

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**S.** \_\_\_\_\_

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

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. CANTWELL

Viz:

1 Strike all after the enacting clause and insert the following:  
2

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

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Spectrum and National Security Act of 2024”.

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

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

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

- Sec. 101. National Spectrum Research and Development Plan.
- Sec. 102. Common sharing platform; incumbent informing capability.

**TITLE II—EXERTING UNITED STATES SPECTRUM LEADERSHIP**

## 2

Sec. 201. Empowering Federal agencies in the management of their spectrum.  
 Sec. 202. Under Secretary of Commerce for Communications and Information.

## TITLE III—CREATION OF A SPECTRUM PIPELINE

Sec. 301. Creation of a spectrum pipeline.  
 Sec. 302. Spectrum auctions.

## TITLE IV—EXTENSION OF FCC AUCTION AUTHORITY

Sec. 401. Extension of FCC auction authority.

## TITLE V—WORKFORCE DEVELOPMENT

## Subtitle A—Improving Minority Participation

Sec. 501. Short title.  
 Sec. 502. Definitions.  
 Sec. 503. Program.

## Subtitle B—National Spectrum Workforce Plan

Sec. 511. National spectrum workforce plan.

## TITLE VI—SPECTRUM AUCTION TRUST FUND

Sec. 601. Definition.  
 Sec. 602. Spectrum Auction Trust Fund.

TITLE VII—SECURE AND TRUSTED COMMUNICATIONS NETWORKS  
REIMBURSEMENT PROGRAM

Sec. 701. Increase in limitation on expenditure.

## TITLE VIII—NEXT GENERATION 9–1–1

Sec. 801. Further deployment and coordination of Next Generation 9–1–1.

## TITLE IX—MINORITY SERVING INSTITUTIONS PROGRAM

Sec. 901. Definitions.  
 Sec. 902. Program.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) electromagnetic spectrum is a scarce, valu-  
 4 able resource that fuels the technological leadership  
 5 of the United States globally, which supports the na-  
 6 tional security and critical operations of the United  
 7 States;

1           (2) because spectrum is a finite and limited re-  
2           source, the United States must invest in advanced  
3           spectrum technologies, such as dynamic spectrum  
4           sharing, to make the best use of spectrum to pro-  
5           mote private sector innovation, and protect and fur-  
6           ther the mission of Federal agencies;

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

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

17          (5) as agreed to by both the Department of De-  
18          fense and the National Telecommunications and In-  
19          formation Administration in the National Spectrum  
20          Strategy, an assessment of future spectrum demand,  
21          the promotion of research and development on dy-  
22          namic spectrum sharing and other new and emerg-  
23          ing spectrum technologies, and support for a work-  
24          force to support an advanced spectrum ecosystem  
25          are critical for expanding the overall capacity,

1 usability, and efficiency of spectrum to enhance the  
2 competitiveness and national security of the United  
3 States; and

4 (6) a unified, forward-looking domestic spec-  
5 trum policy is vital for enabling the United States  
6 to advocate effectively for its interests on the global  
7 stage, including at the International Telecommuni-  
8 cation Union, against the competing spectrum poli-  
9 cies advanced by foreign adversaries.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

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

14 (2) DYNAMIC SPECTRUM SHARING.—The term  
15 “dynamic spectrum sharing” means a technique that  
16 enables multiple electromagnetic spectrum users to  
17 operate on the same frequencies in the same geo-  
18 graphic area without causing harmful interference to  
19 other users by using capabilities that can adjust and  
20 optimize electromagnetic spectrum usage in real  
21 time or near-real time, consistent with defined regu-  
22 lations and policies for a particular spectrum band.

23 (3) SPECTRUM ADVISORY COUNCIL.—The term  
24 “Spectrum Advisory Council” has the meaning given  
25 the term in section 106(a) of the National Tele-

1 communications and Information Administration Or-  
2 ganization Act, as added by section 201 of this Act.

3 (4) UNDER SECRETARY.—The term “Under  
4 Secretary” means the Under Secretary of Commerce  
5 for Communications and Information, as so des-  
6 ignated by the amendment made by section 202(a).

7 **TITLE I—DEVELOPMENT OF**  
8 **SPECTRUM MAXIMIZING**  
9 **TECHNOLOGIES**

10 **SEC. 101. NATIONAL SPECTRUM RESEARCH AND DEVELOP-**  
11 **MENT PLAN.**

12 (a) DEFINITION.—In this section, the term “Federal  
13 entity” has the meaning given the term in section 113(l)  
14 of the National Telecommunications and Information Ad-  
15 ministration Organization Act (47 U.S.C. 923(l)).

16 (b) DYNAMIC SPECTRUM SHARING.—

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

22 (A) enables the identification of bands of  
23 Federal and non-Federal spectrum that can be  
24 accessed on a short-term basis for experimen-  
25 tation;

1 (B) considers specific areas for testing and  
2 measurement to improve future study efforts  
3 across spectrum bands, including researching  
4 and developing solutions that can be applied  
5 across a range of spectrum bands;

6 (C) is focused on developing technologically  
7 neutral approaches;

8 (D) enables Federal entities to work coop-  
9 eratively with non-Federal entities, including in-  
10 dustry entities, academic institutions, and re-  
11 search organizations, to objectively examine new  
12 technologies to improve spectrum management;  
13 and

14 (E) minimizes duplication of effort by syn-  
15 chronizing, to the extent practicable, with other  
16 relevant research and engineering activities un-  
17 derway across the Federal Government in areas  
18 including artificial intelligence, machine learn-  
19 ing, zero-trust networks, data-source manage-  
20 ment, autonomy and autonomous systems, and  
21 advanced radar technologies.

22 (2) FUNDING.—The Under Secretary may use  
23 the funding provided under section 602(c)(1)(E) of  
24 this Act to establish the national testbed for dy-  
25 namic spectrum sharing under paragraph (1).

1 (c) RESEARCH AND DEVELOPMENT PLAN.—The Of-  
2 fice of Science and Technology Policy, in coordination with  
3 each member agency of the Spectrum Advisory Council,  
4 shall develop a National Spectrum Research and Develop-  
5 ment Plan that—

6 (1) identifies the key innovation areas for spec-  
7 trum research and development, including dynamic  
8 spectrum sharing, artificial intelligence and machine  
9 learning techniques, and other emerging technologies  
10 for improving spectrum efficiency and innovation;

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

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

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

22 (d) PUBLIC AND PRIVATE SECTOR COLLABORATIVE  
23 FRAMEWORK.—

24 (1) ESTABLISHMENT.—The Under Secretary,  
25 in coordination with the Commission, as appropriate,

1 shall establish a collaborative framework for coordi-  
2 nation, technical exchange, and information sharing  
3 between Federal entities and non-Federal entities for  
4 purposes of short-term and long-term spectrum  
5 planning and management.

6 (2) REQUIREMENTS.—The collaborative frame-  
7 work established under paragraph (1) shall con-  
8 sider—

9 (A) leveraging Federal and non-Federal  
10 advisory groups that advise the Federal Govern-  
11 ment on spectrum planning or management, as  
12 appropriate;

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

16 (C) defining the interactions among the  
17 groups described in subparagraphs (A) and (B),  
18 including their roles and responsibilities and de-  
19 sired outputs;

20 (D) adhering to applicable interagency  
21 memoranda of understanding on spectrum plan-  
22 ning or management;

23 (E) engaging with a variety of stake-  
24 holders, including unserved and historically un-

1           derserved populations, Tribal Nations, and the  
2           Native Hawaiian community; and

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

8           (3) EVIDENCE-BASED SPECTRUM DECISION-  
9           MAKING.—The Under Secretary shall use the col-  
10          laborative framework established under paragraph  
11          (1) to develop best practices for conducting technical  
12          and economic analyses that are—

13                   (A) data-driven;

14                   (B) science-based;

15                   (C) peer-reviewed; and

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

24          (e) PROMOTION OF ADVANCED SPECTRUM-SHARING  
25          TECHNOLOGIES.—The Under Secretary shall help pro-

1 mote the development of advanced spectrum-sharing tech-  
2 nologies, including dynamic spectrum sharing, by identi-  
3 fying, in coordination with the Commission—

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

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

8 **SEC. 102. COMMON SHARING PLATFORM; INCUMBENT IN-**  
9 **FORMING CAPABILITY.**

10 (a) IN GENERAL.—Part B of the National Tele-  
11 communications and Information Administration Organi-  
12 zation Act (47 U.S.C. 921 et seq.) is amended by adding  
13 at the end the following:

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

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

16 “(1) not later than 120 days after the date of  
17 enactment of this section, begin to amend the De-  
18 partment of Commerce spectrum management docu-  
19 ment entitled ‘Manual of Regulations and Proce-  
20 dures for Federal Radio Frequency Management’ so  
21 as to incorporate an incumbent informing capability;  
22 and

23 “(2) not later than 90 days after the date of  
24 enactment of this section, begin to implement such

1 capability, including initiating the development and  
2 testing of such capability.

3 “(b) ESTABLISHMENT OF THE INCUMBENT INFORM-  
4 ING CAPABILITY.—

5 “(1) IN GENERAL.—The incumbent informing  
6 capability required by subsection (a) shall include a  
7 system to enable sharing, including time-based shar-  
8 ing and coordination, to securely manage spectrum  
9 access to mitigate the risk of harmful interference  
10 between non-Federal users and incumbent Federal  
11 entities sharing a band of covered spectrum and be-  
12 tween Federal entities sharing a band of covered  
13 spectrum.

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

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

22 “(B) One or more mechanisms to facilitate  
23 Federal-to-Federal sharing, as authorized by  
24 the NTIA.

1           “(C) One or more mechanisms to prevent,  
2           eliminate, or mitigate harmful interference to  
3           and from incumbent Federal entities, including  
4           one or more of the following functions:

5                   “(i) Sensing.

6                   “(ii) Identification.

7                   “(iii) Reporting.

8                   “(iv) Analysis.

9                   “(v) Resolution.

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

13           “(3) COMPLIANCE WITH COMMISSION RULES.—  
14           The incumbent informing capability required by sub-  
15           section (a) shall ensure that use of covered spectrum  
16           is in accordance with the applicable rules of the  
17           Commission.

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

21                   “(A) input into the system required by  
22           paragraph (1) such information as the Under  
23           Secretary may require, including the frequency,  
24           time, and location of the use of the band by the  
25           Federal entity; and

1           “(B) to the extent practicable, input the  
2 information into the system on an automated  
3 basis.

4           “(5) PROTECTION OF CLASSIFIED INFORMA-  
5 TION AND CONTROLLED UNCLASSIFIED INFORMA-  
6 TION.—

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

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

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

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

20           “(6) CONSULTATION.—

21           “(A) FEDERAL AGENCIES.—The Under  
22 Secretary shall consult with the heads of other  
23 relevant Federal agencies on the development,  
24 testing, and implementation of the incumbent  
25 informing capability to ensure consideration of

1 the operational and mission requirements of  
2 those Federal agencies.

3 “(B) STAKEHOLDER FEEDBACK.—The  
4 Under Secretary shall solicit stakeholder feed-  
5 back from Federal and non-Federal users of the  
6 incumbent informing capability, including on—

7 “(i) how best to mitigate risks to in-  
8 cumbent Federal users and missions;

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

12 “(iii) a process for incumbent Federal  
13 users to share complaints or report harm-  
14 ful interference and mission impact, in-  
15 cluding how the impact to Federal mis-  
16 sions would be assessed.

17 “(c) BRIEFING.—Not later than December 16, 2024,  
18 and annually thereafter, the Under Secretary shall provide  
19 a briefing on the implementation and operation of the in-  
20 cumbent informing capability to—

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

23 “(2) the Committee on Energy and Commerce  
24 of the House of Representatives.

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

4       “(e) DEFINITIONS.—In this section:

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

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

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

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

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

1 (b) FUNDING.—On the date of enactment of this Act,  
2 the Director of the Office of Management and Budget  
3 shall transfer \$120,000,000 from the Spectrum Relocation  
4 Fund established under section 118 of the National Tele-  
5 communications and Information Administration Organi-  
6 zation Act (47 U.S.C. 928) to the National Telecommuni-  
7 cations and Information Administration for the purpose  
8 of establishing the incumbent informing capability under  
9 section 120 of that Act, as added by subsection (a).

10 **TITLE II—EXERTING UNITED**  
11 **STATES SPECTRUM LEADERSHIP**

12 **SEC. 201. EMPOWERING FEDERAL AGENCIES IN THE MAN-**  
13 **AGEMENT OF THEIR SPECTRUM.**

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

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

19 “(a) DEFINITIONS.—In this section:

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

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

24 “(3) MEMORANDUM.—The term ‘Memorandum’  
25 means the Memorandum of Understanding between

1 the Commission and the National Telecommuni-  
2 cations and Information Administration (relating to  
3 increased coordination between Federal spectrum  
4 management agencies to promote the efficient use of  
5 the radio spectrum in the public interest), signed on  
6 August 1, 2022, or any successor memorandum.

7 “(4) SPECTRUM ACTION.—The term ‘spectrum  
8 action’ means any proposed action by the Commis-  
9 sion to reallocate radio frequency spectrum that—

10 “(A) is anticipated to result in—

11 “(i) a system of competitive bidding  
12 conducted under section 309(j) of the  
13 Communications Act of 1934 (47 U.S.C.  
14 309(j)); or

15 “(ii) some other form of licensing; and

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

18 “(5) SPECTRUM ADVISORY COUNCIL.—The  
19 term ‘Spectrum Advisory Council’ means the inter-  
20 agency advisory body established under the memo-  
21 randum of the President entitled ‘Memorandum on  
22 Modernizing United States Spectrum Policy and Es-  
23 tablishing a National Spectrum Strategy’, issued on  
24 November 13, 2023, or any successor interagency  
25 advisory body.

1 “(b) FEDERAL COORDINATION PROCEDURES.—

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

4 “(A) ensure, in coordination with the Spec-  
5 trum Advisory Council and, as appropriate, the  
6 Interdepartment Radio Advisory Committee,  
7 that the views of the executive branch on spec-  
8 trum matters are properly—

9 “(i) developed;

10 “(ii) documented; and

11 “(iii) presented, as necessary, to the  
12 Commission and, as appropriate and in co-  
13 ordination with the Director of the Office  
14 of Management and Budget, to Congress,  
15 as required by sections 102(b)(6) and  
16 103(b)(2)(J);

17 “(B) adhere to the terms of the Memo-  
18 randum;

19 “(C) solicit views of affected Federal enti-  
20 ties and provide those Federal entities with suf-  
21 ficient time and procedures to present their  
22 views and supporting technical information to  
23 the NTIA;

24 “(D) provide affected Federal entities with  
25 timely written feedback explaining why and how

1           their views will be taken into account in the po-  
2           sition that the NTIA communicates to the  
3           Commission;

4           “(E) facilitate the presentation by affected  
5           Federal entities of classified or otherwise sen-  
6           sitive views to the Commission;

7           “(F) develop the position of the executive  
8           branch on issues related to spectrum, including  
9           any supporting technical and operational infor-  
10          mation to facilitate decision-making by the  
11          Commission;

12          “(G) provide the position described in sub-  
13          paragraph (F) to the Commission; and

14          “(H) provide the position described in sub-  
15          paragraph (F) within the applicable timelines  
16          established by the Commission or, as needed,  
17          request additional time from the Commission.

18          “(2) PROCESS FOR ADDRESSING NON-CON-  
19          SENSUS VIEWS.—If a Federal entity and the Under  
20          Secretary are unable to reach consensus on the  
21          views concerning Federal spectrum matters to be  
22          presented to the Commission, the Under Secretary  
23          shall—

1           “(A) notify the Commission of the lack of  
2 consensus and the anticipated next steps and  
3 timing to resolve the dispute;

4           “(B) request the joint assistance of the  
5 Secretary and the head of the Federal entity  
6 objecting to the proposed submission to the  
7 Commission to find a mutually agreeable reso-  
8 lution; and

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

12           “(3) SECONDARY PROCESS FOR ADDRESSING  
13 NON-CONSENSUS.—If a Federal entity and the  
14 Under Secretary are unable to reach a mutually  
15 agreeable resolution under the process under para-  
16 graph (2)—

17           “(A) not later than 90 days after com-  
18 pleting the process, the Under Secretary or the  
19 Federal entity may submit the dispute to the  
20 Assistant to the President for National Security  
21 Affairs and the Assistant to the President for  
22 Economic Policy;

23           “(B) the Assistant to the President for  
24 National Security Affairs and the Assistant to  
25 the President for Economic Policy, in consulta-

1           tion with the Director of the Office of Science  
2           and Technology Policy and, if appropriate, the  
3           National Space Council, shall resolve the dis-  
4           pute through the interagency process described  
5           in the national security memorandum of the  
6           President entitled ‘Memorandum on Renewing  
7           the National Security Council System’, issued  
8           on February 4, 2021; and

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

13                   “(4)    POST-COMMISSION    ACTION    PROCE-  
14           DURES.—If the Commission takes a spectrum action  
15           to make spectrum available for non-Federal use and  
16           an affected Federal entity has knowledge, unforeseen  
17           before the Commission took the spectrum action,  
18           that the non-Federal use is causing or potentially  
19           will cause harmful interference to existing Federal  
20           operations or non-Federal operations that are regu-  
21           lated by the Federal entity—

22                   “(A) not later than 45 days after the date  
23           on which the affected Federal entity learns of  
24           the unforeseen risk of harmful interference, the  
25           Federal entity may formally request that the

1 Under Secretary address the issue with the  
2 Commission for an appropriate remedy, which  
3 request shall—

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

8 “(ii) present evidence to the Under  
9 Secretary that the non-Federal use is caus-  
10 ing or potentially will cause harmful inter-  
11 ference or potential harm to the public in-  
12 terest, including any technical or scientific  
13 data that supports that position; and

14 “(iii) explain why the Federal entity  
15 cannot take steps to ensure mission con-  
16 tinuity that are consistent with the spec-  
17 trum action of the Commission;

18 “(B) if the Under Secretary believes that  
19 the affected Federal entity has produced suffi-  
20 cient evidence under subparagraph (A) that the  
21 non-Federal use will risk harmful interference  
22 that cannot be reasonably mitigated without  
23 Commission action, the Under Secretary, not  
24 later than 60 days after receiving the request  
25 from the Federal entity, shall address the Com-

1 mission under established processes under the  
2 Memorandum and, as applicable, the Practice  
3 and Procedure of the Commission under part 1  
4 of title 47, Code of Federal Regulations, or any  
5 successor regulations, for seeking appropriate  
6 relief; and

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

12 “(5) RULE OF CONSTRUCTION.—Nothing in  
13 this subsection may be construed to require the dis-  
14 closure of classified information, or other informa-  
15 tion reflecting technical, procedural, or policy con-  
16 cerns that are exempt from disclosure under section  
17 552 of title 5, United States Code (commonly known  
18 as the ‘Freedom of Information Act’).

19 “(c) FEDERAL SPECTRUM COORDINATION RESPON-  
20 SIBILITIES.—

21 “(1) IN GENERAL.—Not later than 90 days  
22 after the date of enactment of this section, the  
23 Under Secretary shall establish a charter for the  
24 Spectrum Advisory Council.

1           “(2) SPECTRUM ADVISORY COUNCIL REP-  
2       REPRESENTATIVE.—

3           “(A) IN GENERAL.—The head of each  
4       Federal entity that is reflected in the member-  
5       ship of the Spectrum Advisory Council, as iden-  
6       tified in the charter established under para-  
7       graph (1), shall appoint a senior-level employee  
8       (or an individual occupying a Senior Executive  
9       Service position, as defined in section 3132(a)  
10      of title 5, United States Code) who is eligible  
11      to receive a security clearance that allows for  
12      access to sensitive compartmented information  
13      to serve as the representative of the Federal en-  
14      tity to the Spectrum Advisory Council.

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

19                   “(i) the appointment shall be invalid;  
20                   and

21                   “(ii) the head of the Federal entity  
22                   making the appointment shall appoint an-  
23                   other individual who satisfies the require-  
24                   ments of that subparagraph, including the

1 requirement that the individual is eligible  
2 to receive such a security clearance.

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

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

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

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

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

20 “(i) the applicable reasonable deadline  
21 established by the NTIA, at the discretion  
22 of the NTIA, pursuant to section IV(3) of  
23 the Memorandum, or any successor provi-  
24 sion; or

1                   “(ii) 45 days after the date of the re-  
2                   quest, in the case of a request to which  
3                   clause (i) does not apply;

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

7                   “(F) coordinate with the NTIA on a sig-  
8                   nificant regulatory action to be taken by the ap-  
9                   plicable Federal entity pursuant to its regu-  
10                  latory authority directly relating to spectrum  
11                  before the Federal entity submits the regulatory  
12                  action to the Office of Information and Regu-  
13                  latory Affairs in accordance with Executive  
14                  Order 12866 (5 U.S.C. 601 note; relating to  
15                  regulatory planning and review); and

16                  “(G) collaborate with the NTIA on spec-  
17                  trum planning.

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

20                  “(1) UPDATES.—Not later than 3 years after  
21                  the date of enactment of this section, and every 4  
22                  years thereafter (or more frequently, as appro-  
23                  priate), the Commission and the NTIA shall reassess  
24                  the Memorandum and, based on such a reassess-  
25                  ment, update the Memorandum, as necessary.

1           “(2) NATURE OF UPDATE.—Any update to the  
2           Memorandum under paragraph (1) shall reflect  
3           changing technological, procedural, and policy cir-  
4           cumstances, as determined necessary and appro-  
5           priate by the Commission and the NTIA.

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

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

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

22                 “(1) spectrum management principles and  
23                 methods to guide the Federal Government in spec-  
24                 trum studies and science;

1           “(2) coordination guidelines for spectrum stud-  
2           ies; and

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

8   **SEC. 202. UNDER SECRETARY OF COMMERCE FOR COMMU-**  
9                                   **UNICATIONS AND INFORMATION.**

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

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

18               (1) in section 5314, by striking “and Under  
19   Secretary of Commerce for Minority Business Devel-  
20   opment” and inserting “Under Secretary of Com-  
21   merce for Minority Business Development, and  
22   Under Secretary of Commerce for Communications  
23   and Information”; and

1           (2) in section 5315, by striking “(11)” after  
2           “Assistant Secretaries of Commerce” and inserting  
3           “(10)”.

4           (c) DEPUTY UNDER SECRETARY.—

5           (1) IN GENERAL.—Section 103(a) of the Na-  
6           tional Telecommunications and Information Admin-  
7           istration Organization Act (47 U.S.C. 902(a)), as  
8           amended by subsection (a) of this section, is amend-  
9           ed by adding at the end the following:

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

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

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

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

22           (2) TECHNICAL AND CONFORMING AMEND-  
23           MENT.—Section 106(c) of the Public Telecommuni-  
24           cations Financing Act of 1978 (5 U.S.C. 5316 note;  
25           Public Law 95–567) is amended by striking “The

1 position of Deputy Assistant Secretary of Commerce  
2 for Communications and Information, established in  
3 Department of Commerce Organization Order Num-  
4 bered 10–10 (effective March 26, 1978),” and in-  
5 serting “The position of Deputy Under Secretary of  
6 Commerce for Communications and Information, es-  
7 tablished under section 103(a) of the National Tele-  
8 communications and Information Administration Or-  
9 ganization Act (47 U.S.C. 902(a)),”.

10 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

11 (1) COMMUNICATIONS ACT OF 1934.—Section  
12 344(d)(2) of the Communications Act of 1934 (as  
13 added by section 60602(a) of the Infrastructure In-  
14 vestment and Jobs Act (Public Law 117–58)) is  
15 amended by striking “Assistant Secretary” and in-  
16 serting “Under Secretary”.

17 (2) NATIONAL TELECOMMUNICATIONS AND IN-  
18 FORMATION ADMINISTRATION ORGANIZATION ACT.—  
19 The National Telecommunications and Information  
20 Administration Organization Act (47 U.S.C. 901 et  
21 seq.) is amended by striking “Assistant Secretary”  
22 each place the term appears and inserting “Under  
23 Secretary”.

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

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

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

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

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

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

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

21              (A) in subsection (a), in the matter pre-  
22       ceding paragraph (1), by striking “Assistant  
23       Secretary” and inserting “Under Secretary”;

24              (B) by striking subsection (b); and

1 (C) by redesignating subsection (c) as sub-  
2 section (b).

3 (7) ELECTRONIC SIGNATURES IN GLOBAL AND  
4 NATIONAL COMMERCE ACT.—Section 103(c) of the  
5 Electronic Signatures in Global and National Com-  
6 merce Act (15 U.S.C. 7003(c)) is amended—

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

10 (B) by striking “such exceptions” and in-  
11 serting “of the exceptions in subsections (a)  
12 and (b)”.

13 (8) TITLE 17, UNITED STATES CODE.—Section  
14 1201 of title 17, United States Code, is amended—

15 (A) in subsection (a)(1)(C), in the matter  
16 preceding clause (i), by striking “Assistant Sec-  
17 retary for Communications and Information of  
18 the Department of Commerce” and inserting  
19 “Under Secretary of Commerce for Commu-  
20 nications and Information”; and

21 (B) in subsection (g), by striking para-  
22 graph (5).

23 (9) UNLOCKING CONSUMER CHOICE AND WIRE-  
24 LESS COMPETITION ACT.—Section 2(b) of the  
25 Unlocking Consumer Choice and Wireless Competi-

1       tion Act (17 U.S.C. 1201 note; Public Law 113–  
2       144) is amended by striking “Assistant Secretary  
3       for Communications and Information of the Depart-  
4       ment of Commerce” and inserting “Under Secretary  
5       of Commerce for Communications and Information”.

6           (10) IMPLEMENTING RECOMMENDATIONS OF  
7       THE 9/11 COMMISSION ACT OF 2007.—Section  
8       2201(d) of the Implementing Recommendations of  
9       the 9/11 Commission Act of 2007 (42 U.S.C. 247d–  
10       3a note; Public Law 110–53) is repealed.

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

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

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

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

1           (13) WARNING, ALERT, AND RESPONSE NET-  
2           WORK ACT.—Section 606 of the Warning, Alert, and  
3           Response Network Act (47 U.S.C. 1205) is amend-  
4           ed—

5                   (A) in subsection (b), in the first sentence,  
6                   by striking “Assistant Secretary of Commerce  
7                   for Communications and Information” and in-  
8                   serting “Under Secretary of Commerce for  
9                   Communications and Information”; and

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

13           (14) AMERICAN RECOVERY AND REINVESTMENT  
14           ACT OF 2009.—Section 6001 of the American Recov-  
15           ery and Reinvestment Act of 2009 (47 U.S.C. 1305)  
16           is amended by striking “Assistant Secretary” each  
17           place the term appears and inserting “Under Sec-  
18           retary”.

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

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

24                           (i) by striking paragraph (4);

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

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

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

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

11 (i) in section 6406 (47 U.S.C.  
12 1453)—

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

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

17 “(b) DEFINITION.—In this section, the term ‘5350  
18 -5470 MHz band’ means the portion of the electro-  
19 magnetic spectrum between the frequencies from 5350  
20 megahertz to 5470 megahertz.”; and

21 (ii) by striking section 6408; and

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

1           (16) RAY BAUM’S ACT OF 2018.—The RAY  
2           BAUM’S Act of 2018 (division P of Public Law  
3           115–141; 132 Stat. 348) is amended by striking  
4           “Assistant Secretary” each place the term appears  
5           and inserting “Under Secretary”.

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

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

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

16           (18) TITLE 51, UNITED STATES CODE.—Section  
17           50112(3) of title 51, United States Code, is amend-  
18           ed, in the matter preceding subparagraph (A), by  
19           striking “Assistant Secretary” each place the term  
20           appears and inserting “Under Secretary”.

21           (19) CONSOLIDATED APPROPRIATIONS ACT,  
22           2021.—The Consolidated Appropriations Act, 2021  
23           (Public Law 116–260; 134 Stat. 1182) is amend-  
24           ed—

25           (A) in title IX of division N—

## 37

1 (i) in section 902(a)(2) (47 U.S.C.  
2 1306(a)(2)), in the heading, by striking  
3 “ASSISTANT SECRETARY” and inserting  
4 “UNDER SECRETARY”;

5 (ii) in section 905 (47 U.S.C. 1705)—

6 (I) in subsection (a)(1), in the  
7 heading, by striking “ASSISTANT SEC-  
8 RETARY” and inserting “UNDER SEC-  
9 RETARY”;

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

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

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

21 (B) in title IX of division FF—

22 (i) in section 903(g)(2), in the head-  
23 ing, by striking “ASSISTANT SECRETARY”  
24 and inserting “UNDER SECRETARY”; and

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

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

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

10 (B) in division F—

11 (i) in section 60102 (47 U.S.C.  
12 1702)—

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

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

19 (III) in subsection (h)—

20 (aa) in paragraph (1)(B), by  
21 striking “ASSISTANT SEC-  
22 RETARY” and inserting “UNDER  
23 SECRETARY”; and

24 (bb) in paragraph  
25 (5)(B)(iii), by striking “ASSIST-



1           ICE” under the heading “RURAL DEVELOP-  
2           MENT PROGRAMS”, by striking “Assistant  
3           Secretary” and inserting “Under Secretary”.

4           (e) CONTINUATION IN OFFICE.—The individual serv-  
5           ing as the Assistant Secretary of Commerce for Commu-  
6           nications and Information and the individual serving as  
7           the Deputy Assistant Secretary of Commerce for Commu-  
8           nications and Information on the day before the date of  
9           enactment of this Act may serve as the Under Secretary  
10          of Commerce for Communications and Information and  
11          the Deputy Under Secretary of Commerce for Commu-  
12          nications and Information, respectively, on and after that  
13          date without the need for renomination or reappointment.

14          (f) REFERENCES.—Any reference in any other Fed-  
15          eral law, Executive order, rule, regulation, or delegation  
16          of authority, or any document of or pertaining to the As-  
17          sistant Secretary of Commerce for Communications and  
18          Information is deemed to refer to the Under Secretary of  
19          Commerce for Communications and Information.

20          (g) SAVINGS PROVISIONS.—

21                (1) LEGAL DOCUMENTS.—All orders, deter-  
22                minations, rules, regulations, permits, grants, loans,  
23                contracts, agreements, certificates, licenses, and  
24                privileges—

1 (A) that have been issued, made, granted,  
2 or allowed to become effective by the Assistant  
3 Secretary of Commerce for Communications  
4 and Information, any officer or employee of the  
5 National Telecommunications and Information  
6 Administration, or any other Government offi-  
7 cial, or by a court of competent jurisdiction;  
8 and

9 (B) that are in effect on the date of enact-  
10 ment of this Act (or become effective after that  
11 date pursuant to their terms as in effect on  
12 that date),

13 shall continue in effect according to their terms until  
14 modified, terminated, superseded, set aside, or re-  
15 voked in accordance with law by the President, any  
16 other authorized official, a court of competent juris-  
17 diction, or operation of law.

18 (2) NONABATEMENT OF ACTIONS.—No suit, ac-  
19 tion, or other proceeding commenced by or against  
20 the Assistant Secretary of Commerce for Commu-  
21 nications and Information shall abate by reason of  
22 the enactment of this title and the amendments  
23 made by this title.

24 (3) PROCEEDINGS.—This title, and the amend-  
25 ments made by this title, shall not affect any pro-

1 proceedings or any application for any benefits, service,  
2 license, permit, certificate, or financial assistance  
3 pending on the date of enactment of this Act before  
4 the National Telecommunications and Information  
5 Administration, but those proceedings and applica-  
6 tions shall be continued. Orders shall be issued in  
7 such proceedings, appeals shall be taken therefrom,  
8 and payments shall be made pursuant to such or-  
9 ders, as if this title had not been enacted, and orders  
10 issued in any such proceeding shall continue in ef-  
11 fect until modified, terminated, superseded, or re-  
12 voked by a duly authorized official, by a court of  
13 competent jurisdiction, or by operation of law. Noth-  
14 ing in this paragraph shall be considered to prohibit  
15 the discontinuance or modification of any such pro-  
16 ceeding under the same terms and conditions and to  
17 the same extent that the proceeding could have been  
18 discontinued or modified if this title had not been  
19 enacted.

20 (4) SUITS.—This title, and the amendments  
21 made by this title, shall not affect suits commenced  
22 before the date of enactment of this Act, and in all  
23 such suits, proceeding shall be had, appeals taken,  
24 and judgments rendered in the same manner and

1 with the same effect as if this title, and the amend-  
2 ments made by this title, had not been enacted.

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

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

6 (a) DEFINITIONS.—In this section:

7 (1) AFFECTED FEDERAL ENTITY.—The term  
8 “affected Federal entity” means a Federal entity—

9 (A) with operations in any band of fre-  
10 quencies described in subsection (b)(1); and

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

14 (2) CO-LEAD.—The term “co-lead” means an  
15 official who—

16 (A) is the head of a Federal entity—

17 (i) with operations in a band of fre-  
18 quencies described in subsection (b)(1)(A);

19 and

20 (ii) that the Under Secretary deter-  
21 mines might be affected by a reallocation  
22 in a band of frequencies described in sub-  
23 section (b)(1)(A); and

24 (B) elects to serve as a co-lead of the feasi-  
25 bility assessment required under subsection (b).

1           (3) FEDERAL ENTITY.—The term “Federal en-  
2           tity” has the meaning given the term in section  
3           113(l) of the National Telecommunications and In-  
4           formation Administration Organization Act (47  
5           U.S.C. 923(l)).

6           (b) FEASIBILITY ASSESSMENT.—

7           (1) COMPLETION OF ASSESSMENT.—The Sec-  
8           retary of Commerce, acting through the Under Sec-  
9           retary, with the assistance of the co-leads, shall com-  
10          plete a feasibility assessment of making spectrum  
11          available for—

12                 (A) non-Federal use, shared Federal and  
13                 non-Federal use, or a combination thereof, in  
14                 the bands of frequencies between 7125 and  
15                 8500 megahertz, inclusive; and

16                 (B) shared Federal and non-Federal use in  
17                 the bands of frequencies between 37000 and  
18                 37600 megahertz, inclusive.

19          (2) OTHER REQUIREMENTS.—In conducting the  
20          feasibility assessment required under paragraph (1),  
21          the Under Secretary, with the assistance of the co-  
22          leads, shall—

23                 (A) coordinate directly with each affected  
24                 Federal entity with respect to frequencies allo-  
25                 cated to, and used by, that affected Federal en-

1           tity in the bands described in that paragraph  
2           and in affected adjacent or near adjacent  
3           bands;

4           (B) ensure that each affected Federal enti-  
5           ty leads that portion of the feasibility assess-  
6           ment that is relevant to individual mission re-  
7           quirements of the affected Federal entity for  
8           the systems supported by the incumbent spec-  
9           trum assignments in an applicable band of fre-  
10          quencies;

11          (C) consider dynamic spectrum sharing,  
12          such as an incumbent informing capability, as  
13          required under section 120 of the National  
14          Telecommunications and Information Adminis-  
15          tration Organization Act, as added by section  
16          102 of this Act, and, for the bands of fre-  
17          quencies described in paragraph (1)(A), reloca-  
18          tion of systems, compression or re-packing of  
19          systems, consolidation of systems, and any  
20          other re-purposing options the Under Secretary,  
21          with the assistance of the co-leads, determines  
22          will enable the most efficient and effective use  
23          of frequencies considered under that paragraph;  
24          and

1 (D) comply with the requirements of sec-  
2 tion 113(j) of the National Telecommunications  
3 and Information Administration Organization  
4 Act (47 U.S.C. 923(j)).

5 (3) ASSISTANCE FROM AFFECTED FEDERAL EN-  
6 TITIES.—Each affected Federal entity shall provide  
7 any assistance that the Under Secretary and the co-  
8 leads determine necessary in order to carry out the  
9 assessment required under this subsection.

10 (4) DEADLINE FOR COMPLETION OF ASSESS-  
11 MENT.—The Under Secretary and the co-leads shall  
12 complete the assessment required under this sub-  
13 section—

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

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

23 (c) FUNDING OF ACTIVITIES TO ASSIST IN CON-  
24 DUCTING FEASIBILITY ASSESSMENT.—

1           (1) IN GENERAL.—If an affected Federal entity  
2 determines that the affected Federal entity requires  
3 funding to conduct activities described in section  
4 118(g) of the National Telecommunications and In-  
5 formation Administration Organization Act (47  
6 U.S.C. 928(g)) that are necessary to assist the  
7 Under Secretary and the co-leads in carrying out the  
8 assessment required under subsection (b), the af-  
9 fected Federal entity shall, not later than 120 days  
10 after the date of enactment of this Act, submit a re-  
11 quest for payment pursuant to such section 118(g).

12           (2) EXEMPTION.—Section 118(g)(2)(D)(ii) of  
13 the National Telecommunications and Information  
14 Administration Organization Act (47 U.S.C.  
15 928(g)(2)(D)(ii)) shall not apply with respect to a  
16 payment requested under paragraph (1).

17 (d) REPORT TO THE COMMISSION AND CONGRESS.—

18           (1) IN GENERAL.—Not later than 30 days after  
19 the date on which the Under Secretary and the co-  
20 leads complete the feasibility assessment required  
21 under subsection (b), and subject to the other re-  
22 quirements of this subsection, the Under Secretary  
23 shall submit to the Commission and Congress a re-  
24 port regarding that assessment.

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

3           (A) which Federal entities are affected  
4 Federal entities and the contributions of those  
5 affected Federal entities to the feasibility as-  
6 sessment required under subsection (b);

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

12           (i) the technical requirements nec-  
13 essary to make those bands of frequencies  
14 available for—

15           (I) exclusive non-Federal use;

16           and

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

19           (ii) an estimate of the cost to affected  
20 Federal entities to make the bands of fre-  
21 quencies considered under subsection  
22 (b)(1)(A) available for—

23           (I) exclusive non-Federal use;

24           and

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

3 (C) the necessary steps to make the bands  
4 of frequencies considered under subsection  
5 (b)(1)(B) available for shared Federal and non-  
6 Federal use, including the technical require-  
7 ments necessary to make those bands so avail-  
8 able and an estimate of the cost to affected  
9 Federal entities to make those bands so avail-  
10 able;

11 (D) an assessment of the likelihood that  
12 authorizing mobile or fixed terrestrial oper-  
13 ations in any of the frequencies considered  
14 under subsection (b)(1)(B) would result in  
15 harmful interference to an affected Federal en-  
16 tity; and

17 (E) an assessment of the potential impact  
18 that authorizing mobile or fixed terrestrial wire-  
19 less operations, including advanced mobile serv-  
20 ices operations, in any of the frequencies con-  
21 sidered under subsection (b) could have on the  
22 mission of an affected Federal entity.

23 (3) PUBLIC AVAILABILITY.—The Under Sec-  
24 retary shall ensure that all information in the report  
25 submitted under this subsection that is permitted to

1 be released to the public is made available on the  
2 public website of the National Telecommunications  
3 and Information Administration.

4 (4) CLASSIFIED INFORMATION.—If there is  
5 classified material in the report submitted under this  
6 subsection, the Under Secretary shall—

7 (A) provide the Committee on Commerce,  
8 Science, and Transportation of the Senate, the  
9 Committee on Energy and Commerce of the  
10 House of Representatives, and each other com-  
11 mittee of Congress with jurisdiction over af-  
12 fected Federal entities with operations in the  
13 applicable bands of frequencies with a briefing  
14 on the classified components of that report; and

15 (B) transmit at least 1 copy of both the  
16 classified report and the classified annexes to  
17 the sensitive compartmented information facili-  
18 ties of the Senate and House of Representa-  
19 tives.

20 (5) PREPARATION OF REPORT.—Before final-  
21 izing the report required under this subsection with  
22 respect to the feasibility assessment required under  
23 subsection (b), the Under Secretary shall—

24 (A) submit the report for review by the  
25 Spectrum Advisory Council; and

1 (B) resolve any disputes regarding the fea-  
2 sibility assessment through the interagency  
3 process described in the national security  
4 memorandum of the President entitled “Memo-  
5 randum on Renewing the National Security  
6 Council System”, issued on February 4, 2021.

7 (6) RULE OF CONSTRUCTION.—Nothing in this  
8 subsection may be construed to require the disclo-  
9 sure of classified information, law enforcement sen-  
10 sitive information, or other information reflecting  
11 technical, procedural, or policy concerns subject to  
12 protection under section 552 of title 5, United  
13 States Code.

14 (e) REPORTS ON FUTURE FEASIBILITY ASSESS-  
15 MENTS.—

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

23 (2) CONTENTS.—Each report required under  
24 paragraph (1) shall include, with respect to the ap-

1 plicable feasibility assessment described in that para-  
2 graph—

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

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

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

18 (I) exclusive non-Federal use;

19 and

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

22 (ii) an estimate of the cost to Federal  
23 entities affected by making bands in the  
24 frequencies considered under that feasi-  
25 bility assessment available for—

1 (I) exclusive non-Federal use;

2 and

3 (II) shared Federal and non-Fed-

4 eral use;

5 (C) an assessment of the likelihood that

6 authorizing mobile or fixed terrestrial oper-

7 ations in any of the frequencies considered

8 under that feasibility assessment would result

9 in harmful interference to a Federal entity; and

10 (D) an assessment of the potential impact

11 that authorizing mobile or fixed terrestrial wire-

12 less operations, including advanced mobile serv-

13 ices operations, in any of the frequencies con-

14 sidered under that feasibility assessment could

15 have on the mission of a Federal entity.

16 (3) PUBLIC AVAILABILITY.—The Under Sec-

17 retary shall ensure that all information in a report

18 submitted under this subsection that may be re-

19 leased to the public is made available on the public

20 website of the National Telecommunications and In-

21 formation Administration.

22 (4) CLASSIFIED INFORMATION.—If there is

23 classified material in a report submitted under this

24 subsection, the Under Secretary shall—

1 (A) provide the Committee on Commerce,  
2 Science, and Transportation of the Senate, the  
3 Committee on Energy and Commerce of the  
4 House of Representatives, and each other com-  
5 mittee of Congress with jurisdiction over Fed-  
6 eral entities with equities in the applicable  
7 bands of frequencies with a briefing on the clas-  
8 sified components of that report; and

9 (B) transmit at least 1 copy of both the  
10 classified report and the classified annexes to  
11 the sensitive compartmented information facili-  
12 ties of the Senate and House of Representa-  
13 tives.

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

21 **SEC. 302. SPECTRUM AUCTIONS.**

22 Not later than December 30, 2027, the Commission  
23 shall complete a system of competitive bidding under sec-  
24 tion 309(j) of the Communications Act of 1934 (47 U.S.C.  
25 309(j)) to grant new licenses for the band of frequencies

1 between 12700 megahertz and 13250 megahertz, inclu-  
2 sive.

3 **TITLE IV—EXTENSION OF FCC**  
4 **AUCTION AUTHORITY**

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

6 Section 309(j)(11) of the Communications Act of  
7 1934 (47 U.S.C. 309(j)(11)) is amended by striking  
8 “March 9, 2023” and inserting “September 30, 2029”.

9 **TITLE V—WORKFORCE**  
10 **DEVELOPMENT**  
11 **Subtitle A—Improving Minority**  
12 **Participation**

13 **SEC. 501. SHORT TITLE.**

14 This subtitle may be cited as the “Improving Minor-  
15 ity Participation And Careers in Telecommunications Act”  
16 or the “IMPACT Act”.

17 **SEC. 502. DEFINITIONS.**

18 (a) **DEFINITIONS.**—In this subtitle:

19 (1) **COVERED GRANT.**—The term “covered  
20 grant” means a grant awarded under section 503.

21 (2) **ELIGIBLE ENTITY.**—The term “eligible enti-  
22 ty” means a historically Black college or university,  
23 a Tribal College or University, or any other minor-  
24 ity-serving institution, or a consortium of those enti-

1 ties, that forms a partnership with 1 or more of the  
2 following entities to carry out a training program:

3 (A) A member of the telecommunications  
4 industry, such as a company or industry asso-  
5 ciation.

6 (B) A labor or labor-management organi-  
7 zation with experience working in the tele-  
8 communications industry, the electromagnetic  
9 spectrum industry, or a similar industry.

10 (C) The Telecommunications Industry  
11 Registered Apprenticeship Program.

12 (D) A nonprofit organization dedicated to  
13 helping individuals gain employment in the tele-  
14 communications or electromagnetic spectrum  
15 industry.

16 (E) A community or technical college with  
17 experience in providing workforce development  
18 for individuals seeking employment in the tele-  
19 communications industry, electromagnetic spec-  
20 trum industry, or a similar industry.

21 (F) A Federal agency laboratory special-  
22 izing in telecommunications or electromagnetic  
23 spectrum technology that is located within the  
24 National Telecommunications and Information  
25 Administration.

1           (3) GRANT PROGRAM.—The term “Grant Pro-  
2           gram” means the Telecommunications Workforce  
3           Training Grant Program established under section  
4           503.

5           (4) HISPANIC-SERVING INSTITUTION.—The  
6           term “Hispanic-serving institution” has the meaning  
7           given the term in section 502(a) of the Higher Edu-  
8           cation Act of 1965 (20 U.S.C. 1101a(a)).

9           (5) HISTORICALLY BLACK COLLEGE OR UNI-  
10          VERSITY.—The term “historically Black college or  
11          university” has the meaning given the term “part B  
12          institution” in section 322 of the Higher Education  
13          Act of 1965 (20 U.S.C. 1061).

14          (6) IMPROPER PAYMENT.—The term “improper  
15          payment” has the meaning given the term in section  
16          2(d) of the Improper Payments Information Act of  
17          2002 (Public Law 107–300; 116 Stat. 2351).

18          (7) INDUSTRY FIELD ACTIVITY.—The term “in-  
19          dustry field activity” means an activity at an active  
20          telecommunications, cable, or broadband network  
21          worksite, such as a tower, construction site, or net-  
22          work management hub.

23          (8) INDUSTRY PARTNER.—The term “industry  
24          partner” means an entity described in any of sub-  
25          paragraphs (A) through (F) of paragraph (2) with



1 (ii) stacked credentialing toward a de-  
2 gree.

3 (12) TRIBAL COLLEGE OR UNIVERSITY.—The  
4 term “Tribal College or University” has the meaning  
5 given the term in section 316(b) of the Higher Edu-  
6 cation Act of 1965 (20 U.S.C. 1059e(b)).

7 **SEC. 503. PROGRAM.**

8 (a) PROGRAM.—The Under Secretary, acting through  
9 the Director of the Office of Minority Broadband Initia-  
10 tives established under section 902(b)(1) of division N of  
11 the Consolidated Appropriations Act, 2021 (47 U.S.C.  
12 1306), shall establish a program, to be known as the  
13 “Telecommunications Workforce Training Grant Pro-  
14 gram”, under which the Under Secretary shall award  
15 grants to eligible entities to develop training programs.

16 (b) APPLICATION.—

17 (1) IN GENERAL.—An eligible entity desiring a  
18 covered grant shall submit to the Under Secretary  
19 an application at such time, in such manner, and  
20 containing such information as the Under Secretary  
21 may require.

22 (2) CONTENTS.—An eligible entity shall include  
23 in an application submitted under paragraph (1)—

24 (A) a commitment from the industry part-  
25 ner of the eligible entity to collaborate with the

1 eligible entity to develop a training program, in-  
2 cluding curricula and internships or apprentice-  
3 ships;

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

8 (C) a plan for recruitment of students and  
9 potential students to participate in the applica-  
10 ble training program;

11 (D) a plan to increase female student par-  
12 ticipation in the applicable training program;

13 (E) a description of potential jobs to be se-  
14 cured through the applicable training program,  
15 including jobs in the communities surrounding  
16 the eligible entity; and

17 (F) a description of how the eligible entity  
18 will meet the short-term and long-term goals es-  
19 tablished under subsection (e)(2) and perform-  
20 ance metrics established under that subsection.

21 (c) USE OF FUNDS.—An eligible entity may use cov-  
22 ered grant funds, with respect to the training program of  
23 the eligible entity, to—

24 (1) hire faculty members to teach courses in the  
25 applicable training program;

1           (2) train faculty members to prepare students  
2           for employment in jobs related to the deployment of  
3           next-generation wired and wireless communications  
4           networks, including 5G networks, hybrid fiber-co-  
5           axial networks, and fiber infrastructure, particularly  
6           in—

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

9                   (B) network deployment and maintenance;  
10                  and

11                   (C) industry field activities;

12           (3) design and develop curricula and other com-  
13           ponents necessary for degrees, courses, or programs  
14           of study, including certificate programs and  
15           credentialing programs, that comprise the training  
16           program;

17           (4) pay for costs associated with instruction  
18           under the training program, including the costs of  
19           equipment, telecommunications training towers, lab-  
20           oratory space, classroom space, and instructional  
21           field activities;

22           (5) fund scholarships, student internships, ap-  
23           prenticeships, and pre-apprenticeship opportunities  
24           in the areas described in paragraph (2);

1           (6) recruit students for the training program;  
2           and

3           (7) support the enrollment in the training pro-  
4           gram of individuals working in the telecommuni-  
5           cations or electromagnetic spectrum industry in  
6           order for those individuals to advance professionally  
7           in the industry.

8           (d) GRANT AWARDS.—

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

13          (2) MINIMUM ALLOCATION TO CERTAIN ENTI-  
14          TIES.—Of the total amount of covered grants made  
15          under this section, the Under Secretary shall award  
16          not less than—

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

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

23                 (C) 20 percent of covered grant amounts  
24                 to eligible entities that include Hispanic-serving  
25                 institutions.

1           (3) COORDINATION.—The Under Secretary  
2 shall ensure that covered grant amounts awarded  
3 under paragraph (2) are coordinated with grant  
4 amounts provided under section 902 of division N of  
5 the Consolidated Appropriations Act, 2021 (47  
6 U.S.C. 1306).

7           (4) CONSTRUCTION.—In awarding covered  
8 grants for education relating to construction, the  
9 Under Secretary may prioritize applications that  
10 partner with registered apprenticeship programs, in-  
11 dustry-led apprenticeship programs, pre-apprentice-  
12 ship programs, other work-based learning opportuni-  
13 ties, or public 2-year community or technical colleges  
14 that have a written agreement with 1 or more reg-  
15 istered apprenticeship programs, industry-led ap-  
16 prenticeship programs, pre-apprenticeship programs,  
17 or other work-based learning opportunities.

18       (e) RULES.—

19           (1) ISSUANCE.—Not later than 180 days after  
20 the date of enactment of this Act, after providing  
21 public notice and an opportunity to comment, the  
22 Under Secretary, in consultation with the Secretary  
23 of Labor and the Secretary of Education, shall issue  
24 final rules governing the Grant Program.

1           (2) CONTENT OF RULES.—In the rules issued  
2           under paragraph (1), the Under Secretary shall—

3                   (A) establish short term and long-term  
4                   goals for an eligible entity that receives a cov-  
5                   ered grant;

6                   (B) establish performance metrics that  
7                   demonstrate whether the goals described in  
8                   paragraph (1) have been met by an eligible en-  
9                   tity;

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

15                  (D) develop criteria for evaluating applica-  
16                  tions for covered grants.

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

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

24                   (1) describes how the eligible entity used the  
25                   covered grant amounts;

1           (2) describes the progress the eligible entity  
2           made in developing and executing the applicable  
3           training program;

4           (3) describes the number of faculty and stu-  
5           dents participating in the applicable training pro-  
6           gram;

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

9                   (A) the commitments and in-kind contribu-  
10                  tions made by the industry partner; and

11                   (B) the role of the industry partner in cur-  
12                  riculum development, the degree program, and  
13                  internships and apprenticeships;

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

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

18                   (A) measure progress toward the goals es-  
19                  tablished under subsection (e)(2)(A); and

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

22           (h) OVERSIGHT.—

23                   (1) AUDITS.—The Inspector General of the De-  
24                  partment of Commerce shall audit the Grant Pro-  
25                  gram in order to—

1           (A) ensure that eligible entities use covered  
2           grant amounts in accordance with the require-  
3           ments of this section, including the purposes for  
4           which covered grants may be used, as described  
5           in subsection (c); and

6           (B) prevent waste, fraud, abuse, and im-  
7           proper payments in the operation of the Grant  
8           Program.

9           (2) REVOCATION OF FUNDS.—The Under Sec-  
10          retary shall revoke a covered grant awarded to an el-  
11          igible entity if the eligible entity is not in compliance  
12          with the requirements of this section, including if  
13          the eligible entity uses the grant for a purpose that  
14          is not in compliance with subsection (c).

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

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

23                (B) The amount of funding made available  
24                from the Grant Program to the eligible entity.

1           (C) The amount of funding determined to  
2           be an improper payment to an eligible entity, if  
3           applicable.

4           (4) NOTIFICATION OF AUDIT FINDINGS.—Not  
5           later than 7 days after making a finding under para-  
6           graph (1) of waste, fraud, or abuse in the Grant  
7           Program, or that an improper payment has been  
8           made with respect to the Grant Program, the In-  
9           spector General of the Department of Commerce  
10          shall concurrently notify the Under Secretary, the  
11          Committee on Commerce, Science, and Transpor-  
12          tation of the Senate, and the Committee on Energy  
13          and Commerce of the House of Representatives of  
14          that finding, which shall include the information  
15          identified under paragraph (3) with respect to the  
16          finding.

17          (5) FRAUD RISK MANAGEMENT.—The Under  
18          Secretary shall, with respect to the Grant Pro-  
19          gram—

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

23                 (B) ensure that the entity designated  
24                 under subparagraph (A) has defined respon-

1           sibilities and the necessary authority to serve  
2           the role of the entity;

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

6           (D) collect and analyze data from report-  
7           ing mechanisms and instances of detected fraud  
8           for real-time monitoring of fraud trends;

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

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

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

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

21          (I) establish collaborative relationships  
22          with stakeholders and create incentives to help  
23          ensure effective implementation of the antifraud  
24          strategy.

1 (i) ANNUAL REPORT TO CONGRESS.—Until the year  
2 in which all covered grants have expired, the Under Sec-  
3 retary shall submit to Congress an annual report that, for  
4 the year covered by the report—

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

7 (2) describes the progress each eligible entity  
8 described in paragraph (1) has made toward accom-  
9 plishing the overall purpose of the Grant Program,  
10 as described in subsection (c);

11 (3) summarizes the job placement status or ap-  
12 prenticeship opportunities of students who have par-  
13 ticipated in each training program;

14 (4) includes the findings of any audits con-  
15 ducted by the Inspector General of the Department  
16 of Commerce under subsection (h)(1) that were not  
17 included in the previous report submitted under this  
18 subsection; and

19 (5) includes information on—

20 (A) the progress of each eligible entity to-  
21 wards the short-term and long-term goals es-  
22 tablished under subsection (e)(2)(A); and

23 (B) the performance of each eligible entity  
24 with respect to the performance metrics de-  
25 scribed in subsection (e)(2)(B).

1           **Subtitle B—National Spectrum**  
2                           **Workforce Plan**

3   **SEC. 511. NATIONAL SPECTRUM WORKFORCE PLAN.**

4           (a) NATIONAL SPECTRUM WORKFORCE PLAN.—Not  
5 later than 1 year after the date of enactment of this Act,  
6 the Under Secretary, in coordination with the Executive  
7 Office of the President, and in consultation with the heads  
8 of the member agencies of the Spectrum Advisory Council  
9 and the stakeholders described in subsection (b), shall de-  
10 velop a National Spectrum Workforce Plan to—

11                   (1) understand the spectrum workforce develop-  
12                   ment needs for the United States;

13                   (2) prioritize the development of, and enhance-  
14                   ment to, the spectrum ecosystem workforce, includ-  
15                   ing the operational, technical, and policy positions  
16                   involved in spectrum-related activities; and

17                   (3) consider strategies and methods to encour-  
18                   age the development of spectrum engineering train-  
19                   ing programs, work-study programs, and trade  
20                   school certification programs to strengthen the spec-  
21                   trum workforce ecosystem.

22           (b) STAKEHOLDER ENGAGEMENT.—The Under Sec-  
23 retary, in coordination with the Executive Office of the  
24 President, shall use the collaborative framework estab-  
25 lished under section 101(d) to collect input from stake-

1 holders, including academia, Federal agencies, Tribal Na-  
2 tions, and industry, to identify the education and training  
3 programs necessary to equip the existing workforce, and  
4 prepare the future workforce, to meet the evolving spec-  
5 trum-related workforce demands.

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

13 (d) REPORT TO CONGRESS.—The Under Secretary  
14 shall submit to Congress the National Spectrum Work-  
15 force Plan established subsection (a) and any updates to  
16 that Plan made under subsection (c).

17 **TITLE VI—SPECTRUM AUCTION**  
18 **TRUST FUND**

19 **SEC. 601. DEFINITION.**

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

22 (1) conducted under section 309(j) of the Com-  
23 munications Act of 1934 (47 U.S.C. 309(j)), as  
24 amended by this Act, that commences during the pe-

1       riod beginning on March 9, 2023, and ending on  
2       September 30, 2029;

3               (2) conducted under section 309(j) of the Com-  
4       munications Act of 1934 (47 U.S.C. 309(j)), as  
5       amended by this Act, for the band of frequencies be-  
6       tween 12700 megahertz and 13250 megahertz, in-  
7       clusive, on or after the date of enactment of this  
8       Act;

9               (3) that involves a band of frequencies de-  
10      scribed in section 113(g)(2) of the National Tele-  
11      communications and Information Administration Or-  
12      ganization Act (47 U.S.C. 923(g)(2)) and is con-  
13      ducted on or after the date of enactment of this Act;  
14      or

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

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

22       (a) ESTABLISHMENT.—

23              (1) IN GENERAL.—There is established in the  
24      Treasury of the United States a fund to be known  
25      as the “Spectrum Auction Trust Fund” (referred to

1 in this section as the “Fund”) for the purposes de-  
2 scribed in subparagraphs (A) through (J) of sub-  
3 section (c)(1).

4 (2) AMOUNTS AVAILABLE UNTIL EXPENDED.—  
5 Amounts deposited in the Fund shall remain avail-  
6 able until expended.

7 (b) DEPOSIT OF PROCEEDS.—

8 (1) IN GENERAL.—Notwithstanding any other  
9 provision of law, except section 309(j)(8)(B) of the  
10 Communications Act of 1934 (47 U.S.C.  
11 309(j)(8)(B)), the proceeds (including deposits and  
12 upfront payments from successful bidders) from any  
13 covered auction shall be deposited or available as fol-  
14 lows:

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

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

21 (I) such amount of those pro-  
22 ceeds as is necessary to cover 110 per-  
23 cent of the relocation or sharing costs  
24 (as defined in subsection (g)(3) of sec-  
25 tion 113 of the National Tele-

1 communications and Information Ad-  
2 ministration Organization Act (47  
3 U.S.C. 923)) of Federal entities (as  
4 defined in subsection (l) of such sec-  
5 tion 113) relocated from or sharing  
6 such eligible frequencies shall be de-  
7 posited in the Spectrum Relocation  
8 Fund established under section 118 of  
9 such Act (47 U.S.C. 928); and

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

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

16 (I) such amount of those pro-  
17 ceeds as the Commission has agreed  
18 to share with licensees under section  
19 309(j)(8)(G) of the Communications  
20 Act of 1934 (47 U.S.C. 309(j)(8)(G))  
21 shall be shared with those licensees;  
22 and

23 (II) any remaining proceeds after  
24 sharing proceeds, as described in sub-

1 clause (I), shall be deposited in ac-  
2 cordance with subsection (c).

3 (B) After carrying out subparagraph (A)  
4 (if that subparagraph is applicable to the cov-  
5 ered auction), \$2,000,000,000 of the proceeds  
6 of the covered auction shall be deposited in the  
7 general fund of the Treasury, where those pro-  
8 ceeds shall be dedicated for the sole purpose of  
9 deficit reduction.

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

14 (2) PROCEEDS OF SPECTRUM PIPELINE ACT OF  
15 2015 AUCTION.—Except as provided in section  
16 309(j)(8)(B) of the Communications Act of 1934  
17 (47 U.S.C. 309(j)(8)(B)), and notwithstanding any  
18 other provision of law (including paragraph (1)), the  
19 proceeds of the system of competitive bidding re-  
20 quired under section 1004 of the Spectrum Pipeline  
21 Act of 2015 (47 U.S.C. 921 note) shall be deposited  
22 or available as follows:

23 (A) If that system of competitive bidding is  
24 a covered auction described in paragraph (3) or  
25 (4) of section 601, the proceeds of the system

1 of competitive bidding shall be deposited or  
2 available as follows:

3 (i) With respect to a covered auction  
4 described in section 601(3), such amount  
5 of those proceeds as is necessary to cover  
6 110 percent of the relocation or sharing  
7 costs (as defined in subsection (g)(3) of  
8 section 113 of the National Telecommuni-  
9 cations and Information Administration  
10 Organization Act (47 U.S.C. 923)) of Fed-  
11 eral entities (as defined in subsection (l) of  
12 such section 113) relocated from or shar-  
13 ing such eligible frequencies shall be depos-  
14 ited in the Spectrum Relocation Fund es-  
15 tablished under section 118 of such Act  
16 (47 U.S.C. 928).

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

24 (B) After carrying out subparagraph (A)  
25 (if that subparagraph is applicable to that sys-

1           tem of competitive bidding), \$300,000,000 of  
2           the proceeds of that system of competitive bid-  
3           ding shall be deposited in the general fund of  
4           the Treasury, where those proceeds shall be  
5           dedicated for the sole purpose of deficit reduc-  
6           tion.

7                   (C) Any proceeds of that system of com-  
8                   petitive bidding that remain after carrying out  
9                   subparagraphs (A) and (B) shall be deposited  
10                  in accordance with subsection (c).

11           (c) DEPOSIT OF FUNDS.—

12                   (1) IN GENERAL.—Notwithstanding any other  
13                   provision of law (except for subsection (b)), an ag-  
14                   gregate total amount of \$22,805,000,000 of the pro-  
15                   ceeds of covered auctions that remain after carrying  
16                   out that subsection shall be deposited in the Fund  
17                   as follows:

18                           (A) 10 percent of those remaining  
19                           amounts, but not more than \$3,080,000,000  
20                           cumulatively, shall be transferred to the general  
21                           fund of the Treasury to reimburse the amount  
22                           borrowed under subsection (d)(1)(A).

23                           (B) 10 percent of those remaining  
24                           amounts, but not more than \$7,000,000,000  
25                           cumulatively, shall be transferred to the general

1 fund of the Treasury to reimburse the amount  
2 borrowed under subsection (d)(1)(B).

3 (C) 10 percent of those remaining  
4 amounts, but not more than \$2,000,000,000  
5 cumulatively, shall be transferred to the general  
6 fund of the Treasury to reimburse the amount  
7 borrowed under subsection (e)(1)(A).

8 (D) 10 percent of those amounts, but not  
9 more than \$3,000,000,000 cumulatively, shall  
10 be transferred to the general fund of the Treas-  
11 ury to reimburse the amount borrowed under  
12 subsection (e)(1)(B).

13 (E) 10 percent of those remaining  
14 amounts, but not more than \$200,000,000 cu-  
15 mulatively, shall be transferred to the general  
16 fund of the Treasury to reimburse the amount  
17 borrowed under subsection (f).

18 (F) 10 percent of those remaining  
19 amounts, but not more than \$2,000,000,000  
20 cumulatively, shall be made available to the  
21 Under Secretary, to remain available until ex-  
22 pended, to carry out sections 159, 160, and 161  
23 of the National Telecommunications and Infor-  
24 mation Administration Organization Act, as  
25 added by section 801 of this Act, except that

1 not more than 4 percent of the amount made  
2 available under this subparagraph may be used  
3 for administrative purposes (including carrying  
4 out such sections 160 and 161).

5 (G) 10 percent of those remaining  
6 amounts, but not more than \$3,300,000,000  
7 cumulatively, shall be made available to the Di-  
8 rector of the National Science Foundation to  
9 carry out research and related activities, of  
10 which—

11 (i) \$1,650,000,000 shall be for the  
12 Directorate for Technology, Innovation,  
13 and Partnerships established under section  
14 10381 of the Research and Development,  
15 Competition, and Innovation Act (42  
16 U.S.C. 19101); and

17 (ii) \$1,650,000,000 shall be used to  
18 carry out other research and related activi-  
19 ties for which amounts are authorized to  
20 be appropriated under section 10303 of the  
21 Research and Development, Competition,  
22 and Innovation Act (Public Law 117–167).

23 (H) 10 percent of those remaining  
24 amounts, but not more than \$1,700,000,000  
25 cumulatively, shall be made available to the

1 Under Secretary of Commerce for Standards  
2 and Technology, of which—

3 (i) \$1,475,000,000 shall be used to  
4 carry out scientific and technical research  
5 and services laboratory activities for which  
6 amounts are authorized to be appropriated  
7 under section 10211 of the Research and  
8 Development, Competition, and Innovation  
9 Act (Public Law 117–167); and

10 (ii) \$225,000,000 shall be used for  
11 Safety, Capacity, Maintenance, and Major  
12 Repairs for which amounts are authorized  
13 to be appropriated under section 10211 of  
14 the Research and Development, Competi-  
15 tion, and Innovation Act (Public Law 117–  
16 167).

17 (I) 10 percent of those remaining amounts,  
18 but not more than \$500,000,000 cumulatively,  
19 shall be made available to the Under Secretary  
20 to carry out the Telecommunications Workforce  
21 Training Grant Program established under sec-  
22 tion 503.

23 (J) 10 percent of those remaining  
24 amounts, but not more than \$25,000,000 cu-  
25 mulatively, shall be made available to the Under

1 Secretary and the Secretary of Defense for the  
2 purpose of research and development, engineer-  
3 ing studies, economic analyses, activities with  
4 respect to systems, or other planning activities  
5 to improve efficiency and effectiveness of spec-  
6 trum use of the Department of Defense.

7 (2) DISTRIBUTION.—If the maximum amount  
8 permitted under any subparagraph of paragraph (1)  
9 is reached, whether through covered auction pro-  
10 ceeds or appropriations to the program specified in  
11 that subparagraph, any remaining proceeds from the  
12 amount of proceeds of covered auctions described in  
13 that paragraph shall be deposited pro rata based on  
14 the original distribution to all subparagraphs of  
15 paragraph (1) for which the maximum amount per-  
16 mitted has not been met.

17 (3) DEFICIT REDUCTION.—After the amounts  
18 required to be made available by paragraphs (1) and  
19 (2) are so made available, any remaining amounts  
20 shall be deposited in the general fund of the Treas-  
21 ury, where such amounts shall be dedicated for the  
22 sole purpose of deficit reduction.

23 (d) FCC BORROWING AUTHORITY.—

24 (1) IN GENERAL.—Subject to the limitation  
25 under paragraph (2), not later than 90 days after

1 the date of enactment of this Act, the Commission  
2 may borrow from the Treasury of the United States  
3 an amount not to exceed—

4 (A) \$3,080,000,000 to carry out the Se-  
5 cure and Trusted Communications Networks  
6 Act of 2019 (47 U.S.C. 1601 et seq.); and

7 (B) \$7,000,000,000 to carry out section  
8 904 of division N of the Consolidated Appro-  
9 priations Act, 2021 (47 U.S.C. 1752).

10 (2) LIMITATION.—The Commission may not  
11 use any funds borrowed under this subsection in a  
12 manner that may result in outlays on or after De-  
13 cember 31, 2033.

14 (e) DEPARTMENT OF COMMERCE BORROWING AU-  
15 THORITY.—

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

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

24 (B) \$3,000,000,000 for the fund estab-  
25 lished under section 102(a) of the CHIPS Act

1 of 2022 (Public Law 117–167), which shall be  
2 used to carry out section 9902 of the William  
3 M. (Mac) Thornberry National Defense Author-  
4 ization Act for Fiscal Year 2021 (15 U.S.C.  
5 4652).

6 (2) LIMITATION.—The Secretary of Commerce  
7 may not use any funds borrowed under this sub-  
8 section in a manner that may result in outlays on  
9 or after December 31, 2033.

10 (f) NTIA BORROWING AUTHORITY.—

11 (1) IN GENERAL.—Subject to the limitation  
12 under paragraph (2), not later than 90 days after  
13 the date of enactment of this Act, the Under Sec-  
14 retary may borrow from the Treasury of the United  
15 States an amount not to exceed \$200,000,000 to  
16 carry out the program established under section  
17 902.

18 (2) LIMITATION.—The Under Secretary may  
19 not use any funds borrowed under this subsection in  
20 a manner that may result in outlays on or after De-  
21 cember 31, 2033.

22 (g) REPORTING REQUIREMENT.—Not later than 2  
23 years after the date of enactment of this Act, and annually  
24 thereafter until funds are fully expended, the heads of the  
25 agencies to which funds are made available under each

1 subparagraph of subsection (c)(1) shall submit to the  
2 Committee on Commerce, Science, and Transportation of  
3 the Senate and the Committee on Energy and Commerce  
4 of the House of Representatives a report on the amount  
5 transferred or made available under the applicable sub-  
6 paragraph.

7 **TITLE VII—SECURE AND TRUST-**  
8 **ED COMMUNICATIONS NET-**  
9 **WORKS REIMBURSEMENT**  
10 **PROGRAM**

11 **SEC. 701. INCREASE IN LIMITATION ON EXPENDITURE.**

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

16 **TITLE VIII—NEXT GENERATION**  
17 **9-1-1**

18 **SEC. 801. FURTHER DEPLOYMENT AND COORDINATION OF**  
19 **NEXT GENERATION 9-1-1.**

20 Part C of the National Telecommunications and In-  
21 formation Administration Organization Act is amended by  
22 adding at the end the following:

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

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

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

7 “(A) take actions, in coordination with  
8 State points of contact described in subsection  
9 (c)(3)(A)(ii) as applicable, to improve coordina-  
10 tion and communication with respect to the im-  
11 plementation of Next Generation 9-1-1;

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

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

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

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

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

4           “(2) ANNUAL REPORTS.—Not later than Octo-  
5           ber 1, 2025, and each year thereafter until funds  
6           made available to make grants under subsection (c)  
7           are no longer available to be expended, the Under  
8           Secretary shall submit to Congress a report on the  
9           activities conducted by the Under Secretary under  
10          paragraph (1) in the year preceding the submission  
11          of the report.

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

17          “(b) ADDITIONAL DUTIES.—

18                 “(1) MANAGEMENT PLAN.—

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

24                                 “(i) plans related to the organiza-  
25                                 tional structure of the grant program; and

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

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

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

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

12                  “(II) the Committee on Energy  
13                  and Commerce and the Committee on  
14                  Appropriations of the House of Rep-  
15                  resentatives;

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

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

25                  “(2) MODIFICATION OF PLAN.—

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

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

8                   “(i) submit the modified plan to—

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

13                           “(II) the Committee on Energy  
14                           and Commerce and the Committee on  
15                           Appropriations of the House of Rep-  
16                           resentatives;

17                           “(ii) publish the modified plan on the  
18                           website of the National Telecommuni-  
19                           cations and Information Administration;  
20                           and

21                           “(iii) provide the modified plan to the  
22                           Administrator for the purpose of pub-  
23                           lishing the modified plan on the website of  
24                           the National Highway Traffic and Safety  
25                           Administration.

1           “(c) NEXT GENERATION 9–1–1 IMPLEMENTATION  
2 GRANTS.—

3           “(1) GRANTS.—The Under Secretary shall pro-  
4 vide grants to eligible entities for—

5           “(A) implementing Next Generation 9–1–  
6 1;

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

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

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

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

17           “(D) public outreach and education on how  
18 the public can best use Next Generation 9–1–  
19 1 and the capabilities and usefulness of Next  
20 Generation 9–1–1;

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

1                   “(i) the cost is fully documented in  
2                   materials submitted to the Under Sec-  
3                   retary; and

4                   “(ii) the cost is reasonable and nec-  
5                   essary and does not exceed—

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

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

12                   “(F) costs associated with implementing  
13                   cybersecurity measures at emergency commu-  
14                   nications centers or with respect to Next Gen-  
15                   eration 9–1–1.

16                   “(2) APPLICATION.—In providing grants under  
17                   paragraph (1), the Under Secretary, after consulting  
18                   with the Administrator, shall require an eligible enti-  
19                   ty to submit to the Under Secretary an application,  
20                   at the time and in the manner determined by the  
21                   Under Secretary, containing the certification re-  
22                   quired by paragraph (3).

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



1 and store multimedia, data, and other  
2 information;

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

6 “(V) includes strategies for co-  
7 ordinating cybersecurity information  
8 sharing between Federal, State, Trib-  
9 al, and local government partners;

10 “(VI) uses open and competitive  
11 request for proposal processes, includ-  
12 ing through shared government pro-  
13 curement vehicles, for deployment of  
14 Next Generation 9-1-1;

15 “(VII) documents how input was  
16 received and accounted for from rel-  
17 evant rural and urban emergency  
18 communications centers, regional au-  
19 thorities, local authorities, and Tribal  
20 authorities;

21 “(VIII) includes a governance  
22 body or bodies, either by creation of  
23 new, or use of existing, body or bod-  
24 ies, for the development and deploy-

1                   ment of Next Generation 9–1–1  
2                   that—

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

6                               “(bb) consults and coordi-  
7                               nates with the State point of con-  
8                               tact required by clause (ii);

9                               “(IX) creates efficiencies related  
10                              to Next Generation 9–1–1 functions,  
11                              including cybersecurity and the  
12                              virtualization and sharing of infra-  
13                              structure, equipment, and services;  
14                              and

15                             “(X) utilizes an effective, com-  
16                             petitive approach to establishing au-  
17                             thentication, credentialing, secure con-  
18                             nections, and access in deploying Next  
19                             Generation 9–1–1, including by—

20                               “(aa) requiring certificate  
21                               authorities to be capable of cross-  
22                               certification with other authori-  
23                               ties;



1 project to be financed by a grant under  
2 this subsection; and

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

5 “(C) UPDATES.—The Under Secretary  
6 shall update the rules issued under subpara-  
7 graph (A) as necessary.

8 “(5) GRANT CERTIFICATIONS.—An eligible enti-  
9 ty shall certify to the Under Secretary at the time  
10 of application for a grant under this subsection, and  
11 an eligible entity that receives such a grant shall cer-  
12 tify to the Under Secretary annually thereafter dur-  
13 ing the period during which the funds from the  
14 grant are available to the eligible entity, that—

15 “(A) beginning on the date that is 180  
16 days before the date on which the application is  
17 filed, no portion of any 9–1–1 fee or charge im-  
18 posed by the eligible entity (or if the eligible en-  
19 tity is not a State or Tribe, any State or taxing  
20 jurisdiction within which the eligible entity will  
21 carry out, or is carrying out, activities using  
22 grant funds) is obligated or expended for a pur-  
23 pose or function not designated as acceptable  
24 under the rules issued under section 6(f)(3) of  
25 the Wireless Communications and Public Safety

1 Act of 1999 (47 U.S.C. 615a–1(f)(3)) (as those  
2 rules are in effect on the date on which the eli-  
3 gible entity makes the certification);

4 “(B) any funds received by the eligible en-  
5 tity will be used, consistent with paragraph (1),  
6 to support the deployment of Next Generation  
7 9–1–1 in a manner that ensures reliability and  
8 interoperability by requiring the use of com-  
9 monly accepted standards;

10 “(C) the eligible entity (or if the eligible  
11 entity is not a State or Tribe, any State or tax-  
12 ing jurisdiction within which the eligible entity  
13 will carry out or is carrying out activities using  
14 grant funds) has established, or has committed  
15 to establish not later than 3 years after the  
16 date on which the grant funds are distributed  
17 to the eligible entity—

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

20 “(ii) effective cybersecurity resources  
21 for Next Generation 9–1–1;

22 “(D) the eligible entity will promote inter-  
23 operability between emergency communications  
24 centers deploying Next Generation 9–1–1 and  
25 emergency response providers, including users

1 of the nationwide public safety broadband net-  
2 work;

3 “(E) the eligible entity has taken or will  
4 take steps to coordinate with adjoining States  
5 and Tribes to establish and maintain Next Gen-  
6 eration 9–1–1; and

7 “(F) the eligible entity has developed a  
8 plan for public outreach and education on how  
9 the public can best use Next Generation 9–1–  
10 1 and on the capabilities and usefulness of Next  
11 Generation 9–1–1.

12 “(6) CONDITION OF GRANT.—An eligible entity  
13 shall agree, as a condition of receipt of a grant  
14 under this subsection, that if any State or taxing ju-  
15 risdiction within which the eligible entity will carry  
16 out activities using grant funds fails to comply with  
17 a certification required under paragraph (5), during  
18 the period during which the funds from the grant  
19 are available to the eligible entity, all of the funds  
20 from the grant shall be returned to the Under Sec-  
21 retary.

22 “(7) PENALTY FOR PROVIDING FALSE INFOR-  
23 MATION.—An eligible entity that knowingly provides  
24 false information in a certification under paragraph  
25 (5)—

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

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

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

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

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

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

16           “(d) DEFINITIONS.—In this section and sections 160  
17 and 161:

18           “(1) 9-1-1 FEE OR CHARGE.—The term ‘9-1-  
19 1 fee or charge’ has the meaning given the term in  
20 section 6(f)(3)(D) of the Wireless Communications  
21 and Public Safety Act of 1999 (47 U.S.C. 615a-  
22 1(f)(3)(D)).

23           “(2) 9-1-1 REQUEST FOR EMERGENCY ASSIST-  
24 ANCE.—The term ‘9-1-1 request for emergency as-  
25 sistance’ means a communication, such as voice,

1 text, picture, multimedia, or any other type of data,  
2 that is sent to an emergency communications center  
3 for the purpose of requesting emergency assistance.

4 “(3) ADMINISTRATOR.—The term ‘Adminis-  
5 trator’ means the Administrator of the National  
6 Highway Traffic Safety Administration.

7 “(4) COMMONLY ACCEPTED STANDARDS.—The  
8 term ‘commonly accepted standards’ means the tech-  
9 nical standards followed by the communications in-  
10 dustry for network, device, and Internet Protocol  
11 connectivity that—

12 “(A) enable interoperability; and

13 “(B) are—

14 “(i) developed and approved by a  
15 standards development organization that is  
16 accredited by an American standards body  
17 (such as the American National Standards  
18 Institute) or an equivalent international  
19 standards body in a process—

20 “(I) that is open for participation  
21 by any person; and

22 “(II) provides for a conflict reso-  
23 lution process;

1 “(ii) subject to an open comment and  
2 input process before being finalized by the  
3 standards development organization;

4 “(iii) consensus-based; and

5 “(iv) made publicly available once ap-  
6 proved.

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

9 “(A) actual wages incurred for travel and  
10 attendance, including any necessary overtime  
11 pay and backfill wage;

12 “(B) travel expenses;

13 “(C) instructor expenses; or

14 “(D) facility costs and training materials.

15 “(6) ELIGIBLE ENTITY.—The term ‘eligible en-  
16 tity’—

17 “(A) means—

18 “(i) a State or a Tribe; or

19 “(ii) an entity, including a public au-  
20 thority, board, or commission, established  
21 by 1 or more entities described in clause  
22 (i); and

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

## 101

1 “(7) EMERGENCY COMMUNICATIONS CENTER.—

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

4 “(i) a facility that—

5 “(I) is designated to receive a 9–  
6 1–1 request for emergency assistance;

7 and

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

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

14 “(B) FUNCTIONS DESCRIBED.—The func-  
15 tions described in this subparagraph are the fol-  
16 lowing:

17 “(i) Processing and analyzing 9–1–1  
18 requests for emergency assistance and in-  
19 formation and data related to such re-  
20 quests.

21 “(ii) Dispatching appropriate emer-  
22 gency response providers.

23 “(iii) Transferring or exchanging 9–  
24 1–1 requests for emergency assistance and  
25 information and data related to such re-

1           quests with 1 or more other emergency  
2           communications centers and emergency re-  
3           sponse providers.

4           “(iv) Analyzing any communications  
5           received from emergency response pro-  
6           viders.

7           “(v) Supporting incident command  
8           functions.

9           “(8) EMERGENCY RESPONSE PROVIDER.—The  
10          term ‘emergency response provider’ has the meaning  
11          given that term in section 2 of the Homeland Secu-  
12          rity Act of 2002 (6 U.S.C. 101).

13          “(9) FIRST RESPONDER NETWORK AUTHOR-  
14          ITY.—The term ‘First Responder Network Author-  
15          ity’ means the authority established under 6204 of  
16          the Middle Class Tax Relief and Job Creation Act  
17          of 2012 (47 U.S.C. 1424).

18          “(10) INTEROPERABILITY.—The term ‘inter-  
19          operability’ means the capability of emergency com-  
20          munications centers to receive 9–1–1 requests for  
21          emergency assistance and information and data re-  
22          lated to such requests, such as location information  
23          and callback numbers from a person initiating the  
24          request, then process and share the 9–1–1 requests  
25          for emergency assistance and information and data

1 related to such requests with other emergency com-  
2 munications centers and emergency response pro-  
3 viders without the need for proprietary interfaces  
4 and regardless of jurisdiction, equipment, device,  
5 software, service provider, or other relevant factors.

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

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

15 “(A) ensures interoperability;

16 “(B) is secure;

17 “(C) employs commonly accepted stand-  
18 ards;

19 “(D) enables emergency communications  
20 centers to receive, process, and analyze all types  
21 of 9–1–1 requests for emergency assistance;

22 “(E) acquires and integrates additional in-  
23 formation useful to handling 9–1–1 requests for  
24 emergency assistance; and

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

5           “(13) RELIABILITY.—The term ‘reliability’  
6           means the employment of sufficient measures to en-  
7           sure the ongoing operation of Next Generation 9–1–  
8           1, including through the use of geo-diverse, device-  
9           and network-agnostic elements that provide more  
10          than 1 route between end points with no common  
11          points where a single failure at that point would  
12          cause all routes to fail.

13          “(14) STATE.—The term ‘State’ means any  
14          State of the United States, the District of Columbia,  
15          Puerto Rico, American Samoa, Guam, the United  
16          States Virgin Islands, the Northern Mariana Is-  
17          lands, and any other territory or possession of the  
18          United States.

19          “(15) SUSTAINABLE FUNDING MECHANISM.—  
20          The term ‘sustainable funding mechanism’ means a  
21          funding mechanism that provides adequate revenues  
22          to cover ongoing expenses, including operations,  
23          maintenance, and upgrades.

24          “(16) TRIBE.—The term ‘Tribe’ has the mean-  
25          ing given to the term ‘Indian Tribe’ in section 4(e)

1 of the Indian Self-Determination and Education As-  
2 sistance Act (25 U.S.C. 5304(e)).

3 **“SEC. 160. ESTABLISHMENT OF NATIONWIDE NEXT GEN-  
4 ERATION 9–1–1 CYBERSECURITY CENTER.**

5 “The Under Secretary, after consulting with the Ad-  
6 ministrator and the Director of the Cybersecurity and In-  
7 frastructure Security Agency of the Department of Home-  
8 land Security, shall establish a Next Generation 9–1–1 Cy-  
9 bersecurity Center to coordinate with State, local, and re-  
10 gional governments on the sharing of cybersecurity infor-  
11 mation about, the analysis of cybersecurity threats to, and  
12 guidelines for strategies to detect and prevent cybersecu-  
13 rity intrusions relating to Next Generation 9–1–1.

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

15 “(a) NEXT GENERATION 9–1–1 ADVISORY BOARD.—

16 “(1) ESTABLISHMENT.—The Under Secretary  
17 shall establish a Public Safety Next Generation 9–  
18 1–1 Advisory Board (in this section referred to as  
19 the ‘Board’) to provide recommendations to the  
20 Under Secretary—

21 “(A) with respect to carrying out the du-  
22 ties and responsibilities of the Under Secretary  
23 in issuing the rules required under section  
24 159(c)(4);

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

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

5           “(2) MEMBERSHIP.—

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

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

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

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

16           “(iv) 4 members shall represent 9–1–  
17 1 professionals.

18           “(B) DIVERSITY OF MEMBERSHIP.—Mem-  
19 bers of the Board shall be representatives of  
20 States or Tribes and local governments, chosen  
21 to reflect geographic and population density dif-  
22 ferences, as well as public safety organizations  
23 at the national level across the United States.

24           “(C) EXPERTISE.—Each member of the  
25 Board shall have specific expertise necessary for

1 developing technical requirements under this  
2 section, such as technical expertise, and exper-  
3 tise related to public safety communications and  
4 9–1–1 services.

5 “(D) RANK AND FILE MEMBERS.—In mak-  
6 ing the appointments under subparagraph (A),  
7 the Under Secretary shall appoint a rank and  
8 file member from each of the public safety dis-  
9 ciplines listed in clauses (i) through (iv) of that  
10 subparagraph as a member of the Board and  
11 shall select the member from an organization  
12 that represents its public safety discipline at the  
13 national level.

14 “(3) PERIOD OF APPOINTMENT.—

15 “(A) IN GENERAL.—Except as provided in  
16 subparagraph (B), a member of the Board shall  
17 serve for a 3-year term.

18 “(B) REMOVAL FOR CAUSE.—A member of  
19 the Board may be removed for cause upon the  
20 determination of the Under Secretary.

21 “(4) VACANCIES.—A vacancy in the Board shall  
22 be filled in the same manner as the original appoint-  
23 ment.

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

1           “(6) CHAIRPERSON AND VICE CHAIRPERSON.—

2           The Board shall select a Chairperson and Vice

3           Chairperson from among the members of the Board.

4           “(7) DUTY OF BOARD TO SUBMIT REC-

5           COMMENDATIONS.—Not later than 120 days after all

6           members of the Board are appointed under para-

7           graph (2), the Board shall submit to the Under Sec-

8           retary recommendations for—

9                   “(A) deploying Next Generation 9–1–1 in

10           rural and urban areas;

11                   “(B) ensuring flexibility in guidance, rules,

12           and grant funding to allow for technology im-

13           provements;

14                   “(C) creating efficiencies related to Next

15           Generation 9–1–1, including cybersecurity and

16           the virtualization and sharing of core infra-

17           structure;

18                   “(D) enabling effective coordination among

19           State, local, Tribal, and territorial government

20           entities to ensure that the needs of emergency

21           communications centers in both rural and

22           urban areas are taken into account in each im-

23           plementation plan required under section

24           159(c)(3)(A)(iii); and

1           “(E) incorporating existing cybersecurity  
2 resources into Next Generation 9–1–1 procure-  
3 ment and deployment.

4           “(8) AUTHORITY TO PROVIDE ADDITIONAL REC-  
5 OMMENDATIONS.—Except as provided in paragraphs  
6 (1) and (7), the Board may provide recommenda-  
7 tions to the Under Secretary only upon request of  
8 the Under Secretary.

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

13           “(b) RULE OF CONSTRUCTION.—Nothing in this sec-  
14 tion may be construed as limiting the authority of the  
15 Under Secretary to seek comment from stakeholders and  
16 the public.”.

17       **TITLE IX—MINORITY SERVING**  
18       **INSTITUTIONS PROGRAM**

19       **SEC. 901. DEFINITIONS.**

20       In this title:

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

23                   (A) having—

24                           (i) a speed of not less than—

1 (I) 100 megabits per second for  
2 downloads; and

3 (II) 20 megabits per second for  
4 uploads; and

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

8 (B) with respect to an eligible community,  
9 offered with a low-cost option that is affordable  
10 to low- and middle-income residents of the eligi-  
11 ble community, including through the Afford-  
12 able Connectivity Program established under  
13 section 904(b) of division N of the Consolidated  
14 Appropriations Act, 2021 (47 U.S.C. 1752(b))  
15 or any successor program, and a low-cost pro-  
16 gram available through a provider.

17 (2) COVERED PLANNING GRANT.—The term  
18 “covered planning grant” means funding made avail-  
19 able to an eligible applicant for the purpose of devel-  
20 oping or carrying out a local broadband plan from—

21 (A) an administering entity through a  
22 subgrant under section 60304(c)(3)(E) of the  
23 Infrastructure Investment and Jobs Act (47  
24 U.S.C. 1723); or

25 (B) an eligible entity—

1 (i) carrying out pre-deployment plan-  
2 ning activities under subparagraph (A) of  
3 section 60102(d)(2) of the Infrastructure  
4 Investment and Jobs Act (47 U.S.C.  
5 1702(d)(2)) or carrying out the adminis-  
6 tration of the grant under subparagraph  
7 (B) of that Act; or

8 (ii) carrying out planning activities  
9 under section 60102(e)(1)(C)(iii) of the In-  
10 frastructure Investment and Jobs Act (47  
11 U.S.C. 1702(e)(1)(C)(iii)).

12 (3) DIGITAL EQUITY.—The term “digital eq-  
13 uity” has the meaning given the term in section  
14 60302 of the Infrastructure Investment and Jobs  
15 Act (47 U.S.C. 1721).

16 (4) ELIGIBLE APPLICANT.—The term “eligible  
17 applicant” means an organization that does not re-  
18 ceive a covered planning grant and—

19 (A) is described in section 501(c)(3) of the  
20 Internal Revenue Code of 1986 and is exempt  
21 from taxation under section 501(a) of that  
22 Code;

23 (B) has a mission that is aligned with ad-  
24 vancing digital equity;

1 (C) has relevant experience and expertise  
2 supporting eligible community anchor institu-  
3 tions to engage in the planning for the expan-  
4 sion and adoption of reliable and affordable  
5 broadband and deployment of broadband, and  
6 the advancement of digital equity—

7 (i) on campus at those institutions;

8 and

9 (ii) to low-income residents in eligible  
10 communities with respect to those institu-  
11 tions; and

12 (D) employs staff with expertise in the de-  
13 velopment of broadband plans, the construction  
14 of internet infrastructure, or the design and de-  
15 livery of digital equity programs, including  
16 through the use of contractors and consultants,  
17 except that the employment of the staff does  
18 not rely solely on outsourced contracts.

19 (5) ELIGIBLE COMMUNITY.—The term “eligible  
20 community” means a community that—

21 (A) is located—

22 (i) within a census tract any portion  
23 of which is not more than 15 miles from  
24 an eligible community anchor institution;  
25 and

1 (ii) with respect to a Tribal College or  
2 University located on land held in trust by  
3 the United States—

4 (I) not more than 15 miles from  
5 the Tribal College or University; or

6 (II) within a maximum distance  
7 established by the Under Secretary, in  
8 consultation with the Secretary of the  
9 Interior, to ensure that the area is  
10 statistically comparable to other areas  
11 described in clause (i); and

12 (B) has an estimated median annual  
13 household income of not more than 250 percent  
14 of the poverty line, as defined in section 673 of  
15 the Community Services Block Grant Act (42  
16 U.S.C. 9902).

17 (6) ELIGIBLE COMMUNITY ANCHOR INSTITU-  
18 TION.—The term “eligible community anchor insti-  
19 tution” means a historically Black college or univer-  
20 sity, a Tribal College or University, or a Minority-  
21 serving institution.

22 (7) ELIGIBLE ENTITY.—The term “eligible enti-  
23 ty” has the meaning given the term in section 60102  
24 of the Infrastructure Investment and Jobs Act (47  
25 U.S.C. 1702).

1           (8) HISTORICALLY BLACK COLLEGE OR UNI-  
2           VERSITY; TRIBAL COLLEGE OR UNIVERSITY; MINOR-  
3           ITY-SERVING INSTITUTION.—The terms “historically  
4           Black college or university”, “Tribal College or Uni-  
5           versity”, and “Minority-serving institution” have the  
6           meanings given those terms in section 902(a) of title  
7           IX of division N of the Consolidated Appropriations  
8           Act, 2021 (47 U.S.C. 1306(a)), and include an es-  
9           tablished fiduciary of such educational institution,  
10          such as an affiliated foundation, or a district or  
11          State system affiliated with such educational institu-  
12          tion.

13          (9) IMPROPER PAYMENTS.—The term “im-  
14          proper payments” has the meaning given the term  
15          in section 3351 of title 31, United States Code.

16          (10) LOCAL BROADBAND PLAN.—The term  
17          “local broadband plan” means a plan developed pur-  
18          suant to section 902(c).

19          (11) PROGRAM.—The term “Program” means  
20          the pilot program established under section 902(a).

21 **SEC. 902. PROGRAM.**

22          (a) ESTABLISHMENT.—The Under Secretary, acting  
23          through the head of the Office of Minority Broadband Ini-  
24          tiatives, shall use the amounts borrowed under section  
25          602(f) to establish within the National Telecommuni-

1 cations and Information Administration a pilot program  
2 for the purposes described in subsection (c) of this section,  
3 provided that not more than 6 percent of the amounts  
4 used to establish the pilot program may be used for salary,  
5 expenses, administration, and oversight with respect to the  
6 pilot program.

7 (b) **AUTHORITY.**—The Under Secretary may use  
8 funding mechanisms, including grants, cooperative agree-  
9 ments, and contracts, for the effective implementation of  
10 the Program.

11 (c) **PURPOSES.**—Funding made available under the  
12 Program shall enable an eligible applicant to work with  
13 an eligible community anchor institution, and each eligible  
14 community with respect to the eligible community anchor  
15 institution, to develop a local broadband plan to—

16 (1) identify barriers to broadband deployment  
17 and adoption in order to expand the availability and  
18 adoption of broadband at the eligible community an-  
19 chor institution and within each such eligible com-  
20 munity;

21 (2) advance digital equity at the eligible com-  
22 munity anchor institution and within each such eligi-  
23 ble community; and

1           (3) help each such eligible community to pre-  
2           pare applications for funding from multiple sources,  
3           including from—

4                   (A) the various programs authorized under  
5           the Infrastructure Investment and Jobs Act  
6           (Public Law 117–58; 135 Stat. 429); and

7                   (B) other Federal, State, and Tribal  
8           sources of funding for broadband deployment,  
9           affordable broadband internet service, or digital  
10          equity.

11          (d) CONTENTS OF LOCAL BROADBAND PLAN.—A  
12          local broadband plan shall—

13               (1) be developed in coordination with stake-  
14          holder representatives; and

15               (2) with respect to support for infrastructure  
16          funding—

17                   (A) reflect an approach that is perform-  
18          ance-based and does not favor any particular  
19          technology, provider, or type of provider; and

20                   (B) include—

21                           (i) a description of the demographic  
22          profile of each applicable eligible commu-  
23          nity;

24                           (ii) an assessment of the needs of  
25          each applicable eligible community, includ-

1 ing with respect to digital literacy, work-  
2 force development, and device access needs;

3 (iii) a summary of current (as of the  
4 date of the most current data published by  
5 the Commission) service providers oper-  
6 ating in each applicable eligible community  
7 and the broadband offerings and related  
8 services in each applicable eligible commu-  
9 nity;

10 (iv) an estimate of capital and oper-  
11 ational expenditures for the course of ac-  
12 tion recommended in the local broadband  
13 plan;

14 (v) a preliminary implementation  
15 schedule for the deployment of broadband  
16 required under the local broadband plan;  
17 and

18 (vi) a summary of the potential em-  
19 ployment, development, and revenue cre-  
20 ation opportunities for the eligible commu-  
21 nity anchor institution and each applicable  
22 eligible community.

23 (e) APPLICATION.—

24 (1) IN GENERAL.—To be eligible to receive  
25 funding under the Program, an applicant that is an

1 eligible applicant shall submit to the Under Sec-  
2 retary, acting through the head of the Office of Mi-  
3 nority Broadband Initiatives, an application con-  
4 taining—

5 (A) the name and mailing address of the  
6 applicant;

7 (B) the name and email address of the  
8 point of contact for the applicant;

9 (C) documentation providing evidence that  
10 the applicant is an eligible applicant;

11 (D) a summary description of the proposed  
12 approach that the applicant will take to expand  
13 the availability and adoption of broadband;

14 (E) an outline or sample of the proposed  
15 local broadband plan with respect to the funds;

16 (F) a draft proposal for carrying out the  
17 local broadband plan with respect to the funds,  
18 describing with specificity how funds will be  
19 used;

20 (G) a summary of past performance in  
21 which the applicant created plans similar to the  
22 local broadband plan for communities similar to  
23 each applicable eligible community;

24 (H) a description of the approach the ap-  
25 plicant will take to engage each applicable eligi-

1           ble community and the applicable eligible com-  
2           munity anchor institution and report outcomes  
3           relating to that engagement;

4           (I) a description of how the applicant will  
5           meet the short-term and long-term goals de-  
6           scribed in subsection (h)(2)(A); and

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

9           (2) DEADLINES.—The Under Secretary, acting  
10          through the head of the Office of Minority  
11          Broadband Initiatives, shall publish a notice for the  
12          Program not later than 60 days after the date of en-  
13          actment of this Act.

14          (f) SELECTION CRITERIA.—When selecting an eligi-  
15          ble applicant to receive funding under the Program, the  
16          Under Secretary may give preference or priority to an eli-  
17          gible applicant, the application of which, if awarded, would  
18          enable a greater number of eligible communities to be  
19          served.

20          (g) REPORT.—

21           (1) IN GENERAL.—Not later than 540 days  
22          after the date of enactment of this Act, the Under  
23          Secretary, acting through the head of the Office of  
24          Minority Broadband Initiatives, shall submit to the  
25          Committee on Commerce, Science, and Transpor-

1 tation of the Senate and the Committee on Energy  
2 and Commerce of the House of Representatives a re-  
3 port, which the Under Secretary, acting through the  
4 head of the Office of Minority Broadband Initiatives,  
5 shall make available to the public.

6 (2) CONTENTS.—The report described in para-  
7 graph (1) shall include, for the period covered by the  
8 report—

9 (A) the number of eligible applicants that  
10 submitted applications under the Program;

11 (B) the number of eligible applicants that  
12 received funding under the Program;

13 (C) a summary of the funding amounts  
14 made available to eligible applicants under the  
15 Program and the list of eligible community an-  
16 chor institutions the eligible applicants propose  
17 to serve;

18 (D) the number of eligible communities  
19 that ultimately received funding or financing to  
20 promote broadband adoption and to deploy  
21 broadband in the eligible community under the  
22 Program;

23 (E) information determined necessary by  
24 the Under Secretary to measure progress to-  
25 ward the goals described in subsection

1 (h)(2)(A) and assess whether the goals de-  
2 scribed in that subsection are being met; and

3 (F) an identification of each eligible appli-  
4 cant that received funds through the Program  
5 and a description of the progress each eligible  
6 applicant has made toward accomplishing the  
7 purpose of the Program, as described in sub-  
8 section (e).

9 (h) PUBLIC NOTICE; REQUIREMENTS.—

10 (1) PUBLIC NOTICE.—Not later than 90 days  
11 after the date on which the Under Secretary pro-  
12 vides public notice of the Program, the Under Sec-  
13 retary, in consultation with the head of the Office of  
14 Minority Broadband Initiatives, shall issue the No-  
15 tice of Funding Opportunity governing the Program.

16 (2) REQUIREMENTS.—In the notice required  
17 under paragraph (1), the Under Secretary shall—

18 (A) establish short-term and long-term  
19 goals for eligible applicants that receive funds  
20 under the Program;

21 (B) establish performance metrics by  
22 which to evaluate whether an eligible applicant  
23 has met the goals described in subparagraph  
24 (A); and

1 (C) identify the selection criteria described  
2 in subsection (f) that the Under Secretary will  
3 use to award funds under the Program if de-  
4 mand for funds under the Program exceeds the  
5 amount appropriated for carrying out the Pro-  
6 gram.

7 (i) OVERSIGHT.—

8 (1) AUDITS.—The Inspector General of the De-  
9 partment of Commerce (referred to in this sub-  
10 section as the “Inspector General”) shall conduct an  
11 audit of the Program in order to—

12 (A) ensure that eligible applicants use  
13 funds awarded under the Program in accord-  
14 ance with—

15 (i) the requirements of this title; and

16 (ii) the purposes of the Program, as  
17 described in subsection (c); and

18 (B) prevent waste, fraud, abuse, and im-  
19 proper payments.

20 (2) REVOCATION OF FUNDS.—The Under Sec-  
21 retary shall revoke funds awarded to an eligible ap-  
22 plicant that is not in compliance with the require-  
23 ments of this section or the purposes of the Pro-  
24 gram, as described in subsection (c).

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

5                   (A) The name of the eligible applicant.

6                   (B) The amount of funding made available  
7 under the Program to the eligible applicant.

8                   (C) The amount of funding determined to  
9 be an improper payment made to an eligible ap-  
10 plicant involved in the waste, fraud, abuse, or  
11 improper payment.

12           (4) NOTIFICATION OF AUDIT FINDINGS.—Not  
13 later than 7 days after the date of a finding de-  
14 scribed under paragraph (3), the Inspector General  
15 shall concurrently notify the Under Secretary, the  
16 Committee on Commerce, Science, and Transpor-  
17 tation of the Senate, and the Committee on Energy  
18 and Commerce of the House of Representatives of  
19 the information described in that paragraph.

20           (5) FRAUD RISK MANAGEMENT.—In issuing  
21 rules under this subsection, the Under Secretary  
22 shall—

23                   (A) designate an entity within the Pro-  
24 gram office to lead fraud risk management ac-  
25 tivities;

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

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

7 (D) collect and analyze data from report-  
8 ing mechanisms and instances of detected fraud  
9 for real-time monitoring of fraud trends;

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

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

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

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

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