal sovereign immunity.

(C) CONNECTION TO ANCHOR INSTITUTIONS.—To the extent feasible, an eligible entity that receives a middle mile grant to build middle mile infrastructure using fiber optic technology shall—

(i) ensure that the proposed middle mile broadband network will be capable of providing broadband to an anchor institution at a speed of not less than—

(I) 1 gigabit per second for downloads; and

(II) 1 gigabit per second for uploads to an anchor institution; and

(ii) include direct interconnect facilities that will facilitate the provision of broadband service to anchor institutions located within 1,000 feet of the middle mile infrastructure.

(D) INTERCONNECTION AND NONDISCRIMINATION.—

(i) IN GENERAL.—An eligible entity that receives a middle mile grant to build a middle mile project using fiber optic technology shall offer interconnection in perpetuity, where technically feasible without exceeding current or reasonably anticipated capacity limitations, on reasonable rates and terms to be negotiated with requesting parties.

(ii) NATURE OF INTERCONNECTION.—The interconnection required to be offered under clause (i) includes both the ability to connect to the public internet and physical interconnection for the exchange of traffic.

(iii) INCLUSION IN APPLICATION.—An applicant for a middle mile grant shall disclose the applicant's proposed interconnection, nondiscrimination, and network management practices in the application submitted through the process established under subsection (d).

(4) ACCOUNTABILITY.—The **【Assistant Secretary】** *Under Secretary* shall—

(A) establish sufficient transparency, accountability, reporting, and oversight measures for the grant program established under subsection (c) to deter waste, fraud, and abuse of program funds; and

(B) establish—

(i) buildout requirements for each eligible entity that receives a middle mile grant, which shall require the completion of a certain percentage of project miles by a certain date; and

(ii) penalties, which may include rescission of funds, for grantees that do not meet requirements described in clause (i) or the deadline under paragraph (2).

(5) EXTENSIONS.—

(A) IN GENERAL.—At the request of an eligible entity, the **【Assistant Secretary】** *Under Secretary* may extend the

buildout deadline under paragraph (2) by not more than 1 year if the eligible entity certifies that—

- (i) the eligible entity has a plan for use of the middle mile grant;
- (ii) the project to build out middle mile infrastructure is underway; or
- (iii) extenuating circumstances require an extension of time to allow completion of the project to build out middle mile infrastructure.

(B) EFFECT ON INTERIM BUILDOUT REQUIREMENTS.—If the [Assistant Secretary] *Under Secretary* grants an extension under subparagraph (A), the [Assistant Secretary] *Under Secretary* shall modify any buildout requirements established under paragraph (4)(B)(i) as necessary.

(f) FEDERAL SHARE.—The amount of a middle mile grant awarded to an eligible entity may not exceed 70 percent of the total project cost.

(g) SPECIAL RULES FOR TRIBAL GOVERNMENTS.—

(1) WAIVERS; ALTERNATIVE REQUIREMENTS.—The [Assistant Secretary] *Under Secretary*, in consultation with Tribal governments and Native entities, may waive, or specify alternative requirements for, any provision of subsections (c) through (f) if the [Assistant Secretary] *Under Secretary* finds that the waiver or alternative requirement is necessary—

(A) for the effective delivery and administration of middle mile grants to Tribal governments; or

(B) the construction, improvement, or acquisition of middle mile infrastructure on trust land.

(2) TRIBALLY UNSERVED AREAS; TRIBALLY UNDERSERVED AREAS.—The [Assistant Secretary] *Under Secretary*, in consultation with Tribal governments and Native entities, shall develop a process for designating Tribally unserved areas and Tribally underserved areas for purposes of this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000,000 for fiscal years 2022 through 2026.

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TITLE VI—TELECOMMUNICATIONS INDUSTRY WORKFORCE

SEC. 60601. SHORT TITLE.

This title may be cited as the “Telecommunications Skilled Workforce Act”.

SEC. 60602. TELECOMMUNICATIONS INTERAGENCY WORKING GROUP.

(a) IN GENERAL.—Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

“SEC. 344. TELECOMMUNICATIONS INTERAGENCY WORKING GROUP.

“(a) DEFINITION.—In this section, the term ‘telecommunications interagency working group’ means the interagency working group established under subsection (b)(1).

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Chairman of the Commission, in partnership with the Secretary of Labor, shall establish within the Commission an interagency working group to develop recommendations to address the workforce needs of the telecommunications industry, including the safety of that workforce.

“(2) DATE OF ESTABLISHMENT.—The telecommunications interagency working group shall be considered established on the date on which a majority of the members of the working group have been appointed, consistent with subsection (d).

“(c) DUTIES.—In developing recommendations under subsection (b), the telecommunications interagency working group shall—

“(1) determine whether, and if so how, any Federal laws, regulations, guidance, policies, or practices, or any budgetary constraints, may be amended to strengthen the ability of institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or for-profit businesses to establish, adopt, or expand programs intended to address the workforce needs of the telecommunications industry, including the workforce needed to build and maintain the 5G wireless infrastructure necessary to support 5G wireless technology;

“(2) identify potential policies and programs that could encourage and improve coordination among Federal agencies, between Federal agencies and States, and among States, on telecommunications workforce needs;

“(3) identify ways in which existing Federal programs, including programs that help facilitate the employment of veterans and military personnel transitioning into civilian life, could be leveraged to help address the workforce needs of the telecommunications industry;

“(4) identify ways to improve recruitment in workforce development programs in the telecommunications industry;

“(5) identify Federal incentives that could be provided to institutions of higher education, for-profit businesses, State workforce development boards established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111), or other relevant stakeholders to establish or adopt new programs, expand current programs, or partner with registered apprenticeship programs, to address the workforce needs of the telecommunications industry, including such needs in rural areas;

“(6) identify ways to improve the safety of telecommunications workers, including tower climbers; and

“(7) identify ways that trends in wages, benefits, and working conditions in the telecommunications industry impact recruitment of employees in the sector.

“(d) MEMBERS.—The telecommunications interagency working group shall be composed of the following representatives of Federal agencies and relevant non-Federal industry and labor stakeholder organizations:

“(1) A representative of the Department of Education, appointed by the Secretary of Education.

“(2) A representative of the National Telecommunications and Information Administration, appointed by the [Assistant Secretary] *Under Secretary* of Commerce for Communications and Information.

“(3) A representative of the Commission, appointed by the Chairman of the Commission.

“(4) A representative of a registered apprenticeship program in construction or maintenance, appointed by the Secretary of Labor.

“(5) A representative of a telecommunications industry association, appointed by the Chairman of the Commission.

“(6) A representative of an Indian Tribe or Tribal organization, appointed by the Chairman of the Commission.

“(7) A representative of a rural telecommunications carrier, appointed by the Chairman of the Commission.

“(8) A representative of a telecommunications contractor firm, appointed by the Chairman of the Commission.

“(9) A representative of an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), appointed by the Secretary of Education.

“(10) A public interest advocate for tower climber safety, appointed by the Secretary of Labor.

“(11) A representative of the Directorate of Construction of the Occupational Safety and Health Administration, appointed by the Secretary of Labor.

“(12) A representative of a labor organization representing the telecommunications workforce, appointed by the Secretary of Labor.

“(e) NO COMPENSATION.—A member of the telecommunications interagency working group shall serve without compensation.

“(f) OTHER MATTERS.—

“(1) CHAIR AND VICE CHAIR.—The telecommunications interagency working group shall name a chair and a vice chair, who shall be responsible for organizing the business of the working group.

“(2) SUBGROUPS.—The chair and vice chair of the telecommunications interagency working group, in consultation with the other members of the telecommunications interagency working group, may establish such subgroups as necessary to help conduct the work of the telecommunications interagency working group.

“(3) SUPPORT.—The Commission and the Secretary of Labor may detail employees of the Commission and the Department of Labor, respectively, to assist and support the work of the telecommunications interagency working group, though such a detailee shall not be considered to be a member of the working group.

“(g) REPORT TO CONGRESS.—

“(1) REPORT TO CONGRESS.—Not later than 1 year after the date on which the telecommunications interagency working group is established, the working group shall submit a report containing its recommendations to address the workforce needs of the telecommunications industry to—

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

“(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

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

“(D) the Committee on Education and Labor of the House of Representatives;

“(E) the Department of Labor; and

“(F) the Commission.

“(2) MAJORITY SUPPORT.—The telecommunications interagency working group may not submit the report under paragraph (1) unless the report has the support of not less than the majority of the members of the working group.

“(3) VIEWS.—The telecommunications interagency working group shall—

“(A) include with the report submitted under paragraph (1) any concurring or dissenting view offered by a member of the working group; and

“(B) identify each member to whom each concurring or dissenting view described in subparagraph (A) should be attributed.

“(4) PUBLIC POSTING.—The Commission and the Secretary of Labor shall make a copy of the report submitted under paragraph (1) available to the public on the websites of the Commission and the Department of Labor, respectively.

“(h) NONAPPLICABILITY OF FACCA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the telecommunications interagency working group.”

(b) SUNSET.—Section 344 of the Communications Act of 1934, as added by subsection (a), shall be repealed on the day after the date on which the interagency working group established under subsection (b)(1) of that section submits the report to Congress under subsection (g) of that section.

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DIVISION J—APPROPRIATIONS

TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

* * * * *

RURAL DEVELOPMENT PROGRAMS

RURAL UTILITIES SERVICE

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For an additional amount for “Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program”, \$2,000,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading in this Act, \$74,000,000 shall be for the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act: *Provided further*, That, of the funds made

available under this heading in this Act, \$1,926,000,000 shall be for the broadband loan and grant pilot program established by section 779 of Public Law 115-141 under the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 et seq.): *Provided further*, That at least 50 percent of the households to be served by a project receiving a loan or grant from funds provided under the preceding proviso shall be in a rural area, as defined in section 601(b)(3) of the Rural Electrification Act, without sufficient access to broadband defined for such funds as having speeds of not less than 25 megabits per second downloads and 3 megabits per second uploads: *Provided further*, That 10 percent of the amounts made available under this heading in this Act for the pilot program shall be set aside for service areas where at least 90 percent of households to be served by a project receiving a loan or grant are in a rural area without sufficient access to broadband, as defined in the preceding proviso: *Provided further*, That, to the extent possible, projects receiving funds provided under this heading in this Act for the pilot program must build out service to at least 100 megabits per second downloads and 20 megabits per second uploads: *Provided further*, That, in administering the pilot program under this heading in this Act, the Secretary of Agriculture may, for purposes of determining entities eligible to receive assistance, consider those communities which are “Areas Rural in Character”, as defined in section 343(a)(13)(D) of the Consolidated Farm and Rural Development Act: *Provided further*, That not more than \$50,000,000 of the funds made available under this heading in this Act for the pilot program may be used for the purpose of the preceding proviso: *Provided further*, That pole attachment fees and replacements charged by pole owners for the shared use of their utility poles shall be an eligible use of funds provided under this heading in this Act for the pilot program to enable the deployment of broadband in rural areas: *Provided further*, That the Secretary shall waive any matching funds required for pilot program projects funded from amounts provided under this heading in this Act for Alaska Native Corporations, for federally-recognized Tribes, on substantially underserved Trust areas, as defined in 7 U.S.C. 936f(a)(2), and residents of a rural area that was recognized as a colonia as of October 1, 1989, and for projects in which 75 percent of the service area is a persistent poverty county or counties: *Provided further*, That for purposes of the preceding proviso, the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses, and 2007-2011 American Community Survey 5-6 year average, or any territory or possession of the United States: *Provided further*, That, in addition to other funds available for such purpose, not more than four percent of the amounts provided under this heading in this Act shall be for administrative costs to carry out the pilot program and broadband loans: *Provided further*, That up to three percent of the amounts provided under this heading in this Act shall be for technical assistance and predevelopment planning activities to support rural communities, of which \$5,000,000 shall have a priority for the establishment and growth of cooperatives to offer broadband, which shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”: *Provided further*,

That the Secretary of Agriculture shall collaborate, to the extent practicable, with the Commissioner of the Federal Communications Commission and the [Assistant Secretary] *Under Secretary* for Communications and Information at the National Telecommunications and Information Administration to carry out the amounts provided under this heading in this Act for the pilot program: *Provided further*, That the Secretary may transfer funds provided under this heading in this Act between broadband loans, as authorized by section 601 of the Rural Electrification Act, and the pilot program to accommodate demand: *Provided further*, That no funds shall be transferred pursuant to the preceding proviso until the Secretary notifies in writing and receives approval from the Committees on Appropriations and Agriculture of both Houses of Congress at least 30 days in advance of the transfer of such funds or the use of such authority: *Provided further*, That for purposes of the amounts provided under this heading in this Act for the pilot program, the Secretary shall adhere to the notice, reporting, and service area assessment requirements set forth in section 701(a)-(d) of the Rural Electrification Act (7 U.S.C. 950cc(a)-(d)): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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WILLIAM M. (MAC) THORNBERRY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021

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DIVISION H—OTHER MATTERS

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TITLE XCII—COMMUNICATIONS MATTERS

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SEC. 9202. WIRELESS SUPPLY CHAIN INNOVATION AND MULTILATERAL SECURITY.

(a) COMMUNICATIONS TECHNOLOGY SECURITY FUNDS.—

(1) PUBLIC WIRELESS SUPPLY CHAIN INNOVATION FUND.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the “Public Wireless Supply Chain Innovation Fund” (referred to in this paragraph as the “Innovation Fund”).

(ii) AVAILABILITY.—

(I) IN GENERAL.—Amounts appropriated to the Innovation Fund shall remain available through

the end of the tenth fiscal year beginning after the date on which funds are appropriated to the Fund.

(II) REMAINDER TO TREASURY.—Any amounts remaining in the Innovation Fund after the end of the tenth fiscal year beginning after the date of appropriation shall be deposited in the general fund of the Treasury.

(B) USE OF FUND.—

(i) IN GENERAL.—Amounts appropriated to the Innovation Fund shall be available to the Secretary, acting through the NTIA Administrator, to make grants on a competitive basis under this paragraph in such amounts as the Secretary, acting through the NTIA Administrator, determines appropriate, subject to clause (ii).

(ii) LIMITATION ON GRANT AMOUNTS.—The amount of a grant awarded under this paragraph to a recipient for a specific research focus area may not exceed \$50,000,000.

(C) ADMINISTRATION OF FUND.—The Secretary, acting through the NTIA Administrator, in consultation with the Commission, the Under Secretary of Commerce for Standards and Technology, the Secretary of Homeland Security, the Secretary of Defense, and the Director of the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence, shall establish criteria for grants awarded under this paragraph, by the NTIA Administrator and administer the Innovation Fund, to support the following:

(i) Promoting and deploying technology, including software, hardware, and microprocessing technology, that will enhance competitiveness in the fifth-generation (commonly known as “5G”) and successor wireless technology supply chains that use open and interoperable interface radio access networks.

(ii) Accelerating commercial deployments of open interface standards-based compatible, interoperable equipment, such as equipment developed pursuant to the standards set forth by organizations such as the O-RAN Alliance, the Telecom Infra Project, 3GPP, the Open-RAN Software Community, or any successor organizations.

(iii) Promoting and deploying compatibility of new 5G equipment with future open standards-based, interoperable equipment.

(iv) Managing integration of multi-vendor network environments.

(v) Identifying objective criteria to define equipment as compliant with open standards for multi-vendor network equipment interoperability.

(vi) Promoting and deploying security features enhancing the integrity and availability of equipment in multi-vendor networks.

(vii) Promoting and deploying network function virtualization to facilitate multi-vendor interoperability and a more diverse vendor market.

(D) NONDUPLICATION.—To the greatest extent practicable, the Secretary, acting through the NTIA Administrator, shall ensure that any research funded by a grant awarded under this paragraph avoids duplication of other Federal or private sector research.

(E) TIMING.—Not later than one year after the date on which funds are appropriated to the Innovation Fund, the Secretary, acting through the NTIA Administrator, shall begin awarding grants under this paragraph.

(F) FEDERAL ADVISORY BODY.—

(i) ESTABLISHMENT.—The Secretary, acting through the NTIA Administrator, and in consultation with the Under Secretary of Commerce for Standards and Technology, shall establish a Federal advisory committee, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), composed of government and private sector experts, to advise the Secretary and the NTIA Administrator on the administration of the Innovation Fund.

(ii) COMPOSITION.—The advisory committee established under clause (i) shall be composed of—

(I) representatives from—

(aa) the Commission;

(bb) the Department of Defense;

(cc) the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence;

(dd) the National Institute of Standards and Technology;

(ee) the Department of State;

(ff) the National Science Foundation;

(gg) the Department of Homeland Security;

and

(hh) the National Telecommunications and Information Administration; and

(II) other representatives from the private and public sectors, at the discretion of the NTIA Administrator.

(iii) DUTIES.—The advisory committee established under clause (i) shall advise the Secretary and the NTIA Administrator on technology developments to help inform—

(I) the strategic direction of the Innovation Fund; and

(II) efforts of the Federal Government to promote a more secure, diverse, sustainable, and competitive supply chain.

(G) REPORTS TO CONGRESS.—

[(i) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the NTIA Administrator, shall submit to the relevant committees of Congress a report with—

[(I) additional recommendations on promoting the competitiveness and sustainability of trusted suppliers in the wireless supply chain; and

[(II) any additional authorities needed to facilitate the timely adoption of open standards-based equipment, including authority to provide loans, loan guarantees, and other forms of credit extension that would maximize the use of funds.]

[(ii) ANNUAL REPORT.—For each fiscal year] *ANNUAL REPORT TO CONGRESS.—For each fiscal year* for which amounts in the Innovation Fund are available under this paragraph, the Secretary, acting through the NTIA Administrator, shall submit to Congress a report that—

[(I)] (i) describes how, and to whom (including whether recipients are majority owned and controlled by minority individuals and majority owned and controlled by women), amounts in the Innovation Fund have been deployed;

[(II)] (ii) details the progress of the Secretary and the NTIA Administrator in meeting the objectives described in subparagraph (C); and

[(III)] (iii) includes any additional information that the Secretary and the NTIA Administrator determine appropriate.

(2) MULTILATERAL TELECOMMUNICATIONS SECURITY FUND.—

(A) ESTABLISHMENT OF FUND.—

(i) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the “Multilateral Telecommunications Security Fund”.

(ii) USE OF FUND.—Amounts appropriated to the Multilateral Telecommunications Security Fund shall be available to the Secretary of State to make expenditures under this paragraph in such amounts as the Secretary of State determines appropriate.

(iii) AVAILABILITY.—

(I) IN GENERAL.—Amounts appropriated to the Multilateral Telecommunications Security Fund—

(aa) shall remain available through the end of the tenth fiscal year beginning after the date of appropriation; and

(bb) may only be allocated upon the Secretary of State reaching an arrangement or agreement with foreign government partners to participate in the common funding mechanism described in subparagraph (B).

(II) REMAINDER TO TREASURY.—Any amounts remaining in the Multilateral Telecommunications Security Fund after the end of the tenth fiscal year beginning after the date of the enactment of this Act shall be deposited in the general fund of the Treasury.

(B) ADMINISTRATION OF FUND.—The Secretary of State, in consultation with the NTIA Administrator, the Secretary of Homeland Security, the Secretary of Defense, the

Secretary of the Treasury, the Director of National Intelligence, and the Commission, is authorized to establish a common funding mechanism, in coordination with foreign partners, that uses amounts from the Multilateral Telecommunications Security Fund to support the development and adoption of secure and trusted telecommunications technologies. In creating and sustaining a common funding mechanism, the Secretary of State should leverage United States funding in order to secure commitments and contributions from trusted foreign partners such as the United Kingdom, Canada, Australia, New Zealand, and Japan, and should prioritize the following objectives:

- (i) Advancing research and development of secure and trusted communications technologies.
- (ii) Strengthening supply chains.
- (iii) Promoting the use of trusted vendors.

(C) NOTIFICATIONS TO BE PROVIDED BY THE FUND.—

(i) IN GENERAL.—Not later than 15 days prior to the Fund making a financial commitment associated with the provision of expenditures under subparagraph (A)(ii) in an amount in excess of \$1,000,000, the Secretary of State shall submit to the appropriate congressional committees a report in writing that contains the information required by clause (ii).

(ii) INFORMATION REQUIRED.—The information required by this clause includes—

- (I) the amount of each such expenditure;
- (II) an identification of the recipient or beneficiary; and
- (III) a description of the project or activity and the purpose to be achieved of an expenditure by the Fund.

(iii) ARRANGEMENTS OR AGREEMENTS.—The Secretary of State shall notify the appropriate congressional committees not later than 30 days after entering into a new bilateral or multilateral arrangement or agreement described in subparagraph (A)(iii)(I)(bb).

(iv) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subparagraph, the term “appropriate congressional committees” means—

- (I) the Committee on Foreign Relations of the Senate;
- (II) the Committee on Appropriations of the Senate;
- (III) the Committee on Foreign Affairs of the House of Representatives; and
- (IV) the Committee on Appropriations of the House of Representatives.

(b) PROMOTING UNITED STATES LEADERSHIP IN INTERNATIONAL ORGANIZATIONS AND COMMUNICATIONS STANDARDS-SETTING BODIES.—

(1) IN GENERAL.—The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission, or their designees, shall consider how to enhance representation of the United States at international forums that set standards for

5G networks and for future generations of wireless communications networks, including—

(A) the International Telecommunication Union (commonly known as “ITU”);

(B) the International Organization for Standardization (commonly known as “ISO”);

(C) the Inter-American Telecommunication Commission (commonly known as “CITEL”); and

(D) the voluntary standards organizations that develop protocols for wireless devices and other equipment, such as the 3GPP and the Institute of Electrical and Electronics Engineers (commonly known as “IEEE”).

(2) ANNUAL REPORT.—The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission shall jointly submit to the relevant committees of Congress an annual report on the progress made under paragraph (1).

(c) DEFINITIONS.—In this section:

(1) The term “3GPP” means the Third Generation Partnership Project.

(2) The term “5G network” means a radio network as described by 3GPP Release 15 or higher.

(3) The term “Commission” means the Federal Communications Commission.

(4) The term “NTIA Administrator” means the Assistant Secretary of Commerce for Communications and Information.

(5) The term “Open-RAN” means the Open Radio Access Network approach to standardization adopted by the O-RAN Alliance, Telecom Infra Project, or 3GPP, or any similar set of open standards for multi-vendor network equipment interoperability.

(6) The term “relevant committees of Congress” means—

(A) the Select Committee on Intelligence of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Armed Services of the Senate;

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

(F) the Committee on Appropriations of the Senate;

(G) the Permanent Select Committee on Intelligence of the House of Representatives;

(H) the Committee on Foreign Affairs of the House of Representatives;

(I) the Committee on Homeland Security of the House of Representatives;

(J) the Committee on Armed Services of the House of Representatives;

(K) the Committee on Energy and Commerce of the House of Representatives; and

(L) the Committee on Appropriations of the House of Representatives.

(7) The term "Secretary" means the Secretary of Commerce.

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