

SPECTRUM AUCTION REAUTHORIZATION ACT OF 2023

—————
AUGUST 13, 2024.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed
—————

Mrs. RODGERS of Washington, from the Committee on Energy and
Commerce, submitted the following

R E P O R T

[To accompany H.R. 3565]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 3565) to authorize the Federal Communications Commission to use a system of competitive bidding to grant a license or a permit for use of electromagnetic spectrum and to direct proceeds from such a system of competitive bidding for communications and technology initiatives, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary	21
Background and Need for Legislation	21
Committee Action	23
Committee Votes	23
Oversight Findings and Recommendations	25
New Budget Authority, Entitlement Authority, and Tax Expenditures	25
Congressional Budget Office Estimate	25
Federal Mandates Statement	25
Statement of General Performance Goals and Objectives	25
Duplication of Federal Programs	25
Related Committee and Subcommittee Hearings	25
Committee Cost Estimate	26
Earmark, Limited Tax Benefits, and Limited Tariff Benefits	26
Advisory Committee Statement	26
Applicability to Legislative Branch	26
Section-by-Section Analysis of the Legislation	26
Changes in Existing Law Made by the Bill, as Reported	29

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Spectrum Auction Reauthorization Act of 2023”.

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

Sec. 1. Short title; table of contents.

TITLE I—SPECTRUM INNOVATION

Sec. 101. Spectrum auctions and innovation.

TITLE II—SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM

Sec. 201. Increase in limitation on expenditure.

TITLE III—NEXT GENERATION 9–1–1

Sec. 301. Further deployment and coordination of Next Generation 9–1–1.

TITLE IV—INCUMBENT INFORMING CAPABILITY

Sec. 401. Incumbent informing capability.

TITLE V—REAUTHORIZATION OF FCC AUCTION AUTHORITY

Sec. 501. Reauthorization of FCC auction authority.

TITLE VI—SPECTRUM AUCTION TRUST FUND

Sec. 601. Deposit of proceeds.

Sec. 602. Spectrum Auction Trust Fund.

TITLE VII—CREATION OF A SPECTRUM PIPELINE

Sec. 701. Creation of a spectrum pipeline.

TITLE VIII—IMPROVING SPECTRUM MANAGEMENT

Sec. 801. Improving spectrum management.

TITLE IX—MINORITY SERVING INSTITUTIONS PROGRAM

Sec. 901. Definitions.

Sec. 902. Program.

TITLE I—SPECTRUM INNOVATION

SEC. 101. SPECTRUM AUCTIONS AND INNOVATION.

(a) **3.1–3.45 GHz BAND.**—

(1) **DEFINITIONS.**—Section 90008(a) of the Infrastructure Investment and Jobs Act (47 U.S.C. 921 note) is amended—

(A) by redesignating paragraph (3) as paragraph (4);

(B) by inserting after paragraph (2) the following:

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

(C) by adding at the end the following:

“(5) **RELOCATION OR SHARING COSTS.**—The term ‘relocation or sharing costs’ has the meaning given such term in section 113(g)(3) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)).

“(6) **ASSISTANT SECRETARY.**—The term ‘Assistant Secretary’ means the Assistant Secretary of Commerce for Communications and Information.”.

(2) **PROMOTING WIRELESS INNOVATION.**—Section 90008(b) of the Infrastructure Investment and Jobs Act (47 U.S.C. 921 note) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)(i), by striking “for shared Federal and non-Federal commercial licensed use; and” and inserting “for non-Federal use, shared Federal and non-Federal use, or a combination thereof; and”;

(ii) in subparagraph (B)—

(I) by striking “Section” and inserting the following:

“(i) **IN GENERAL.**—Section”;

(II) in clause (i), as so designated, by striking “the payment required under subparagraph (A)” and inserting “payments made under subparagraph (A) before the date of the enactment of the Spectrum Auction Reauthorization Act of 2023”; and

(III) by adding at the end the following:

“(ii) **ACCOUNTING PLAN.**—The Secretary of Defense shall submit a report to the Secretary of Commerce and the Director of the Office of

Management and Budget not later than 90 days after the date of the enactment of the Spectrum Auction Reauthorization Act of 2023, in accordance with section 118(g)(2)(D)(i)(I) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)(2)(D)(i)(I)), describing the activities for which the Department of Defense has used, is using, and will use payments made under subparagraph (A) before the date of the enactment of the Spectrum Auction Reauthorization Act of 2023. The Secretary of Commerce, acting through the Assistant Secretary, and the Director of the Office of Management and Budget shall continuously review and provide an accounting of the activities carried out using the payments made under subparagraph (A).”;

(iii) by amending subparagraph (C) to read as follows:

“(C) REPORT TO SECRETARY OF COMMERCE.—For purposes of paragraph (2)(A), the Secretary of Defense, in coordination with the heads of other relevant Federal agencies who receive funds under subparagraph (D) of this paragraph, shall, not later than September 30, 2023, report to the Secretary of Commerce the findings of the planning activities described in subparagraph (A) of this paragraph, and detail frequencies in the covered band for identification by the Secretary of Commerce under paragraph (2).”; and

(iv) by adding at the end the following:

“(D) ADDITIONAL PAYMENTS.—

“(i) IN GENERAL.—Federal entities with operations in the covered band that did not receive a payment under subparagraph (A) and that the Assistant Secretary determines might be affected by reallocation of the covered band may request a payment under section 118(g)(2)(A) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)(2)(A)) in order to make available the entire covered band for non-Federal use, shared Federal and non-Federal use, or a combination thereof. Total awards under this clause shall not exceed \$25,000,000.

“(ii) EXEMPTIONS.—Subparagraphs (C)(ii) and (D)(ii) of section 118(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)(2)) shall not apply with respect to a payment made under clause (i).

“(E) COOPERATION.—The Assistant Secretary and the Department of Defense Chief Information Officer will serve as co-chairs of the Partnering to Advance Trusted and Holistic Spectrum Solutions (PATHSS) Task Group.”;

(B) by amending paragraph (2) to read as follows:

“(2) IDENTIFICATION.—

“(A) IN GENERAL.—Not later than June 15, 2025, informed by the report required under paragraph (1)(C), the Secretary of Commerce, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Commission, shall submit to the President, the Commission, and the relevant congressional committees a report that identifies 350 megahertz of frequencies in the covered band for non-Federal use, shared Federal and non-Federal use, or a combination thereof.

“(B) DETERMINATION IN CASE OF RISK TO NATIONAL SECURITY.—If the Secretary of Defense believes reallocation of the frequencies identified by the Secretary of Commerce under subparagraph (A) poses an unacceptable risk to the national security of the United States, the Secretary of Defense shall inform the President, as the Commander in Chief under Article II, Section 2 of the United States Constitution, and the President shall make a final determination regarding which frequencies could feasibly be reallocated for the purposes of that subparagraph.”;

(C) by amending paragraph (3) to read as follows:

“(3) AUCTION.—

“(A) IN GENERAL.—Not later than January 15, 2028, the Commission, in coordination with the Assistant Secretary, shall commence a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), in accordance with paragraph (2) of this subsection, of the frequencies identified under such paragraph as suitable for a system of competitive bidding.

“(B) PROHIBITION.—No entity that produces or provides any covered communications equipment or service (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)), or any affiliate (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) of such an entity, may participate in the system of competitive bidding required by subparagraph (A).

“(C) SCOPE.—The Commission may not include in the system of competitive bidding required by subparagraph (A) any frequencies that are not in the covered band.”; and

(D) by amending paragraph (4) to read as follows:

“(4) MODIFICATION OR WITHDRAWAL OF FEDERAL ENTITY LICENSES.—

“(A) IN GENERAL.—The President, acting through the Assistant Secretary, shall—

“(i) begin the process of modifying or withdrawing any assignment to a Federal Government station of the frequencies identified under paragraph (2) to accommodate non-Federal use, shared Federal and non-Federal use, or a combination thereof in accordance with that paragraph not later than December 15, 2027; and

“(ii) not later than 30 days after completing any necessary withdrawal or modification under clause (i), notify the Commission that the withdrawal or modification is complete.

“(B) LIMITATIONS.—The President may not modify or withdraw any assignment to a Federal Government station as described in subparagraph (A)—

“(i) unless the President determines that such modification or withdrawal will not pose an unacceptable risk to the national security of the United States; and

“(ii) before November 30, 2024.”

(b) FCC AUCTION AUTHORITY.—

(1) TERMINATION.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “except that” and all that follows and inserting “except that with respect to the electromagnetic spectrum identified as suitable for a system of competitive bidding under section 90008(b)(2) of the Infrastructure Investment and Jobs Act (47 U.S.C. 921 note), such authority shall expire on the date that is 7 years after November 15, 2021.”

(2) SPECTRUM PIPELINE ACT OF 2015.—Section 1004 of the Spectrum Pipeline Act of 2015 (Public Law 114–74; 129 Stat. 621; 47 U.S.C. 921 note) is amended—

(A) in subsection (a), by striking “2022” and inserting “2024”;

(B) in subsection (b)(1), by striking “2022” and inserting “2024”; and

(C) in subsection (c)(1)(B), by striking “2024” and inserting “2026”.

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to alter or impede the activities authorized to be conducted using the payment required by section 90008(b)(1)(A) of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921 note), as such section was in effect on the day before the date of the enactment of this Act, if the Assistant Secretary of Commerce for Communications and Information determines that such activities are conducted in accordance with section 90008 of the Infrastructure Investment and Jobs Act, as amended by this section. Nothing in this subsection shall be construed to affect any requirement under section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (47 U.S.C. 921 note; Public Law 106–65).

(d) SAVINGS CLAUSE.—Nothing in this section, or any amendment made by this section, shall be construed to alter the authorities of the Assistant Secretary of Commerce for Communications and Information in the spectrum management process as provided in the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.).

TITLE II—SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM

SEC. 201. INCREASE IN LIMITATION ON EXPENDITURE.

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

TITLE III—NEXT GENERATION 9-1-1

SEC. 301. FURTHER DEPLOYMENT AND COORDINATION OF NEXT GENERATION 9-1-1.

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

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

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

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

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

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

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

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

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

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

“(2) ANNUAL REPORTS.—Not later than October 1, 2024, and each year thereafter until funds made available to make grants under subsection (c) are no longer available to be expended, the Assistant Secretary shall submit to Congress a report on the activities conducted by the Assistant Secretary under paragraph (1) in the year preceding the submission of the report.

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

“(b) ADDITIONAL DUTIES.—

“(1) MANAGEMENT PLAN.—

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

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

and

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

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

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

to—

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

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

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

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

“(2) MODIFICATION OF PLAN.—

“(A) MODIFICATION.—The Assistant Secretary, after consulting with the Administrator, may modify the management plan developed under paragraph (1)(A).

“(B) SUBMISSION.—Not later than 90 days after the plan is modified under subparagraph (A), the Assistant Secretary shall—

“(i) submit the modified plan to—

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

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

“(ii) publish the modified plan on the website of the National Telecommunications and Information Administration; and

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

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

“(1) GRANTS.—The Assistant Secretary shall provide grants to eligible entities for—

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

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

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

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

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

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

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

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

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

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

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

“(F) costs associated with implementing cybersecurity measures at emergency communications centers or with respect to Next Generation 9–1–1.

“(2) APPLICATION.—In providing grants under paragraph (1), the Assistant Secretary, after consulting with the Administrator, shall require an eligible entity to submit to the Assistant Secretary an application, at the time and in the manner determined by the Assistant Secretary, and containing the certification required by paragraph (3).

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

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

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

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

“(iii) has developed and submitted a plan for the coordination and implementation of Next Generation 9–1–1 that—

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

“(II) ensures reliability;

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

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

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

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

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

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

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

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

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

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

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

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

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

“(B) in the case of an eligible entity that is a Tribe, the Tribe has complied with clauses (i) and (iii) of subparagraph (A).

“(4) CRITERIA.—

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

“(B) REQUIREMENTS.—The criteria shall—

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

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

“(C) UPDATES.—The Assistant Secretary shall update such rules as necessary.

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

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

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

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

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

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

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

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

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

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

of time during which the funds from the grant are available to the eligible entity, all of the funds from such grant shall be returned to the Assistant Secretary.

“(7) PENALTY FOR PROVIDING FALSE INFORMATION.—Any eligible entity that provides a certification under paragraph (5) knowing that the information provided in the certification was false shall—

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

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

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

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

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

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

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

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

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

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

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

“(A) enable interoperability; and

“(B) are—

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

“(I) that is open to the public, including open for participation by any person; and

“(II) provides for a conflict resolution process;

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

“(iii) consensus-based; and

“(iv) made publicly available once approved.

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

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

“(B) travel expenses;

“(C) instructor expenses; or

“(D) facility costs and training materials.

“(6) ELIGIBLE ENTITY.—The term ‘eligible entity’—

“(A) means—

“(i) a State or a Tribe; or

“(ii) an entity, including a public authority, board, or commission, established by one or more entities described in clause (i); and

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

“(7) EMERGENCY COMMUNICATIONS CENTER.—

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

“(i) a facility that—

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

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

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

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

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

“(ii) Dispatching appropriate emergency response providers.

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

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

“(v) Supporting incident command functions.

“(8) EMERGENCY RESPONSE PROVIDERS.—The term ‘emergency response providers’ has the meaning given that term under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

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

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

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

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

“(A) ensures interoperability;

“(B) is secure;

“(C) employs commonly accepted standards;

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

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

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

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

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

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

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

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

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

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

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

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

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

“(B) as required by paragraph (7); and

“(C) upon request under paragraph (8).

“(2) MEMBERSHIP.—

“(A) VOTING MEMBERS.—Not later than 150 days after the date of the enactment of this section, the Assistant Secretary shall appoint 16 public safety members to the Board, of which—

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

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

“(iii) 4 members shall represent emergency medical service officials;

and

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

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

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

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

“(3) PERIOD OF APPOINTMENT.—

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

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

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

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

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

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

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

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

“(C) creating efficiencies related to Next Generation 9–1–1, including cybersecurity and the virtualization and sharing of core infrastructure;

“(D) enabling effective coordination among State, local, Tribal, and territorial government entities to ensure that the needs of emergency communications centers in both rural and urban areas are taken into account in each implementation plan required under section 159(c)(3)(A)(iii); and

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

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

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

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

TITLE IV—INCUMBENT INFORMING CAPABILITY

SEC. 401. INCUMBENT INFORMING CAPABILITY.

(a) IN GENERAL.—Part B of the National Telecommunications and Information Administration Organization Act is amended by adding at the end the following:

“SEC. 120. INCUMBENT INFORMING CAPABILITY.

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

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

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

“(b) ESTABLISHMENT OF THE INCUMBENT INFORMING CAPABILITY.—

“(1) IN GENERAL.—The incumbent informing capability required by subsection (a) shall include a system to enable sharing, including time-based sharing and coordination, to securely manage harmful interference between non-Federal users and incumbent Federal entities sharing a band of covered spectrum and between Federal entities sharing a band of covered spectrum.

“(2) REQUIREMENTS.—The system required by paragraph (1) shall contain, at a minimum, the following:

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

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

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

“(i) Sensing.

“(ii) Identification.

“(iii) Reporting.

“(iv) Analysis.

“(v) Resolution.

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

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

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

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

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

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

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

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

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

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

“(6) CONSULTATION.—

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

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

- “(i) how best to mitigate risks to incumbent Federal users and missions;
- “(ii) which mitigation measures could enable secondary access by non-Federal users to avoid operational impact; and
- “(iii) a process for incumbent Federal users to share complaints or report harmful mission impact, including how the impact to Federal missions would be assessed.
- “(c) BRIEFING.—Not later than 120 days after the date of the enactment of this section, and annually thereafter, the Assistant Secretary shall provide a briefing on the implementation and operation of the incumbent informing capability to—
- “(1) the Committee on Commerce, Science, and Transportation of the Senate; and
- “(2) the Committee on Energy and Commerce of the House of Representatives.
- “(d) DEFINITIONS.—In this section:
- “(1) COVERED SPECTRUM.—The term ‘covered spectrum’ means—
- “(A) electromagnetic spectrum for which usage rights are assigned to or authorized for (including before the date on which the incumbent informing capability required by subsection (a) is implemented) a non-Federal user or class of non-Federal users for use on a shared basis with an incumbent Federal entity in accordance with the rules of the Commission; and
- “(B) electromagnetic spectrum allocated on a primary or co-primary basis for Federal use that is shared among Federal entities.
- “(2) FEDERAL ENTITY.—The term ‘Federal entity’ has the meaning given such term in section 113(l).
- “(3) INCUMBENT INFORMING CAPABILITY.—The term ‘incumbent informing capability’ means a capability to facilitate the sharing of covered spectrum.
- “(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or expand the authority of the NTIA as described in section 113(j)(1).”.
- (b) FUNDING.—On the date of the enactment of this Act, the Director of the Office of Management and Budget shall transfer \$120,000,000 from the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) to the National Telecommunications and Information Administration for the purpose of establishing the incumbent informing capability under section 120 of such Act, as added by subsection (a).

TITLE V—REAUTHORIZATION OF FCC AUCTION AUTHORITY

SEC. 501. REAUTHORIZATION OF FCC AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “March 9, 2023” and inserting “September 30, 2026”.

TITLE VI—SPECTRUM AUCTION TRUST FUND

SEC. 601. DEPOSIT OF PROCEEDS.

- (a) COVERED AUCTION DEFINED.—In this title, the term “covered auction” means a system of competitive bidding—
- (1) conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), as amended by this Act, that commences during the period beginning on the date of the enactment of this Act and ending on September 30, 2026;
- (2) conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), as amended by this Act, for the band of frequencies between 3100 megahertz and 3450 megahertz, inclusive; or
- (3)(A) that involves a band of frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)); or
- (B) with respect to which the Federal Communications Commission shares with a licensee a portion of the proceeds, as described in paragraph (8)(G) of such section 309(j).
- (b) DEPOSIT OF PROCEEDS.—Notwithstanding subparagraphs (A), (C)(i), (D), and (G)(iii) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) and except as provided in subparagraph (B) of such section, the proceeds (including deposits and upfront payments from successful bidders) from any covered auction shall be deposited or available as follows:

(1) In the case of proceeds attributable to eligible frequencies described in subsection (g)(2) of section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923), such amount of such proceeds as is necessary to cover 110 percent of the relocation or sharing costs (as defined in subsection (g)(3) of such section) of Federal entities (as defined in subsection (l) of such section) relocated from or sharing such eligible frequencies shall be deposited in the Spectrum Relocation Fund established under section 118 of such Act (47 U.S.C. 928). Any remaining proceeds after making the deposit described in this paragraph shall be deposited in accordance with section 602 of this Act.

(2) In the case of proceeds attributable to spectrum usage rights made available through an incentive auction under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), such amount of such proceeds as the Federal Communications Commission has agreed to share with licensees under such subparagraph shall be shared with such licensees. Any remaining proceeds after making the deposit described in this paragraph shall be deposited in accordance with section 602 of this Act.

(3) Any remaining proceeds after carrying out paragraphs (1) and (2) shall be deposited in accordance with section 602 of this Act.

SEC. 602. SPECTRUM AUCTION TRUST FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “Spectrum Auction Trust Fund” (in this section referred to as the “Fund”) for the purposes described in subparagraphs (A) through (D) of subsection (c)(1). Amounts deposited in the Fund shall remain available until expended.

(b) **DEFICIT REDUCTION.**—

(1) **PROCEEDS OF REQUIRED AUCTION OF 3.1-3.45 GHZ BAND.**—Except as provided in section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), and notwithstanding any other provision of law—

(A) the first \$17,300,000,000 of the proceeds of systems of competitive bidding required under section 90008 of the Infrastructure Investment and Jobs Act (47 U.S.C. 921 note) shall be deposited in the general fund of the Treasury, where such proceeds shall be dedicated for the sole purpose of deficit reduction; and

(B) the remainder of the proceeds of the systems of competitive bidding described in subparagraph (A) shall be deposited in accordance with subsection (c).

(2) **PROCEEDS OF SPECTRUM PIPELINE ACT OF 2015 AUCTION.**—Except as provided in section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), and notwithstanding any other provision of law—

(A) the first \$300,000,000 of the proceeds of the system of competitive bidding required under section 1004 of the Spectrum Pipeline Act of 2015 (47 U.S.C. 921 note) shall be deposited in the general fund of the Treasury, where such proceeds shall be dedicated for the sole purpose of deficit reduction; and

(B) the remainder of the proceeds of the system of competitive bidding described in subparagraph (A) shall be deposited in accordance with subsection (c).

(3) **REMAINING PROCEEDS OF COVERED AUCTIONS.**—Except as provided in section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), and notwithstanding any other provision of law, any proceeds from covered auctions conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), shall be deposited as follows (unless the covered auction is a system of competitive bidding described in paragraph (1) or (2) of this subsection, in which case those proceeds shall be deposited in accordance with paragraph (1) or (2) of this subsection, as applicable):

(A) The first \$2,000,000,000 of those proceeds shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(B) Any remaining proceeds after carrying out subparagraph (A) shall be deposited in accordance with subsection (c).

(c) **DEPOSIT OF FUNDS.**—

(1) **IN GENERAL.**—Except as provided in subsection (b) and paragraph (2), and notwithstanding any other provision of law (except for that subsection), an aggregate total amount of \$23,080,000,000 from covered auctions shall be deposited in the Fund as follows:

(A) 30 percent of any such amounts, but no more than \$3,080,000,000 cumulatively, shall be transferred to the general fund of the Treasury to reimburse the amount borrowed under subsection (d) of this section.

(B) 30 percent of any such amounts, but no more than \$14,800,000,000 cumulatively, shall be made available to the Assistant Secretary of Commerce for Communications and Information until expended to carry out sections 159, 160, and 161 of the National Telecommunications and Information Administration Organization Act, as added by section 301 of this Act, except that not more than 4 percent of the amount made available by this subparagraph may be used for administrative purposes (including carrying out such sections 160 and 161).

(C) 30 percent of any such amounts, but no more than \$5,000,000,000 cumulatively, shall be made available to the Assistant Secretary of Commerce for Communications and Information to carry out section 60401 of the Infrastructure Investment and Jobs Act (47 U.S.C. 1741).

(D) 10 percent of such amounts, but no more than \$200,000,000 cumulatively, shall be transferred to the general fund of the Treasury to reimburse the amount borrowed under subsection (e) of this section.

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

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

(d) FCC BORROWING AUTHORITY.—The Federal Communications Commission may borrow from the Treasury of the United States, not later than 90 days after the date of the enactment of this Act, an amount not to exceed \$3,080,000,000 to carry out the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.), provided that the Commission shall not use any funds borrowed under this subsection in a manner that may result in outlays on or after December 31, 2032.

(e) NTIA BORROWING AUTHORITY.—The Assistant Secretary of Commerce for Communications and Information may borrow from the Treasury of the United States, not later than 90 days after the date of the enactment of this Act, an amount not to exceed \$200,000,000 to carry out the Minority Serving Institutions Program created under title IX of this Act, provided that the Assistant Secretary shall not use any funds borrowed under this subsection in a manner that may result in outlays on or after December 31, 2032.

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

TITLE VII—CREATION OF A SPECTRUM PIPELINE

SEC. 701. CREATION OF A SPECTRUM PIPELINE.

(a) FEASIBILITY ASSESSMENT.—

(1) IN GENERAL.—The Assistant Secretary shall complete, not later than June 15, 2025, a feasibility assessment of making available electromagnetic spectrum for non-Federal use, shared Federal and non-Federal use, or a combination thereof, in the bands of frequencies—

(A) between 4400 and 4940 megahertz, inclusive; and

(B) between 7125 and 8500 megahertz, inclusive.

(2) OTHER REQUIREMENTS.—In conducting the feasibility assessment under paragraph (1), the Assistant Secretary shall—

(A) coordinate directly with covered agencies with respect to frequencies assigned to, and used by, those agencies in the bands described in paragraph (1) and in affected adjacent or near adjacent bands; and

(B) conduct each analysis in accordance with section 113(j) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(j)).

(b) REPORT TO THE COMMISSION AND CONGRESS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Assistant Secretary completes the feasibility assessment required under subsection (a)(1), the Assistant Secretary shall submit to the Commission and Congress a report regarding that analysis, including an identification of the frequencies to be re-allocated from Federal use to non-Federal use, and from Federal use to shared Federal and non-Federal use.

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

(A) the covered agencies with which the Assistant Secretary coordinated regarding the frequencies considered under subsection (a)(1);

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

(i) the technical requirements necessary to make available bands in the frequencies considered under subsection (a)(1) for—

(I) exclusive non-Federal use; and

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

(ii) an estimate of the cost to covered agencies to make available bands in the frequencies considered under subsection (a)(1) for—

(I) exclusive non-Federal use; and

(II) shared Federal and non-Federal use;

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

(D) an assessment of the potential impact that authorizing mobile or fixed terrestrial wireless operations, including advanced mobile services operations, in any of the frequencies considered under subsection (a)(1) could have on the mission of an affected Federal entity.

(3) PUBLIC AVAILABILITY.—The Assistant Secretary shall make the report submitted under this subsection publicly available.

(4) CLASSIFIED INFORMATION.—To the extent that there is classified material in the report required to be submitted under paragraph (1), the Assistant Secretary shall provide the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a briefing on the classified components of the report submitted under this subsection.

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

(c) DEFINITIONS.—In this section:

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

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

(3) COVERED AGENCY.—The term “covered agency” means any agency with operations in a band of frequencies described in subsection (a)(1).

TITLE VIII—IMPROVING SPECTRUM MANAGEMENT

SEC. 801. IMPROVING SPECTRUM MANAGEMENT.

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

“SEC. 106. IMPROVING SPECTRUM MANAGEMENT.

“(a) DEFINITIONS.—In this section:

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

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

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

“(4) PPSG.—The term ‘PPSG’ means the interagency advisory body that, as of the date of the enactment of this section, is known as the Policy and Plans Steering Group.

“(5) SPECTRUM ACTION.—The term ‘spectrum action’ means any proposed action by the Commission to reallocate radio frequency spectrum that is anticipated to result in a system of competitive bidding conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) or licensing that could potentially impact the spectrum operations of a Federal entity.

“(6) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of Commerce for Communications and Information.

“(b) FEDERAL COORDINATION PROCEDURES.—

“(1) NOTICE.—With respect to each spectrum action, the Assistant Secretary shall file in the public record with respect to the spectrum action information (redacted as necessary if the information is protected from disclosure for a reason described in paragraph (3)) not later than the end of the period for submitting comments to the Commission in such proceeding regarding—

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

“(B) the Federal entities that may be impacted by the spectrum action;

“(C) when the Assistant Secretary provided notice to the Federal entities described in subparagraph (B) regarding the spectrum action; and

“(D) a summary of the general technical or procedural concerns of Federal entities with the spectrum action.

“(2) FINAL RULE.—If the Commission promulgates a final rule under section 553 of title 5, United States Code, involving a spectrum action, the Commission shall prepare, make available to the public, and publish in the Federal Register along with the final rule an interagency coordination summary that describes—

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

“(B) whether the Assistant Secretary raised technical, procedural, or policy concerns of Federal entities regarding the spectrum action; and

“(C) how any concerns described in subparagraph (B) were resolved.

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

“(c) FEDERAL SPECTRUM COORDINATION RESPONSIBILITIES.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall establish a charter for the PPSG.

“(2) PPSG REPRESENTATIVE.—

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

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

“(i) the appointment shall be invalid; and

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

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

“(A) oversee the spectrum coordination policies and procedures of the applicable Federal entity;

“(B) be responsible for timely notification of technical or procedural concerns of the applicable Federal entity to the PPSG; and

“(C) work closely with the representative of the applicable Federal entity to the Interdepartment Radio Advisory Committee.

“(4) PUBLIC CONTACT.—

“(A) IN GENERAL.—Each Federal entity shall list, on the website of the Federal entity, the name and contact information of the representative of the Federal entity to the PPSG, as appointed under paragraph (2).

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

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

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

“(2) NATURE OF UPDATE.—In updating the Memorandum as required in paragraph (1), such updates shall reflect changing technological, procedural, and policy circumstances as determined are necessary and appropriate by the Commission and NTIA.”.

TITLE IX—MINORITY SERVING INSTITUTIONS PROGRAM

SEC. 901. DEFINITIONS.

In this title:

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

(A) having—

(i) a speed of not less than—

(I) 100 megabits per second for downloads; and

(II) 20 megabits per second for uploads; and

(ii) a latency sufficient to support reasonably foreseeable, real-time, interactive applications; and

(B) with respect to an eligible community, offered with a low-cost option that is affordable to low- and middle-income residents of the eligible community, including through the Affordable Connectivity Program established under section 904(b) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(b)) or any successor program, and a low-cost program available through a provider.

(2) COVERED PLANNING GRANT.—The term “covered planning grant” means funding made available to an eligible applicant for the purpose of developing or carrying out a local broadband plan from—

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

(B) an eligible entity—

(i) carrying out pre-deployment planning activities under subparagraph (A) of section 60102(d)(2) of the Infrastructure Investment and Jobs Act (47 U.S.C. 1702(d)(2)) or carrying out the administration of the grant under subparagraph (B) of such section; or

(ii) carrying out planning activities under section 60102(e)(1)(C)(iii) of the Infrastructure Investment and Jobs Act (47 U.S.C. 1702(e)(1)(C)(iii)).

(3) DIGITAL EQUITY.—The term “digital equity” has the meaning given the term in section 60302 of the Infrastructure Investment and Jobs Act (47 U.S.C. 1721).

(4) ELIGIBLE APPLICANT.—The term “eligible applicant” means an organization that does not receive a covered planning grant and—

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

(B) has a mission that is aligned with advancing digital equity;

(C) has relevant experience and expertise supporting eligible community anchor institutions to engage in the planning for the expansion and adoption of reliable and affordable broadband and deployment of broadband, and the advancement of digital equity—

(i) on campus at such institutions; and

(ii) to low-income residents in eligible communities with respect to those institutions; and

(D) employs staff with expertise in the development of broadband plans, the construction of internet infrastructure, or the design and delivery of digital equity programs, including through the use of contractors and consultants, except that the employment of such staff does not rely solely on outsourced contracts.

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

(A) is located—

- (i) within a census tract any portion of which is not more than 15 miles from an eligible community anchor institution; and
- (ii) with respect to a Tribal College or University located on land held in trust by the United States—

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

or

- (II) within a maximum distance established by the Assistant Secretary, in consultation with the Secretary of the Interior, to ensure that the area is statistically comparable to other areas described in clause (i); and

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

(6) **ELIGIBLE COMMUNITY ANCHOR INSTITUTION.**—The term “eligible community anchor institution” means a historically Black college or university, a Tribal College or University, or a Minority-serving institution.

(7) **ELIGIBLE ENTITY.**—The term “eligible entity” has the meaning given such term in section 60102 of the Infrastructure Investment and Jobs Act (47 U.S.C. 1702).

(8) **HISTORICALLY BLACK COLLEGE OR UNIVERSITY; TRIBAL COLLEGE OR UNIVERSITY; MINORITY-SERVING INSTITUTION.**—The terms “historically Black college or university”, “Tribal College or University”, and “Minority-serving institution” have the meanings given those terms in section 902(a) of title IX of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1306(a)), and include an established fiduciary of such educational institution, such as an affiliated foundation, or a district or State system affiliated with such educational institution.

(9) **IMPROPER PAYMENT.**—The term “improper payment” has the meaning given such term in section 3351 of title 31, United States Code.

(10) **LOCAL BROADBAND PLAN.**—The term “local broadband plan” means a plan developed pursuant to section 902(c).

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

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

SEC. 902. PROGRAM.

(a) **ESTABLISHMENT.**—The Assistant Secretary, acting through the head of the Office of Minority Broadband Initiatives, shall use the amounts made available under section 602(e) of this Act to establish within the National Telecommunications and Information Administration a program for the purposes described in subsection (c), provided that not more than 6 percent of the amounts used to establish the program may be used for salary, expenses, administration, and oversight with respect to the program.

(b) **AUTHORITY.**—The Assistant Secretary may use funding mechanisms, including grants, cooperative agreements, and contracts, for the effective implementation of the program.

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

- (1) identify barriers to broadband deployment and adoption in order to expand the availability and adoption of broadband at the eligible community anchor institution and within each such eligible community;

- (2) advance digital equity at the eligible community anchor institution and within each such eligible community; and

- (3) help each such eligible community to prepare applications for funding from multiple sources, including from—

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

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

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

- (1) be developed in coordination with stakeholder representatives; and

- (2) with respect to support for infrastructure funding—

- (A) reflect an approach that is performance-based and does not favor any particular technology, provider, or type of provider; and

- (B) include—

- (i) a description of the demographic profile of each applicable eligible community;
- (ii) an assessment of the needs of each applicable eligible community, including with respect to digital literacy, workforce development, and device access needs;
- (iii) a summary of current (as of the date of the most current data published by the Federal Communications Commission) service providers operating in each applicable eligible community and the broadband offerings and related services in each applicable eligible community;
- (iv) an estimate of capital and operational expenditures for the course of action recommended in the local broadband plan;
- (v) a preliminary implementation schedule for the deployment of broadband required under the local broadband plan; and
- (vi) a summary of the potential employment, development, and revenue creation opportunities for the eligible community anchor institution and each applicable eligible community.

(e) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive funding under the program, an eligible applicant shall submit to the Assistant Secretary, acting through the head of the Office of Minority Broadband Initiatives, an application containing—

- (A) the name and mailing address of the eligible applicant;
- (B) the name and email address of the point of contact for the eligible applicant;
- (C) documentation providing evidence that the applicant is an eligible applicant;
- (D) a summary description of the proposed approach that the eligible applicant will take to expand the availability and adoption of broadband;
- (E) an outline or sample of the proposed local broadband plan with respect to the funds;
- (F) a draft proposal for carrying out the local broadband plan with respect to the funds, describing with specificity how funds will be used;
- (G) a summary of past performance in which the eligible applicant created plans similar to the local broadband plan for communities similar to each applicable eligible community;
- (H) a description of the approach the eligible applicant will take to engage each applicable eligible community and the applicable eligible community anchor institution and report outcomes relating to that engagement;
- (I) a description of how the eligible applicant will meet the short term and long-term goals described in subsection (h)(2)(A); and
- (J) a certification that the applicant is not a recipient of a covered planning grant.

(2) DEADLINES.—The Assistant Secretary, acting through the head of the Office of Minority Broadband Initiatives, shall publish a notice for the program not later than 60 days after the date of the enactment of this Act.

(f) SELECTION CRITERIA.—When selecting an eligible applicant to receive funding under the program, the Assistant Secretary may give preference or priority to an eligible applicant, the application of which, if awarded, would enable a greater number of eligible communities to be served.

(g) REPORT.—

(1) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Assistant Secretary, acting through the head of the Office of Minority Broadband Initiatives, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report, which the Assistant Secretary, acting through the head of the Office of Minority Broadband Initiatives, shall make available to the public.

(2) CONTENTS.—The report described in paragraph (1) shall include, for the period covered by the report—

- (A) the number of eligible applicants that submitted applications under the program;
- (B) the number of eligible applicants that received funding under the program;
- (C) a summary of the funding amounts made available to eligible applicants under the program and the list of eligible community anchor institutions the eligible applicants propose to serve;
- (D) the number of eligible communities that ultimately received funding or financing to promote broadband adoption and to deploy broadband in the eligible community under the program;

(E) information determined necessary by the Assistant Secretary to measure progress toward the goals described in subsection (h)(2)(A) and assess whether the goals described in such subsection are being met; and

(F) an identification of each eligible applicant that received funds through the program and a description of the progress each eligible applicant has made toward accomplishing the purpose of the program, as described in subsection (c).

(h) PUBLIC NOTICE; REQUIREMENTS.—

(1) PUBLIC NOTICE.—Not later than 90 days after the date on which the Assistant Secretary provides public notice of the program, the Assistant Secretary, in consultation with the head of the Office of Minority Broadband Initiatives, shall issue the Notice of Funding Opportunity governing the program.

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

(A) establish short-term and long-term goals for eligible applicants that receive funds under the program;

(B) establish performance metrics by which to evaluate whether an entity has met the goals described in subparagraph (A); and

(C) identify the selection criteria described in subsection (f) that the Assistant Secretary will use to award funds under the program if demand for funds under the program exceeds the amount appropriated for carrying out the program.

(i) OVERSIGHT.—

(1) AUDITS.—The Inspector General of the Department of Commerce (referred to in this subsection as the “Inspector General”) shall conduct an audit of the program in order to—

(A) ensure that eligible applicants use funds awarded under the program in accordance with—

(i) the requirements of this title; and

(ii) the purposes of the program, as described in subsection (c); and

(B) prevent waste, fraud, abuse, and improper payments.

(2) REVOCATION OF FUNDS.—The Assistant Secretary shall revoke funds awarded to an eligible applicant that is not in compliance with the requirements of this section or the purposes of the program, as described in subsection (c).

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

(A) The name of the eligible applicant.

(B) The amount of funding made available under the program to the eligible applicant.

(C) The amount of funding determined to be an improper payment made to an eligible applicant involved in the waste, fraud, abuse, or improper payment.

(4) NOTIFICATION OF AUDIT FINDINGS.—Not later than 7 days after the date of a finding described under paragraph (3), the Inspector General shall concurrently notify the Assistant Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives of the information described in that paragraph.

(5) FRAUD RISK MANAGEMENT.—In issuing rules under this subsection, the Assistant Secretary shall—

(A) designate an entity within the program office to lead fraud risk management activities;

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

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

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

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

(F) plan regular fraud risk assessments and assess risks to determine a fraud risk profile;

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

(H) consider the benefits and costs of controls to prevent and detect potential fraud, and develop a fraud response plan; and

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

PURPOSE AND SUMMARY

H.R. 3565, the “Spectrum Auction Reauthorization Act of 2023” would amend the Infrastructure Investment and Jobs Act to require the Secretary of Defense to submit a report to the Secretary of Commerce identifying spectrum in the 3.1–3.45 gigahertz (GHz) band for non-Federal use, shared Federal and non-Federal use, or a combination thereof. It directs the Secretary of Commerce, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Federal Communications Commission (FCC), informed by the report submitted by the Secretary of Defense to the Secretary of Commerce, to submit a report to the President, the FCC, and relevant congressional committees identifying 350 megahertz (MHz) of spectrum in the covered band for non-Federal use, shared Federal and non-Federal use, or a combination thereof.

If any auction poses an unacceptable risk to the national security of the United States, this bill requires the Secretary of Defense to inform the President, as the Commander in Chief, and grants the President the authority to make any final determinations regarding which frequencies could feasibly be reallocated. It then requires the FCC, in coordination with the National Telecommunications and Information Administration (NTIA), to begin a system of competitive bidding to make spectrum in the 3.1–3.45 gigahertz (GHz) band available for non-Federal use, shared Federal and non-Federal use, or a combination thereof not later than January 15, 2028.

Additionally, H.R. 3565 would reauthorize the FCC’s authority to grant a license or construction permit under section 309(j) of the Communications Act of 1934 (the Act) until September 30, 2026. H.R. 3565 would also require the NTIA to establish an incumbent informing capability (IIC) to better enable efficient spectrum usage, including through spectrum sharing, between Federal entities and non-Federal users operating in the same spectrum band and among Federal entities operating in the same spectrum band.

Finally, H.R. 3565 would establish a Spectrum Auction Trust Fund (Trust Fund) in the Treasury and require that proceeds from certain spectrum auctions first be deposited into the Treasury for deficit reduction. After these deposits are made, remaining proceeds from certain spectrum auctions would be deposited into the Trust Fund, which would be dedicated toward deploying Next-Generation 9–1–1 networks across the country, bridge the expected shortfall in funding for the reimbursement program established under section 4 of the Secure and Trusted Communications Networks Act of 2019, deploy middle mile networks, and increase connectivity on and in communities surrounding minority-serving institutions.

BACKGROUND AND NEED FOR LEGISLATION

The NTIA and the FCC are the two agencies tasked by Congress to oversee and manage our nation’s spectrum resources—a finite

natural resource.¹ The NTIA manages federal spectrum allocations as many Federal agencies use spectrum to perform vital operations, including the Department of Defense, the Department of Transportation, the National Aeronautics and Space Administration, and the National Oceanic and Atmospheric Administration.² The FCC is responsible for overseeing the non-Federal use of spectrum, including commercial usage.³

Spectrum is vital for the United States economy, national security, and future wireless innovation. Over the last few years, the FCC, in collaboration with NTIA in certain instances, has made several spectrum bands available for fifth-generation (5G) and next-generation wireless technology use and has started the process of making other spectrum bands available for such use.⁴ However, it has been reported that in order for the United States to stay a global leader in the deployment of future wireless technologies, the FCC will need to make additional spectrum available, particularly mid-band spectrum, for commercial use.⁵

The FCC has had the authority to auction spectrum since Congress passed the Omnibus Budget Reconciliation Act in 1993,⁶ and has been conducting spectrum auctions since 1994.⁷ Since receiving authority to conduct competitive bidding, the FCC has found auctioning spectrum to be a more efficient means of granting spectrum licenses.⁸ The FCC has also used this authority to grant licenses for the use of spectrum on a shared basis, and auctioning Federal spectrum for shared non-Federal use has been found to be an efficient way to provide benefits to the American public without disrupting Federal uses.⁹ However, this grant of authority has been subject to an expiration date.¹⁰ Congress has extended the FCC's spectrum auction authority several times over the last three decades. This authority expired for the first time on March 9, 2023.¹¹

Spectrum auctions have also benefited the American public, including by raising over \$230 billion.¹² Making additional mid-band spectrum available for commercial wireless use, reauthorizing the FCC's spectrum auction authority, and ensuring that Federal spectrum is used more efficiently, as contemplated by H.R. 3565, will provide the FCC and NTIA with the necessary tools to address our nation's future commercial and Federal spectrum needs.

¹ Communications Act of 1934, 47 U.S.C. 151 et seq.; National Telecommunications and Information Administration Organization Act, 47 U.S.C. 901 et seq.

² National Telecommunications and Information Administration, Spectrum Management (www.ntia.doc.gov/category/spectrum-management); National Telecommunications and Information Administration, Federal Government Spectrum Use Reports 225 MHz–7.125 GHz (<https://ntia.gov/page/federal-government-spectrum-use-reports-225-mhz-7125-ghz>).

³ 47 U.S.C. § 301.

⁴ See, e.g., Federal Communications Commission, Report and Order, Band on Transforming the 2.5 GHz Band (July 2019) (WT Docket No. 18–120); Federal Communications Commission, Report and Order and Order of Proposed Modification, Expanding Flexible Use of the 3.7 GHz to 4.2 GHz Band (Mar. 2020) (GN Docket No. 18–122); and Federal Communications Commission, Second Report and Order, Order on Reconsideration, and Order of Proposed Modification, Facilitating Shared Use in the 3100–3550 MHz Band (Mar. 2021) (WT Docket No. 19–348).

⁵ China's 5G Soars Over America's, Wall Street Journal (Feb. 16, 2022).

⁶ Omnibus Budget Reconciliation Act of 1993, Title VI (Pub. L. 103–66).

⁷ Federal Communications Commission, About Auctions (www.fcc.gov/auctions/about-auctions).

⁸ *Id.*

⁹ See, e.g., Federal Communications Commission, Second Report and Order, Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550–3650 MHz Band (GN Docket No. 12–354).

¹⁰ *Supra*, Note 6.

¹¹ Consolidated Appropriations Act of 2023, Division O, Title IX (Pub. L. 117–328).

¹² Federal Communications Commission, Auctions Summary (www.fcc.gov/auctions-summary).

Moreover, by directing proceeds from future spectrum auctions to fund important national security, public safety, and connectivity priorities, as contemplated by Titles II, III, and IX of H.R. 3565, this legislation will also ensure that our nation’s communications networks are safe and secure from foreign adversaries; that communities across the country have access to interoperable, advanced features (like pictures, videos, and text messages) during an emergency through Next-Generation 9–1–1 service; and that underserved communities have the necessary resources to prepare for broadband deployment funding opportunities.

COMMITTEE ACTION

On March 10, 2023, the Subcommittee on Communications and Technology held a hearing entitled, “Defending America’s Wireless Leadership.” The Subcommittee received testimony from:

- Brad Gillen, Executive Vice President, CTIA—The Wireless Association;
- James Assey, Executive Vice President, NCTA—The Internet and Television Association;
- Clete Johnson, Senior Fellow, Center for Strategic and International Studies; and
- Monisha Ghosh, Professor, Department of Electrical Engineering at the University of Notre Dame.

On May 17, 2023, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 3345, legislation similar to H.R. 3565, to the full Committee by a voice vote.

On May 24, 2023, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 3565, as amended, favorably reported to the House by a record vote of 50 yeas and 0 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

**COMMITTEE ON ENERGY AND COMMERCE
118TH CONGRESS
ROLL CALL VOTE # 13**

BILL: H.R. 3565, the Spectrum Auction Reauthorization Act of 2023

AMENDMENT: A motion by Rep. Rodgers to order H.R. 3565 favorably reported to the full House, as amended (Final Passage).

DISPOSITION: AGREED TO, by a roll call vote of 50 yeas to 0 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Burgess	X			Rep. Pallone	X		
Rep. Latta	X			Rep. Eshoo	X		
Rep. Guthrie	X			Rep. DeGette	X		
Rep. Griffith				Rep. Schakowsky	X		
Rep. Bilirakis	X			Rep. Matsui	X		
Rep. Johnson	X			Rep. Castor	X		
Rep. Bucshon	X			Rep. Sarbanes	X		
Rep. Hudson	X			Rep. Tonko	X		
Rep. Walberg	X			Rep. Clarke	X		
Rep. Carter	X			Rep. Cárdenas	X		
Rep. Duncan	X			Rep. Ruiz	X		
Rep. Palmer	X			Rep. Peters	X		
Rep. Dunn	X			Rep. Dingell	X		
Rep. Curtis	X			Rep. Veasey	X		
Rep. Lesko	X			Rep. Kuster	X		
Rep. Pence	X			Rep. Kelly	X		
Rep. Crenshaw	X			Rep. Barragán	X		
Rep. Joyce	X			Rep. Blunt Rochester	X		
Rep. Armstrong	X			Rep. Soto	X		
Rep. Weber	X			Rep. Craig	X		
Rep. Allen	X			Rep. Schrier	X		
Rep. Balderson	X			Rep. Trahan	X		
Rep. Fulcher	X			Rep. Fletcher	X		
Rep. Pfluger	X						
Rep. Harshbarger	X						
Rep. Miller-Meeks	X						
Rep. Cammack	X						
Rep. Obernolte							
Rep. Rodgers	X						

OVERSIGHT FINDINGS AND RECOMMENDATIONS

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

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 3565 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

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

FEDERAL MANDATES STATEMENT

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

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to reauthorize the FCC's spectrum auction authority and direct proceeds from certain spectrum auctions to national security, public safety, and broadband planning initiatives.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 3565 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following hearings were used to develop or consider H.R. 3565:

- On March 10, 2023, the Subcommittee on Communications and Technology held a hearing entitled, "Defending America's Wireless Leadership." The Subcommittee received testimony from:
 - Brad Gillen, Executive Vice President, CTIA—The Wireless Association;
 - James Assey, Executive Vice President, NCTA—The Internet and Television Association;
 - Clete Johnson, Senior Fellow, Center for Strategic and International Studies; and
 - Monisha Ghosh, Professor, Department of Electrical Engineering at the University of Notre Dame.

COMMITTEE COST ESTIMATE

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

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 3565 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

One advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

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

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section designates that the short title may be cited as the “Spectrum Auction Reauthorization Act of 2023”.

TITLE I—SPECTRUM INNOVATION

Section 101. Spectrum auctions and innovation

This section amends the Infrastructure Investment and Jobs Act to require the Secretary of Defense to submit a report to the Secretary of Commerce identifying spectrum in the 3.1–3.45 gigahertz (GHz) band for non-Federal use, shared Federal and non-Federal use, or a combination thereof. It then directs the Secretary of Commerce, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the FCC, informed by the report submitted by the Secretary of Defense to the Secretary of Commerce, to submit a report to the President, the FCC, and relevant congressional committees identifying 350 megahertz (MHz) of spectrum in the covered band for non-Federal use, shared Federal and non-Federal use, or a combination thereof. This section also provides that a Federal entity with operations in the 3.1–3.45 GHz band that the NTIA determines may be affected by reallocation of the band may request a payment from the Spectrum Relocation Fund (SRF) to make the band available for non-Federal use, shared Federal and non-Federal use, or a combination thereof. If any auction poses an unacceptable risk to the national security of the United States, this bill requires the Secretary of Defense to inform the President, as the Commander in Chief, and grants the President the authority to make any final determinations regarding which frequencies could feasibly be reallocated. It then requires the FCC, in coordination with NTIA, to begin a system of competitive

bidding to make spectrum in the 3.1–3.45 GHz available for non-federal use, shared Federal and non-Federal use, or a combination thereof not later than by January 15, 2028.

TITLE II—SECURE AND TRUSTED COMMUNICATIONS NETWORKS
REIMBURSEMENT PROGRAM

Section 201. Increase in limitation on expenditure

Section 201 amends the Secure and Trusted Communications Networks Act to increase the limitation for the “Secure and Trusted Communications Networks Reimbursement Program” from \$1.9 billion to \$4.98 billion.

TITLE III—NEXT GENERATION 9–1–1

Section 301. Further deployment and coordination of Next Generation 9–1–1

Section 301 adds a new section 159 to the NTIA Organization Act to require NTIA to, among other things, improve coordination and communication with respect to the implementation of Next-Generation 9–1–1. This section also requires NTIA to oversee and manage the Next Generation 9–1–1 grant program, including by providing grants to eligible entities for implementing and maintaining Next-Generation 9–1–1 and for training directly related to implementing, maintaining, and operating Next Generation 9–1–1. Finally, the new section 159 would require NTIA to issue regulations, after public notice and opportunity for comment, prescribing the criteria for selection for grants under the Next Generation 9–1–1 grant program.

Section 301 adds a new section 160 to the NTIA Organization Act, which would require NTIA to establish a nationwide Next Generation 9–1–1 Cybersecurity Center to coordinate with State, local, and regional governments on the sharing of cybersecurity information about, and analysis of cybersecurity threats to, and guidelines for strategies to detect and prevent cybersecurity intrusions relating to Next-Generation 9–1–1.

Finally, Section 301 adds a new section 161 to the NTIA Organization Act, which would create a Public Safety Next Generation 9–1–1 Advisory Board to provide recommendations to NTIA on carrying out the Next Generation 9–1–1 grant program.

TITLE IV—INCUMBENT INFORMING CAPABILITY

Section 401. Incumbent informing capability

Section 401 amends the NTIA Organization Act by requiring the NTIA to revise the Department of Commerce’s Manual of Regulations and Procedures for Federal Radio Frequency Management to incorporate and implement an incumbent informing capability to enable sharing, including time-based sharing and coordination, to securely manage harmful interference between non-Federal users and incumbent Federal entities sharing an applicable band of spectrum and between Federal entities sharing an applicable band of spectrum.

TITLE V—REAUTHORIZATION OF FCC AUCTION AUTHORITY

Section 501. Reauthorization of FCC auction authority

Section 501 amends section 309 of the Communications Act of 1934 to extend the FCC’s auction authority from March 9, 2023, to September 30, 2026.

TITLE VI—SPECTRUM AUCTION TRUST FUND

Section 601. Deposit of proceeds

Section 601 defines “covered auction” and requires that proceeds from a covered auction be deposited in the Trust Fund established in section 602. In the case of an auction of federal spectrum, proceeds that cover 110 percent of relocation or sharing costs would first be required to be deposited into the SRF before being deposited into the Trust Fund. In the case of an incentive auction under section 309(j)(8)(G) of the Act, proceeds that the FCC has agreed to share with licensees would be shared before remaining amounts are deposited into the Trust Fund. Any additional proceeds would be directed as described in section 602.

Section 602. Spectrum Auction Trust Fund

Section 602 establishes in the Treasury a fund to be known as the Spectrum Auction Trust Fund. For certain covered auctions, proceeds would be transferred to the Treasury consistent with the baseline established by the Congressional Budget Office (CBO). Any additional proceeds and proceeds from other covered auctions would be deposited in the Trust Fund. Of these proceeds, section 602 provides that proceeds would be used for certain purposes up to a specified cap. Under this section, 30 percent of amounts, up to a \$3.08 billion cap, would be required to be transferred to the general fund of the Treasury to repay amounts borrowed to fund the shortfall in funding for the reimbursement program established under section 4 of the Secure and Trusted Communications Networks Act; 30 percent of amounts, up to a \$14.8 billion cap, would be made available to NTIA to carry out Title III of H.R. 3565; 30 percent of amounts, up to a \$5 billion cap, would be made available to NTIA to carry out section 60401 of the Infrastructure Investment and Jobs Act (relating to a middle mile grant program); and 10 percent of amounts, up to a \$200 million cap, would be transferred to the general fund to repay amounts borrowed to carry out Title IX of H.R. 3565.

TITLE VII—CREATION OF A SPECTRUM PIPELINE

Section 701. Creation of a spectrum pipeline

Section 701 directs NTIA to complete a feasibility assessment of the availability of electromagnetic spectrum for non-Federal, shared Federal and non-Federal use, or a combination thereof, in the 4.4–4.94 GHz and 7.125–8.5 GHz frequency bands not later than June 15, 2025. This section also requires NTIA to coordinate directly with Federal entities with operations in those frequency bands and Federal entities in affected adjacent or near adjacent bands. This section also requires NTIA to conduct each analysis in accordance with section 113(j) of the NTIA Organization Act. Finally, Section 701 requires NTIA to submit a report to Congress

not later than 30 days after it completes the feasibility assessment regarding its analysis, including an identification of the frequencies to be reallocated from Federal use to non-Federal use and from Federal use to shared Federal and non-Federal use.

TITLE VIII—IMPROVING SPECTRUM MANAGEMENT

Section 801. Improving spectrum management

Section 801 requires the establishment of a Policy and Plans Steering Group (PPSG) and federal coordination procedures regarding a proposed spectrum action that could potentially impact the spectrum operations of a Federal entity. The federal coordination procedures required to be established would provide specific requirements of NTIA to file detailed information in the FCC’s relevant public record regarding: (1) when the FCC provided notice to NTIA regarding the proposed spectrum action; (2) the Federal entities that may be impacted by the proposed spectrum action; (3) when NTIA provided notice to the Federal entities that may be impacted by the proposed spectrum actions; (4) a summary of the general technical or procedural concerns of Federal entities with the proposed spectrum action. Finally, this section also requires the FCC and NTIA to update their memorandum of understanding regarding spectrum management decisions on a routine basis.

TITLE IX—MINORITY SERVING INSTITUTIONS PROGRAM

Section 901. Definitions

Section 901 defines terms relevant to the program established in Section 902.

Section 902. Program

This section directs NTIA to provide planning grants for eligible applicants to work with eligible community anchor institutions and eligible communities to develop local broadband plans that identify barriers to broadband deployment and adoption, advance digital literacy, and help prepare eligible entities to apply for federal broadband funding.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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

INFRASTRUCTURE INVESTMENT AND JOBS ACT

* * * * *

DIVISION I—OTHER MATTERS

* * * * *

SEC. 90008. SPECTRUM AUCTIONS.

(a) **DEFINITIONS.**—In this section:

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

(2) COVERED BAND.—The term “covered band” means the band of frequencies between 3100 and 3450 megahertz.

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

[(3)] (4) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Armed Services of the House of Representatives;

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

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

(5) RELOCATION OR SHARING COSTS.—*The term “relocation or sharing costs” has the meaning given such term in section 113(g)(3) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)).*

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

(b) 3.1-3.45 GHZ BAND.—

(1) PRE-AUCTION FUNDING.—

(A) IN GENERAL.—On the date of enactment of this Act, the Director of the Office of Management and Budget shall transfer \$50,000,000 from the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Act (47 U.S.C. 928) to the Department of Defense for the purpose of research and development, engineering studies, economic analyses, activities with respect to systems, or other planning activities to improve efficiency and effectiveness of the spectrum use of the Department of Defense in order to make available electromagnetic spectrum in the covered band—

(i) for reallocation [(for shared Federal and non-Federal commercial licensed use; and] *for non-Federal use, shared Federal and non-Federal use, or a combination thereof; and*

(ii) for auction under paragraph (3) of this subsection.

(B) EXEMPTION.—[Section]

(i) IN GENERAL.—*Section 118(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)) shall not apply with respect to [(the payment required under subparagraph (A)] payments made under subparagraph (A) before the date of the enactment of the Spectrum Auction Reauthorization Act of 2023.*

(ii) ACCOUNTING PLAN.—*The Secretary of Defense shall submit a report to the Secretary of Commerce and the Director of the Office of Management and Budget*

not later than 90 days after the date of the enactment of the Spectrum Auction Reauthorization Act of 2023, in accordance with section 118(g)(2)(D)(i)(I) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)(2)(D)(i)(I)), describing the activities for which the Department of Defense has used, is using, and will use payments made under subparagraph (A) before the date of the enactment of the Spectrum Auction Reauthorization Act of 2023. The Secretary of Commerce, acting through the Assistant Secretary, and the Director of the Office of Management and Budget shall continuously review and provide an accounting of the activities carried out using the payments made under subparagraph (A).

[(C) REPORT TO SECRETARY OF COMMERCE.—For purposes of paragraph (2)(A), the Secretary of Defense shall report to the Secretary of Commerce the findings of the planning activities described in subparagraph (A) of this paragraph.]

*(C) REPORT TO SECRETARY OF COMMERCE.—*For purposes of paragraph (2)(A), the Secretary of Defense, in coordination with the heads of other relevant Federal agencies who receive funds under subparagraph (D) of this paragraph, shall, not later than September 30, 2023, report to the Secretary of Commerce the findings of the planning activities described in subparagraph (A) of this paragraph, and detail frequencies in the covered band for identification by the Secretary of Commerce under paragraph (2).

(D) ADDITIONAL PAYMENTS.—

*(i) IN GENERAL.—*Federal entities with operations in the covered band that did not receive a payment under subparagraph (A) and that the Assistant Secretary determines might be affected by reallocation of the covered band may request a payment under section 118(g)(2)(A) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)(2)(A)) in order to make available the entire covered band for non-Federal use, shared Federal and non-Federal use, or a combination thereof. Total awards under this clause shall not exceed \$25,000,000.

*(ii) EXEMPTIONS.—*Subparagraphs (C)(ii) and (D)(ii) of section 118(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)(2)) shall not apply with respect to a payment made under clause (i).

(E) COOPERATION.—*The Assistant Secretary and the Department of Defense Chief Information Officer will serve as co-chairs of the Partnering to Advance Trusted and Holistic Spectrum Solutions (PATHSS) Task Group.*

[(2) IDENTIFICATION.—

[(A) IN GENERAL.—Not later than 21 months after the date of enactment of this Act, in accordance with the findings of the planning activities described in paragraph (1)(A) and subject to the determination of the Secretary of

Defense under subparagraph (B) of this paragraph, the Secretary of Commerce, in coordination with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and relevant congressional committees, shall—

[(i) determine which frequencies of electromagnetic spectrum in the covered band could be made available on a shared basis between Federal use and non-Federal commercial licensed use, subject to flexible-use service rules; and

[(ii) submit to the President and the Commission a report that identifies the frequencies determined appropriate under clause (i).

[(B) REQUIRED DETERMINATION.—The Secretary of Commerce may identify frequencies under subparagraph (A)(ii) only if the Secretary of Defense has determined that sharing those frequencies with non-Federal users would not impact the primary mission of military spectrum users in the covered band.

[(3) AUCTION.—Not earlier than November 30, 2024, the Commission, in consultation with the Assistant Secretary of Commerce for Communications and Information, shall begin a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant new licenses for the spectrum identified under paragraph (2)(A)(ii) of this subsection.

[(4) SHARING OF SPECTRUM.—Not earlier than May 31, 2025, the President shall modify any assignment to a Federal Government station of the frequencies identified under clause (ii) of paragraph (2)(A) in order to accommodate shared Federal and non-Federal commercial licensed use in accordance with that paragraph.]

(2) IDENTIFICATION.—

(A) IN GENERAL.—*Not later than June 15, 2025, informed by the report required under paragraph (1)(C), the Secretary of Commerce, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Commission, shall submit to the President, the Commission, and the relevant congressional committees a report that identifies 350 megahertz of frequencies in the covered band for non-Federal use, shared Federal and non-Federal use, or a combination thereof.*

(B) DETERMINATION IN CASE OF RISK TO NATIONAL SECURITY.—*If the Secretary of Defense believes reallocation of the frequencies identified by the Secretary of Commerce under subparagraph (A) poses an unacceptable risk to the national security of the United States, the Secretary of Defense shall inform the President, as the Commander in Chief under Article II, Section 2 of the United States Constitution, and the President shall make a final determination regarding which frequencies could feasibly be reallocated for the purposes of that subparagraph.*

(3) AUCTION.—

(A) IN GENERAL.—*Not later than January 15, 2028, the Commission, in coordination with the Assistant Secretary,*

shall commence a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), in accordance with paragraph (2) of this subsection, of the frequencies identified under such paragraph as suitable for a system of competitive bidding.

(B) PROHIBITION.—No entity that produces or provides any covered communications equipment or service (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)), or any affiliate (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) of such an entity, may participate in the system of competitive bidding required by subparagraph (A).

(C) SCOPE.—The Commission may not include in the system of competitive bidding required by subparagraph (A) any frequencies that are not in the covered band.

(4) MODIFICATION OR WITHDRAWAL OF FEDERAL ENTITY LICENSES.—

(A) IN GENERAL.—The President, acting through the Assistant Secretary, shall—

(i) begin the process of modifying or withdrawing any assignment to a Federal Government station of the frequencies identified under paragraph (2) to accommodate non-Federal use, shared Federal and non-Federal use, or a combination thereof in accordance with that paragraph not later than December 15, 2027; and

(ii) not later than 30 days after completing any necessary withdrawal or modification under clause (i), notify the Commission that the withdrawal or modification is complete.

(B) LIMITATIONS.—The President may not modify or withdraw any assignment to a Federal Government station as described in subparagraph (A)—

(i) unless the President determines that such modification or withdrawal will not pose an unacceptable risk to the national security of the United States; and

(ii) before November 30, 2024.

(5) AUCTION PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in this subsection shall be construed to relieve the Commission from the requirements under section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(c) FCC AUCTION AUTHORITY.—

(1) TERMINATION.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by inserting after “2025” the following: “, and with respect to the electromagnetic spectrum identified under section 90008(b)(2)(A)(ii) of the Infrastructure Investment and Jobs Act, such authority shall expire on the date that is 7 years after the date of enactment of that Act”.

(2) SPECTRUM PIPELINE ACT OF 2015.—Section 1006(c)(1) of the Spectrum Pipeline Act of 2015 (Public Law 114-74; 129 Stat. 624) is amended by striking “2022” and inserting “2024”.

* * * * *

COMMUNICATIONS ACT OF 1934

* * * * *

TITLE III—SPECIAL PROVISIONS
RELATING TO RADIO

PART I—GENERAL PROVISIONS

* * * * *

SEC. 309. ACTION UPON APPLICATIONS; FORM OF AND CONDITIONS
ATTACHED TO LICENSES.

(a) Subject to the provisions of this section, the Commission shall determine, in the case of each application filed with it to which section 308 applies, whether the public interest, convenience, and necessity will be served by the granting of such application, and, if the Commission, upon examination of such application and upon consideration of such other matters as the Commission may officially notice, shall find that public interest, convenience, and necessity would be served by the granting thereof, it shall grant such application.

(b) Except as provided in subsection (c) of this section, no such application—

(1) for an instrument of authorization in the case of a station in the broadcasting or common carrier services, or

(2) for an instrument of authorization in the case of a station in any of the following categories:

(A) industrial radio positioning stations for which frequencies are assigned on an exclusive basis,

(B) aeronautical en route stations,

(C) aeronautical advisory stations,

(D) airdrome control stations,

(E) aeronautical fixed stations, and

(F) such other stations or classes of stations, not in the broadcasting or common carrier services, as the Commission shall by rule prescribe,

shall be granted by the Commission earlier than thirty days following issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereof.

(c) Subsection (b) of this section shall not apply—

(1) to any minor amendment of an application to which such subsection is applicable, or

(2) to any application for—

(A) a minor change in the facilities of an authorized station,

(B) consent to an involuntary assignment or transfer under section 310(b) or to an assignment or transfer thereunder which does not involve a substantial change in ownership or control,

(C) a license under section 319(c) or, pending application for or grant of such license, any special or temporary authorization to permit interim operation to facilitate completion of authorized construction or to provide substan-

tially the same service as would be authorized by such license,

(D) extension of time to complete construction of authorized facilities,

(E) an authorization of facilities for remote pickups, studio links and similar facilities for use in the operation of a broadcast station,

(F) authorizations pursuant to section 325(c) where the programs to be transmitted are special events not of a continuing nature,

(G) a special temporary authorization for nonbroadcast operation not to exceed thirty days where no application for regular operation is contemplated to be filed or not to exceed sixty days pending the filing of an application for such regular operation, or

(H) an authorization under any of the proviso clauses of section 308(a).

(d)(1) Any party in interest may file with the Commission a petition to deny any application (whether as originally filed or as amended) to which subsection (b) of this section applies at any time prior to the day of Commission grant thereof without hearing or the day of formal designation thereof for hearing; except that with respect to any classification of applications, the Commission from time to time by rule may specify a shorter period (no less than thirty days following the issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereof), which shorter period shall be reasonably related to the time when the applications would normally be reached for processing. The petitioner shall serve a copy of such petition on the applicant. The petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with subsection (a) (or subsection (k) in the case of renewal of any broadcast station license). Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof. The applicant shall be given the opportunity to file a reply in which allegations of fact or denials thereof shall similarly be supported by affidavit.

(2) If the Commission finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there are no substantial and material questions of fact and that a grant of the application would be consistent with subsection (a) (or subsection (k) in the case of renewal of any broadcast station license), it shall make the grant, deny the petition, and issue a concise statement of the reasons for denying the petition, which statement shall dispose of all substantial issues raised by the petition. If a substantial and material question of fact is presented or if the Commission for any reason is unable to find that grant of the application would be consistent with subsection (a) (or subsection (k) in the case of renewal of any broadcast station license), it shall proceed as provided in subsection (e).

(e) If, in the case of any application to which subsection (a) of this section applies, a substantial and material question of fact is presented or the Commission for any reason is unable to make the

finding specified in such subsection, it shall formally designate the application for hearing on the ground or reasons then obtaining and shall forthwith notify the applicant and all other known parties in interest of such action and the ground and reasons therefor, specifying with particularity the matters and things in issue but not including issues or requirements phrased generally. When the Commission has so designated an application for hearing, the parties in interest, if any, who are not notified by the Commission of such action may acquire the status of a party to the proceeding thereon by filing a petition for intervention showing the basis for their interest not more than thirty days after publication of the hearing issues or any substantial amendment thereto in the Federal Register. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate. The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission.

(f) When an application subject to subsection (b) has been filed, the Commission, notwithstanding the requirements of such subsection, may, if the grant of such application is otherwise authorized by law and if it finds that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in the institution of such temporary operations would seriously prejudice the public interest, grant a temporary authorization, accompanied by a statement of its reasons therefor, to permit such temporary operations for a period not exceeding 180 days, and upon making like findings may extend such temporary authorization for additional periods not to exceed 180 days. When any such grant of a temporary authorization is made, the Commission shall give expeditious treatment to any timely filed petition to deny such application and to any petition for rehearing of such grant filed under section 405.

(g) The Commission is authorized to adopt reasonable classifications of applications and amendments in order to effectuate the purposes of this section.

(h) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein; (2) neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act; (3) every license issued under this Act shall be subject in terms to the right of use or control conferred by section 706 of this Act.

(i) RANDOM SELECTION.—

(1) GENERAL AUTHORITY.—Except as provided in paragraph (5), if there is more than one application for any initial license or construction permit, then the Commission shall have the authority to grant such license or permit to a qualified applicant through the use of a system of random selection.

(2) No license or construction permit shall be granted to an applicant selected pursuant to paragraph (1) unless the Commission determines the qualifications of such applicant pursuant to subsection (a) and section 308(b). When substantial and material questions of fact exist concerning such qualifications, the Commission shall conduct a hearing in order to make such determinations. For the purposes of making such determinations, the Commission may, by rule, and notwithstanding any other provision of law—

(A) adopt procedures for the submission of all or part of the evidence in written form;

(B) delegate the function of presiding at the taking of written evidence to Commission employees other than administrative law judges; and

(C) omit the determination required by subsection (a) with respect to any application other than the one selected pursuant to paragraph (1).

(3)(A) The Commission shall establish rules and procedures to ensure that, in the administration of any system of random selection under this subsection used for granting licenses or construction permits for any media of mass communications, significant preferences will be granted to applicants or groups of applicants, the grant to which of the license or permit would increase the diversification of ownership of the media of mass communications. To further diversify the ownership of the media of mass communications, an additional significant preference shall be granted to any applicant controlled by a member or members of minority group.

(B) The Commission shall have authority to require each qualified applicant seeking a significant preference under subparagraph (A) to submit to the Commission such information as may be necessary to enable the Commission to make a determination regarding whether such applicant shall be granted such preference. Such information shall be submitted in such form, at such times, and in accordance with such procedures, as the Commission may require.

(C) For purposes of this paragraph:

(i) The term “media of mass communication” includes television, radio, cable television, multipoint distribution service, direct broadcast satellite service, and other services, the licensed facilities of which may be substantially devoted toward providing programming or other information services within the editorial control of the licensee.

(ii) The term “minority group” includes Blacks, Hispanics, American Indians, Alaska Natives, Asians, and Pacific Islanders.

(4)(A) The Commission shall, after notice and opportunity for hearing, prescribe rules establishing a system of random selection for use by the Commission under this subsection in any instance in which the Commission, in its discretion, determines that such use is appropriate for the granting of any license or permit in accordance with paragraph (1).

(B) The Commission shall have authority to amend such rules from time to time to the extent necessary to carry out the provisions of this subsection. Any such amendment shall be made after notice and opportunity for hearing.

(C) Not later than 180 days after the date of enactment of this subparagraph, the Commission shall prescribe such transfer disclosures and antitrafficking restrictions and payment schedules as are

necessary to prevent the unjust enrichment of recipients of licenses or permits as a result of the methods employed to issue licenses under this subsection.

(5) TERMINATION OF AUTHORITY.—(A) Except as provided in subparagraph (B), the Commission shall not issue any license or permit using a system of random selection under this subsection after July 1, 1997.

(B) Subparagraph (A) of this paragraph shall not apply with respect to licenses or permits for stations described in section 397(6) of this Act.

(j) USE OF COMPETITIVE BIDDING.—

(1) GENERAL AUTHORITY.—If, consistent with the obligations described in paragraph (6)(E), mutually exclusive applications are accepted for any initial license or construction permit, then, except as provided in paragraph (2), the Commission shall grant the license or permit to a qualified applicant through a system of competitive bidding that meets the requirements of this subsection.

(2) EXEMPTIONS.—The competitive bidding authority granted by this subsection shall not apply to licenses or construction permits issued by the Commission—

(A) for public safety radio services, including private internal radio services used by State and local governments and non-government entities and including emergency road services provided by not-for-profit organizations, that—

(i) are used to protect the safety of life, health, or property; and

(ii) are not made commercially available to the public;

(B) for initial licenses or construction permits for digital television service given to existing terrestrial broadcast licensees to replace their analog television service licenses; or

(C) for stations described in section 397(6) of this Act.

(3) DESIGN OF SYSTEMS OF COMPETITIVE BIDDING.—For each class of licenses or permits that the Commission grants through the use of a competitive bidding system, the Commission shall, by regulation, establish a competitive bidding methodology. The Commission shall seek to design and test multiple alternative methodologies under appropriate circumstances. The Commission shall, directly or by contract, provide for the design and conduct (for purposes of testing) of competitive bidding using a contingent combinatorial bidding system that permits prospective bidders to bid on combinations or groups of licenses in a single bid and to enter multiple alternative bids within a single bidding round. In identifying classes of licenses and permits to be issued by competitive bidding, in specifying eligibility and other characteristics of such licenses and permits, and in designing the methodologies for use under this subsection, the Commission shall include safeguards to protect the public interest in the use of the spectrum and shall seek to promote the purposes specified in section 1 of this Act and the following objectives:

(A) the development and rapid deployment of new technologies, products, and services for the benefit of the public, including those residing in rural areas, without administrative or judicial delays;

(B) promoting economic opportunity and competition and ensuring that new and innovative technologies are readily accessible to the American people by avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women;

(C) recovery for the public of a portion of the value of the public spectrum resource made available for commercial use and avoidance of unjust enrichment through the methods employed to award uses of that resource;

(D) efficient and intensive use of the electromagnetic spectrum;

(E) ensure that, in the scheduling of any competitive bidding under this subsection, an adequate period is allowed—

(i) before issuance of bidding rules, to permit notice and comment on proposed auction procedures; and

(ii) after issuance of bidding rules, to ensure that interested parties have a sufficient time to develop business plans, assess market conditions, and evaluate the availability of equipment for the relevant services; and

(F) for any auction of eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)), the recovery of 110 percent of estimated relocation or sharing costs as provided to the Commission pursuant to section 113(g)(4) of such Act.

(4) CONTENTS OF REGULATIONS.—In prescribing regulations pursuant to paragraph (3), the Commission shall—

(A) consider alternative payment schedules and methods of calculation, including lump sums or guaranteed installment payments, with or without royalty payments, or other schedules or methods that promote the objectives described in paragraph (3)(B), and combinations of such schedules and methods;

(B) include performance requirements, such as appropriate deadlines and penalties for performance failures, to ensure prompt delivery of service to rural areas, to prevent stockpiling or warehousing of spectrum by licensees or permittees, and to promote investment in and rapid deployment of new technologies and services;

(C) consistent with the public interest, convenience, and necessity, the purposes of this Act, and the characteristics of the proposed service, prescribe area designations and bandwidth assignments that promote (i) an equitable distribution of licenses and services among geographic areas, (ii) economic opportunity for a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and

women, and (iii) investment in and rapid deployment of new technologies and services;

(D) ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services, and, for such purposes, consider the use of tax certificates, bidding preferences, and other procedures;

(E) require such transfer disclosures and antitrafficking restrictions and payment schedules as may be necessary to prevent unjust enrichment as a result of the methods employed to issue licenses and permits; and

(F) prescribe methods by which a reasonable reserve price will be required, or a minimum bid will be established, to obtain any license or permit being assigned pursuant to the competitive bidding, unless the Commission determines that such a reserve price or minimum bid is not in the public interest.

(5) BIDDER AND LICENSEE QUALIFICATION.—No person shall be permitted to participate in a system of competitive bidding pursuant to this subsection unless such bidder submits such information and assurances as the Commission may require to demonstrate that such bidder's application is acceptable for filing. No license shall be granted to an applicant selected pursuant to this subsection unless the Commission determines that the applicant is qualified pursuant to subsection (a) and sections 308(b) and 310. Consistent with the objectives described in paragraph (3), the Commission shall, by regulation, prescribe expedited procedures consistent with the procedures authorized by subsection (i)(2) for the resolution of any substantial and material issues of fact concerning qualifications.

(6) RULES OF CONSTRUCTION.—Nothing in this subsection, or in the use of competitive bidding, shall—

(A) alter spectrum allocation criteria and procedures established by the other provisions of this Act;

(B) limit or otherwise affect the requirements of subsection (h) of this section, section 301, 304, 307, 310, or 706, or any other provision of this Act (other than subsections (d)(2) and (e) of this section);

(C) diminish the authority of the Commission under the other provisions of this Act to regulate or reclaim spectrum licenses;

(D) be construed to convey any rights, including any expectation of renewal of a license, that differ from the rights that apply to other licenses within the same service that were not issued pursuant to this subsection;

(E) be construed to relieve the Commission of the obligation in the public interest to continue to use engineering solutions, negotiation, threshold qualifications, service regulations, and other means in order to avoid mutual exclusivity in application and licensing proceedings;

(F) be construed to prohibit the Commission from issuing nationwide, regional, or local licenses or permits;

(G) be construed to prevent the Commission from awarding licenses to those persons who make significant con-

tributions to the development of a new telecommunications service or technology; or

(H) be construed to relieve any applicant for a license or permit of the obligation to pay charges imposed pursuant to section 8 of this Act.

(7) CONSIDERATION OF REVENUES IN PUBLIC INTEREST DETERMINATIONS.—

(A) CONSIDERATION PROHIBITED.—In making a decision pursuant to section 303(c) to assign a band of frequencies to a use for which licenses or permits will be issued pursuant to this subsection, and in prescribing regulations pursuant to paragraph (4)(C) of this subsection, the Commission may not base a finding of public interest, convenience, and necessity on the expectation of Federal revenues from the use of a system of competitive bidding under this subsection.

(B) CONSIDERATION LIMITED.—In prescribing regulations pursuant to paragraph (4)(A) of this subsection, the Commission may not base a finding of public interest, convenience, and necessity solely or predominantly on the expectation of Federal revenues from the use of a system of competitive bidding under this subsection.

(C) CONSIDERATION OF DEMAND FOR SPECTRUM NOT AFFECTED.—Nothing in this paragraph shall be construed to prevent the Commission from continuing to consider consumer demand for spectrum-based services.

(8) TREATMENT OF REVENUES.—

(A) GENERAL RULE.—Except as provided in subparagraphs (B), (D), (E), (F), and (G), all proceeds from the use of a competitive bidding system under this subsection shall be deposited in the Treasury in accordance with chapter 33 of title 31, United States Code.

(B) RETENTION OF REVENUES.—Notwithstanding subparagraph (A), the salaries and expenses account of the Commission shall retain as an offsetting collection such sums as may be necessary from such proceeds for the costs of developing and implementing the program required by this subsection. Such offsetting collections shall be available for obligation subject to the terms and conditions of the receiving appropriations account, and shall be deposited in such accounts on a quarterly basis. Such offsetting collections are authorized to remain available until expended.

(C) DEPOSIT AND USE OF AUCTION ESCROW ACCOUNTS.—Any deposits the Commission may require for the qualification of any person to bid in a system of competitive bidding pursuant to this subsection shall be deposited in the Treasury. Within 45 days following the conclusion of the competitive bidding—

(i) the deposits of successful bidders shall be deposited in the general fund of the Treasury (where such deposits shall be used for the sole purpose of deficit reduction), except as otherwise provided in subparagraphs (D)(ii), (E)(ii), (F), and (G); and

(ii) the deposits of unsuccessful bidders shall be returned to such bidders, and payments representing the return of such deposits shall not be subject to administrative offset under section 3716(c) of title 31, United States Code.

(D) PROCEEDS FROM REALLOCATED FEDERAL SPECTRUM.—

(i) IN GENERAL.—Except as provided in clause (ii), cash proceeds attributable to the auction of any eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) shall be deposited in the Spectrum Relocation Fund established under section 118 of such Act, and shall be available in accordance with that section.

(ii) CERTAIN OTHER PROCEEDS.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), in the case of proceeds (including deposits and upfront payments from successful bidders) attributable to the auction of eligible frequencies described in paragraph (2) of section 113(g) of the National Telecommunications and Information Administration Organization Act that are required to be auctioned by section 6401(b)(1)(B) of the Middle Class Tax Relief and Job Creation Act of 2012, such portion of such proceeds as is necessary to cover the relocation or sharing costs (as defined in paragraph (3) of such section 113(g)) of Federal entities relocated from such eligible frequencies shall be deposited in the Spectrum Relocation Fund. The remainder of such proceeds shall be deposited in the Public Safety Trust Fund established by section 6413(a)(1) of the Middle Class Tax Relief and Job Creation Act of 2012.

(E) TRANSFER OF RECEIPTS.—

(i) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund to be known as the Digital Television Transition and Public Safety Fund.

(ii) PROCEEDS FOR FUNDS.—Notwithstanding subparagraph (A), the proceeds (including deposits and upfront payments from successful bidders) from the use of a competitive bidding system under this subsection with respect to recovered analog spectrum shall be deposited in the Digital Television Transition and Public Safety Fund.

(iii) TRANSFER OF AMOUNT TO TREASURY.—On September 30, 2009, the Secretary shall transfer \$7,363,000,000 from the Digital Television Transition and Public Safety Fund to the general fund of the Treasury.

(iv) RECOVERED ANALOG SPECTRUM.—For purposes of clause (i), the term “recovered analog spectrum” has the meaning provided in paragraph (15)(C)(vi).

(F) CERTAIN PROCEEDS DESIGNATED FOR PUBLIC SAFETY TRUST FUND.—Notwithstanding subparagraph (A) and except as provided in subparagraphs (B) and (D)(ii), the pro-

ceeds (including deposits and upfront payments from successful bidders) from the use of a system of competitive bidding under this subsection pursuant to section 6401(b)(1)(B) of the Middle Class Tax Relief and Job Creation Act of 2012 shall be deposited in the Public Safety Trust Fund established by section 6413(a)(1) of such Act.

(G) INCENTIVE AUCTIONS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the Commission may encourage a licensee to relinquish voluntarily some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses subject to flexible-use service rules by sharing with such licensee a portion, based on the value of the relinquished rights as determined in the reverse auction required by clause (ii)(I), of the proceeds (including deposits and upfront payments from successful bidders) from the use of a competitive bidding system under this subsection.

(ii) LIMITATIONS.—The Commission may not enter into an agreement for a licensee to relinquish spectrum usage rights in exchange for a share of auction proceeds under clause (i) unless—

(I) the Commission conducts a reverse auction to determine the amount of compensation that licensees would accept in return for voluntarily relinquishing spectrum usage rights; and

(II) at least two competing licensees participate in the reverse auction.

(iii) TREATMENT OF REVENUES.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the proceeds (including deposits and upfront payments from successful bidders) from any auction, prior to the end of fiscal year 2022, of spectrum usage rights made available under clause (i) that are not shared with licensees under such clause shall be deposited as follows:

(I) \$1,750,000,000 of the proceeds from the incentive auction of broadcast television spectrum required by section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 shall be deposited in the TV Broadcaster Relocation Fund established by subsection (d)(1) of such section.

(II) All other proceeds shall be deposited—

(aa) prior to the end of fiscal year 2022, in the Public Safety Trust Fund established by section 6413(a)(1) of such Act; and

(bb) after the end of fiscal year 2022, in the general fund of the Treasury, where such proceeds shall be dedicated for the sole purpose of deficit reduction.

(iv) CONGRESSIONAL NOTIFICATION.—At least 3 months before any incentive auction conducted under this subparagraph, the Chairman of the Commission, in consultation with the Director of the Office of Man-

agement and Budget, shall notify the appropriate committees of Congress of the methodology for calculating the amounts that will be shared with licensees under clause (i).

(v) DEFINITION.—In this subparagraph, the term “appropriate committees of Congress” means—

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

(II) the Committee on Appropriations of the Senate;

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

(IV) the Committee on Appropriations of the House of Representatives.

(9) USE OF FORMER GOVERNMENT SPECTRUM.—The Commission shall, not later than 5 years after the date of enactment of this subsection, issue licenses and permits pursuant to this subsection for the use of bands of frequencies that—

(A) in the aggregate span not less than 10 megahertz; and

(B) have been reassigned from Government use pursuant to part B of the National Telecommunications and Information Administration Organization Act.

(10) AUTHORITY CONTINGENT ON AVAILABILITY OF ADDITIONAL SPECTRUM.—

(A) INITIAL CONDITIONS.—The Commission’s authority to issue licenses or permits under this subsection shall not take effect unless—

(i) the Secretary of Commerce has submitted to the Commission the report required by section 113(d)(1) of the National Telecommunications and Information Administration Organization Act;

(ii) such report recommends for immediate reallocation bands of frequencies that, in the aggregate, span not less than 50 megahertz;

(iii) such bands of frequencies meet the criteria required by section 113(a) of such Act; and

(iv) the Commission has completed the rulemaking required by section 332(c)(1)(D) of this Act.

(B) SUBSEQUENT CONDITIONS.—The Commission’s authority to issue licenses or permits under this subsection on and after 2 years after the date of the enactment of this subsection shall cease to be effective if—

(i) the Secretary of Commerce has failed to submit the report required by section 113(a) of the National Telecommunications and Information Administration Organization Act;

(ii) the President has failed to withdraw and limit assignments of frequencies as required by paragraphs (1) and (2) of section 114(a) of such Act;

(iii) the Commission has failed to issue the regulations required by section 115(a) of such Act;

(iv) the Commission has failed to complete and submit to Congress, not later than 18 months after the date of enactment of this subsection, a study of cur-

rent and future spectrum needs of State and local government public safety agencies through the year 2010, and a specific plan to ensure that adequate frequencies are made available to public safety licensees; or

(v) the Commission has failed under section 332(c)(3) to grant or deny within the time required by such section any petition that a State has filed within 90 days after the date of enactment of this subsection; until such failure has been corrected.

(11) TERMINATION.—The authority of the Commission to grant a license or permit under this subsection shall expire ~~March 9, 2023~~ *September 30, 2026*, [except that, with respect to the electromagnetic spectrum identified under section 1004(a) of the Spectrum Pipeline Act of 2015, such authority shall expire on September 30, 2025, and with respect to the electromagnetic spectrum identified under section 90008(b)(2)(A)(ii) of the Infrastructure Investment and Jobs Act, such authority shall expire on the date that is 7 years after the date of enactment of that Act.] *except that with respect to the electromagnetic spectrum identified as suitable for a system of competitive bidding under section 90008(b)(2) of the Infrastructure Investment and Jobs Act (47 U.S.C. 921 note), such authority shall expire on the date that is 7 years after November 15, 2021.*

(13) RECOVERY OF VALUE OF PUBLIC SPECTRUM IN CONNECTION WITH PIONEER PREFERENCES.—

(A) IN GENERAL.—Notwithstanding paragraph (6)(G), the Commission shall not award licenses pursuant to a preferential treatment accorded by the Commission to persons who make significant contributions to the development of a new telecommunications service or technology, except in accordance with the requirements of this paragraph.

(B) RECOVERY OF VALUE.—The Commission shall recover for the public a portion of the value of the public spectrum resource made available to such person by requiring such person, as a condition for receipt of the license, to agree to pay a sum determined by—

(i) identifying the winning bids for the licenses that the Commission determines are most reasonably comparable in terms of bandwidth, scope of service area, usage restrictions, and other technical characteristics to the license awarded to such person, and excluding licenses that the Commission determines are subject to bidding anomalies due to the award of preferential treatment;

(ii) dividing each such winning bid by the population of its service area (hereinafter referred to as the per capita bid amount);

(iii) computing the average of the per capita bid amounts for the licenses identified under clause (i);

(iv) reducing such average amount by 15 percent; and

(v) multiplying the amount determined under clause (iv) by the population of the service area of the license obtained by such person.

(C) **INSTALLMENTS PERMITTED.**—The Commission shall require such person to pay the sum required by subparagraph (B) in a lump sum or in guaranteed installment payments, with or without royalty payments, over a period of not more than 5 years.

(D) **RULEMAKING ON PIONEER PREFERENCES.**—Except with respect to pending applications described in clause (iv) of this subparagraph, the Commission shall prescribe regulations specifying the procedures and criteria by which the Commission will evaluate applications for preferential treatment in its licensing processes (by precluding the filing of mutually exclusive applications) for persons who make significant contributions to the development of a new service or to the development of new technologies that substantially enhance an existing service. Such regulations shall—

(i) specify the procedures and criteria by which the significance of such contributions will be determined, after an opportunity for review and verification by experts in the radio sciences drawn from among persons who are not employees of the Commission or by any applicant for such preferential treatment;

(ii) include such other procedures as may be necessary to prevent unjust enrichment by ensuring that the value of any such contribution justifies any reduction in the amounts paid for comparable licenses under this subsection;

(iii) be prescribed not later than 6 months after the date of enactment of this paragraph;

(iv) not apply to applications that have been accepted for filing on or before September 1, 1994; and

(v) cease to be effective on the date of the expiration of the Commission's authority under subparagraph (F).

(E) **IMPLEMENTATION WITH RESPECT TO PENDING APPLICATIONS.**—In applying this paragraph to any broadband licenses in the personal communications service awarded pursuant to the preferential treatment accorded by the Federal Communications Commission in the Third Report and Order in General Docket 90–314 (FCC 93–550, released February 3, 1994)—

(i) the Commission shall not reconsider the award of preferences in such Third Report and Order, and the Commission shall not delay the grant of licenses based on such awards more than 15 days following the date of enactment of this paragraph, and the award of such preferences and licenses shall not be subject to administrative or judicial review;

(ii) the Commission shall not alter the bandwidth or service areas designated for such licenses in such Third Report and Order;

(iii) except as provided in clause (v), the Commission shall use, as the most reasonably comparable licenses for purposes of subparagraph (B)(i), the broadband licenses in the personal communications service for blocks A and B for the 20 largest markets (ranked by population) in which no applicant has obtained preferential treatment;

(iv) for purposes of subparagraph (C), the Commission shall permit guaranteed installment payments over a period of 5 years, subject to—

(I) the payment only of interest on unpaid balances during the first 2 years, commencing not later than 30 days after the award of the license (including any preferential treatment used in making such award) is final and no longer subject to administrative or judicial review, except that no such payment shall be required prior to the date of completion of the auction of the comparable licenses described in clause (iii); and

(II) payment of the unpaid balance and interest thereon after the end of such 2 years in accordance with the regulations prescribed by the Commission; and

(v) the Commission shall recover with respect to broadband licenses in the personal communications service an amount under this paragraph that is equal to not less than \$400,000,000, and if such amount is less than \$400,000,000, the Commission shall recover an amount equal to \$400,000,000 by allocating such amount among the holders of such licenses based on the population of the license areas held by each licensee.

The Commission shall not include in any amounts required to be collected under clause (v) the interest on unpaid balances required to be collected under clause (iv).

(F) EXPIRATION.—The authority of the Commission to provide preferential treatment in licensing procedures (by precluding the filing of mutually exclusive applications) to persons who make significant contributions to the development of a new service or to the development of new technologies that substantially enhance an existing service shall expire on the date of enactment of the Balanced Budget Act of 1997.

(G) EFFECTIVE DATE.—This paragraph shall be effective on the date of its enactment and apply to any licenses issued on or after August 1, 1994, by the Federal Communications Commission pursuant to any licensing procedure that provides preferential treatment (by precluding the filing of mutually exclusive applications) to persons who make significant contributions to the development of a new service or to the development of new technologies that substantially enhance an existing service.

(14) AUCTION OF RECAPTURED BROADCAST TELEVISION SPECTRUM.—

(A) LIMITATIONS ON TERMS OF TERRESTRIAL TELEVISION BROADCAST LICENSES.—A full-power television broadcast license that authorizes analog television service may not be renewed to authorize such service for a period that extends beyond June 12, 2009.

(B) SPECTRUM REVERSION AND RESALE.—

(i) The Commission shall—

(I) ensure that, as licenses for analog television service expire pursuant to subparagraph (A), each licensee shall cease using electromagnetic spectrum assigned to such service according to the Commission's direction; and

(II) reclaim and organize the electromagnetic spectrum in a manner consistent with the objectives described in paragraph (3) of this subsection.

(ii) Licensees for new services occupying spectrum reclaimed pursuant to clause (i) shall be assigned in accordance with this subsection.

(C) CERTAIN LIMITATIONS ON QUALIFIED BIDDERS PROHIBITED.—In prescribing any regulations relating to the qualification of bidders for spectrum reclaimed pursuant to subparagraph (B)(i), the Commission, for any license that may be used for any digital television service where the grade A contour of the station is projected to encompass the entirety of a city with a population in excess of 400,000 (as determined using the 1990 decennial census), shall not—

(i) preclude any party from being a qualified bidder for such spectrum on the basis of—

(I) the Commission's duopoly rule (47 C.F.R. 73.3555(b)); or

(II) the Commission's newspaper cross-ownership rule (47 C.F.R. 73.3555(d)); or

(ii) apply either such rule to preclude such a party that is a winning bidder in a competitive bidding for such spectrum from using such spectrum for digital television service.

(15) COMMISSION TO DETERMINE TIMING OF AUCTIONS.—

(A) COMMISSION AUTHORITY.—Subject to the provisions of this subsection (including paragraph (11)), but notwithstanding any other provision of law, the Commission shall determine the timing of and deadlines for the conduct of competitive bidding under this subsection, including the timing of and deadlines for qualifying for bidding; conducting auctions; collecting, depositing, and reporting revenues; and completing licensing processes and assigning licenses.

(B) TERMINATION OF PORTIONS OF AUCTIONS 31 AND 44.—Except as provided in subparagraph (C), the Commission shall not commence or conduct auctions 31 and 44 on June 19, 2002, as specified in the public notices of March 19, 2002, and March 20, 2002 (DA 02-659 and DA 02-563).

(C) EXCEPTION.—

(i) BLOCKS EXCEPTED.—Subparagraph (B) shall not apply to the auction of—

(I) the C-block of licenses on the bands of frequencies located at 710–716 megahertz, and 740–746 megahertz; or

(II) the D-block of licenses on the bands of frequencies located at 716–722 megahertz.

(ii) ELIGIBLE BIDDERS.—The entities that shall be eligible to bid in the auction of the C-block and D-block licenses described in clause (i) shall be those entities that were qualified entities, and that submitted applications to participate in auction 44, by May 8, 2002, as part of the original auction 44 short form filing deadline.

(iii) AUCTION DEADLINES FOR EXCEPTED BLOCKS.—Notwithstanding subparagraph (B), the auction of the C-block and D-block licenses described in clause (i) shall be commenced no earlier than August 19, 2002, and no later than September 19, 2002, and the proceeds of such auction shall be deposited in accordance with paragraph (8) not later than December 31, 2002.

(v) ADDITIONAL DEADLINES FOR RECOVERED ANALOG SPECTRUM.—Notwithstanding subparagraph (B), the Commission shall conduct the auction of the licenses for recovered analog spectrum by commencing the bidding not later than January 28, 2008, and shall deposit the proceeds of such auction in accordance with paragraph (8)(E)(ii) not later than June 30, 2008.

(vi) RECOVERED ANALOG SPECTRUM.—For purposes of clause (v), the term “recovered analog spectrum” means the spectrum between channels 52 and 69, inclusive (between frequencies 698 and 806 megahertz, inclusive) reclaimed from analog television service broadcasting under paragraph (14), other than—

(I) the spectrum required by section 337 to be made available for public safety services; and

(II) the spectrum auctioned prior to the date of enactment of the Digital Television Transition and Public Safety Act of 2005.

(D) RETURN OF PAYMENTS.—Within one month after the date of enactment of this paragraph, the Commission shall return to the bidders for licenses in the A-block, B-block, and E-block of auction 44 the full amount of all upfront payments made by such bidders for such licenses.

(16) SPECIAL AUCTION PROVISIONS FOR ELIGIBLE FREQUENCIES.—

(A) SPECIAL REGULATIONS.—The Commission shall revise the regulations prescribed under paragraph (4)(F) of this subsection to prescribe methods by which the total cash proceeds from any auction of eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) shall at least equal 110 percent of the total estimated relocation or sharing costs provided to the Commission pursuant to section 113(g)(4) of such Act.

(B) CONCLUSION OF AUCTIONS CONTINGENT ON MINIMUM PROCEEDS.—The Commission shall not conclude any auc-

tion of eligible frequencies described in section 113(g)(2) of such Act if the total cash proceeds attributable to such spectrum are less than 110 percent of the total estimated relocation or sharing costs provided to the Commission pursuant to section 113(g)(4) of such Act. If the Commission is unable to conclude an auction for the foregoing reason, the Commission shall cancel the auction, return within 45 days after the auction cancellation date any deposits from participating bidders held in escrow, and absolve such bidders from any obligation to the United States to bid in any subsequent reacquisition of such spectrum.

(C) AUTHORITY TO ISSUE PRIOR TO DEAUTHORIZATION.—In any auction conducted under the regulations required by subparagraph (A), the Commission may grant a license assigned for the use of eligible frequencies prior to the termination of an eligible Federal entity's authorization. However, the Commission shall condition such license by requiring that the licensee cannot cause harmful interference to such Federal entity until such entity's authorization has been terminated by the National Telecommunications and Information Administration.

(17) CERTAIN CONDITIONS ON AUCTION PARTICIPATION PROHIBITED.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Commission may not prevent a person from participating in a system of competitive bidding under this subsection if such person—

(i) complies with all the auction procedures and other requirements to protect the auction process established by the Commission; and

(ii) either—

(I) meets the technical, financial, character, and citizenship qualifications that the Commission may require under section 303(l)(1), 308(b), or 310 to hold a license; or

(II) would meet such license qualifications by means approved by the Commission prior to the grant of the license.

(B) CLARIFICATION OF AUTHORITY.—Nothing in subparagraph (A) affects any authority the Commission has to adopt and enforce rules of general applicability, including rules concerning spectrum aggregation that promote competition.

(18) ESTIMATE OF UPCOMING AUCTIONS.—

(A) Not later than September 30, 2018, and annually thereafter, the Commission shall make publicly available an estimate of what systems of competitive bidding authorized under this subsection may be initiated during the upcoming 12-month period.

(B) The estimate under subparagraph (A) shall, to the extent possible, identify the bands of frequencies the Commission expects to be included in each such system of competitive bidding.

(k) BROADCAST STATION RENEWAL PROCEDURES.—

(1) STANDARDS FOR RENEWAL.—If the licensee of a broadcast station submits an application to the Commission for renewal of such license, the Commission shall grant the application if it finds, with respect to that station, during the preceding term of its license—

(A) the station has served the public interest, convenience, and necessity;

(B) there have been no serious violations by the licensee of this Act or the rules and regulations of the Commission; and

(C) there have been no other violations by the licensee of this Act or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse.

(2) CONSEQUENCE OF FAILURE TO MEET STANDARD.—If any licensee of a broadcast station fails to meet the requirements of this subsection, the Commission may deny the application for renewal in accordance with paragraph (3), or grant such application on terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted.

(3) STANDARDS FOR DENIAL.—If the Commission determines, after notice and opportunity for a hearing as provided in subsection (e), that a licensee has failed to meet the requirements specified in paragraph (1) and that no mitigating factors justify the imposition of lesser sanctions, the Commission shall—

(A) issue an order denying the renewal application filed by such licensee under section 308; and

(B) only thereafter accept and consider such applications for a construction permit as may be filed under section 308 specifying the channel or broadcasting facilities of the former licensee.

(4) COMPETITOR CONSIDERATION PROHIBITED.—In making the determinations specified in paragraph (1) or (2), the Commission shall not consider whether the public interest, convenience, and necessity might be served by the grant of a license to a person other than the renewal applicant.

(1) APPLICABILITY OF COMPETITIVE BIDDING TO PENDING COMPARATIVE LICENSING CASES.—With respect to competing applications for initial licenses or construction permits for commercial radio or television stations that were filed with the Commission before July 1, 1997, the Commission shall—

(1) have the authority to conduct a competitive bidding proceeding pursuant to subsection (j) to assign such license or permit;

(2) treat the persons filing such applications as the only persons eligible to be qualified bidders for purposes of such proceeding; and

(3) waive any provisions of its regulations necessary to permit such persons to enter an agreement to procure the removal of a conflict between their applications during the 180-day period beginning on the date of enactment of the Balanced Budget Act of 1997.

* * * * *

SPECTRUM PIPELINE ACT OF 2015

* * * * *

TITLE X—SPECTRUM PIPELINE

* * * * *

SEC. 1004. IDENTIFICATION, REALLOCATION, AND AUCTION OF FEDERAL SPECTRUM.

(a) IDENTIFICATION OF SPECTRUM.—Not later than January 1, **[2022]** 2024, the Secretary shall submit to the President and to the Commission a report identifying 30 megahertz of electromagnetic spectrum (in bands of not less than 10 megahertz of contiguous frequencies) below the frequency of 3 gigahertz (except for the spectrum between the frequencies of 1675 megahertz and 1695 megahertz) for reallocation from Federal use to non-Federal use or shared Federal and non-Federal use, or a combination thereof.

(b) CLEARING OF SPECTRUM.—The President shall—

(1) not later than January 1, **[2022]** 2024, begin the process of withdrawing or modifying the assignment to a Federal Government station of the electromagnetic spectrum identified under subsection (a); and

(2) not later than 30 days after completing the withdrawal or modification, notify the Commission that the withdrawal or modification is complete.

(c) REALLOCATION AND AUCTION.—

(1) IN GENERAL.—The Commission shall—

(A) reallocate the electromagnetic spectrum identified under subsection (a) for non-Federal use or shared Federal and non-Federal use, or a combination thereof; and

(B) notwithstanding paragraph (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), not later than July 1, **[2024]** 2026, begin a system of competitive bidding under such section to grant new initial licenses for the use of such spectrum, subject to flexible-use service rules.

(2) PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(d) PROTECTION OF CERTAIN FEDERAL SPECTRUM OPERATIONS.—If the report required by subsection (a) determines that reallocation and auction of the spectrum described in the report would harm national security by impacting existing terrestrial Federal spectrum operations at the Nevada Test and Training Range, the Commission, in coordination with the Secretary shall, prior to the auction described in subsection (c)(1)(B), establish rules for licensees in such spectrum sufficient to mitigate harmful interference to such operations.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any requirement under section 1062(b) of the

National Defense Authorization Act for Fiscal Year 2000 (47 U.S.C. 921 note; Public Law 106–65).

* * * * *

**SECURE AND TRUSTED COMMUNICATIONS NETWORKS
ACT OF 2019**

* * * * *

SEC. 4. SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM.

(a) **IN GENERAL.**—The Commission shall establish a reimbursement program, to be known as the “Secure and Trusted Communications Networks Reimbursement Program”, to make reimbursements to providers of advanced communications service to replace covered communications equipment or services.

(b) **ELIGIBILITY.**—The Commission may not make a reimbursement under the Program to a provider of advanced communications service unless the provider—

- (1) has 10,000,000 or fewer customers; and
- (2) makes all of the certifications required by subsection (d)(4).

(c) **USE OF FUNDS.**—

(1) **IN GENERAL.**—A recipient of a reimbursement under the Program shall use reimbursement funds solely for the purposes of—

(A) permanently removing covered communications equipment or services purchased, rented, leased, or otherwise obtained—

(i) as defined in the Report and Order of the Commission in the matter of Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs (FCC 19–121; WC Docket No. 18–89; adopted November 22, 2019) (in this section referred to as the “Report and Order”); or

(ii) as determined to be covered by both the process of the Report and Order and the Designation Orders of the Commission on June 30, 2020 (DA 20–690; PS Docket No. 19–351; adopted June 30, 2020) (DA 20–691; PS Docket No. 19–352; adopted June 30, 2020) (in this section collectively referred to as the “Designation Orders”);

(B) replacing the covered communications equipment or services removed as described in subparagraph (A) with communications equipment or services that are not covered communications equipment or services; and

(C) disposing of the covered communications equipment or services removed as described in subparagraph (A) in accordance with the requirements under subsection (d)(7).

(2) **LIMITATIONS.**—A recipient of a reimbursement under the Program may not—

(A) use reimbursement funds to remove, replace, or dispose of any covered communications equipment or service purchased, rented, leased, or otherwise obtained on or after—

- (i) publication of the Report and Order; or
 - (ii) in the case of covered communications equipment that only became covered pursuant to the Designation Orders, June 30, 2020; or
 - (B) purchase, rent, lease, or otherwise obtain any covered communications equipment or service, using reimbursement funds or any other funds (including funds derived from private sources).
- (d) IMPLEMENTATION.—
- (1) SUGGESTED REPLACEMENTS.—
 - (A) DEVELOPMENT OF LIST.—The Commission shall develop a list of suggested replacements of both physical and virtual communications equipment, application and management software, and services or categories of replacements of both physical and virtual communications equipment, application and management software and services.
 - (B) NEUTRALITY.—The list developed under subparagraph (A) shall be technology neutral and may not advantage the use of reimbursement funds for capital expenditures over operational expenditures, to the extent that the Commission determines that communications services can serve as an adequate substitute for the installation of communications equipment.
 - (2) APPLICATION PROCESS.—
 - (A) IN GENERAL.—The Commission shall develop an application process and related forms and materials for the Program.
 - (B) COST ESTIMATE.—
 - (i) INITIAL ESTIMATE.—The Commission shall require an applicant to provide an initial reimbursement cost estimate at the time of application, with supporting materials substantiating the costs.
 - (ii) UPDATES.—During and after the application review process, the Commission may require an applicant to—
 - (I) update the initial reimbursement cost estimate submitted under clause (i); and
 - (II) submit additional supporting materials substantiating an updated cost estimate submitted under subclause (I).
 - (C) MITIGATION OF BURDEN.—In developing the application process under this paragraph, the Commission shall take reasonable steps to mitigate the administrative burdens and costs associated with the application process, while taking into account the need to avoid waste, fraud, and abuse in the Program.
 - (3) APPLICATION REVIEW PROCESS.—
 - (A) DEADLINE.—
 - (i) IN GENERAL.—Except as provided in clause (ii) and subparagraph (B), the Commission shall approve or deny an application for a reimbursement under the Program not later than 90 days after the date of the submission of the application.
 - (ii) ADDITIONAL TIME NEEDED BY COMMISSION.—If the Commission determines that, because an excessive

number of applications have been filed at one time, the Commission needs additional time for employees of the Commission to process the applications, the Commission may extend the deadline described in clause (i) for not more than 45 days.

(B) OPPORTUNITY FOR APPLICANT TO CURE DEFICIENCY.—If the Commission determines that an application is materially deficient (including by lacking an adequate cost estimate or adequate supporting materials), the Commission shall provide the applicant a 15-day period to cure the defect before denying the application. If such period would extend beyond the deadline under subparagraph (A) for approving or denying the application, such deadline shall be extended through the end of such period.

(C) EFFECT OF DENIAL.—Denial of an application for a reimbursement under the Program shall not preclude the applicant from resubmitting the application or submitting a new application for a reimbursement under the Program at a later date.

(4) CERTIFICATIONS.—An applicant for a reimbursement under the Program shall, in the application of the applicant, certify to the Commission that—

(A) as of the date of the submission of the application, the applicant—

(i) has developed a plan for—

(I) the permanent removal and replacement of any covered communications equipment or services that are in the communications network of the applicant as of such date; and

(II) the disposal of the equipment or services removed as described in subclause (I) in accordance with the requirements under paragraph (7); and

(ii) has developed a specific timeline (subject to paragraph (6)) for the permanent removal, replacement, and disposal of the covered communications equipment or services identified under clause (i), which timeline shall be submitted to the Commission as part of the application; and

(B) beginning on the date of the approval of the application, the applicant—

(i) will not purchase, rent, lease, or otherwise obtain covered communications equipment or services, using reimbursement funds or any other funds (including funds derived from private sources); and

(ii) in developing and tailoring the risk management practices of the applicant, will consult and consider the standards, guidelines, and best practices set forth in the cybersecurity framework developed by the National Institute of Standards and Technology.

(5) DISTRIBUTION OF REIMBURSEMENT FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (C), the Commission shall make reasonable efforts to ensure that reimbursement funds are distributed equitably among all applicants for reimbursements under the Program according to

the needs of the applicants, as identified by the applications of the applicants.

(B) NOTIFICATION.—If, at any time during the implementation of the Program, the Commission determines that \$1,000,000,000 will not be sufficient to fully fund all approved applications for reimbursements under the Program, the Commission shall immediately notify—

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

(ii) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate.

(C) PRIORITY FOR ALLOCATION.—On and after the date of enactment of this subparagraph, the Commission shall allocate sufficient reimbursement funds—

(i) first, to approved applicants that have 2,000,000 or fewer customers, for removal and replacement of covered communications equipment, as defined in section 9 or as designated by the process set forth in the Report and Order;

(ii) after funds have been allocated to all applicants described in clause (i), to approved applicants that are accredited public or private non-commercial educational institutions providing their own facilities-based educational broadband service, as defined in section 27.4 of title 47, Code of Federal Regulations, or any successor regulation, for removal and replacement of covered communications equipment, as defined in section 9 or as designated by the process set forth in the Report and Order; and

(iii) after funds have been allocated to all applicants described in clause (ii), to any remaining approved applicants determined to be eligible for reimbursement under the Program.

(6) REMOVAL, REPLACEMENT, AND DISPOSAL TERM.—

(A) DEADLINE.—Except as provided in subparagraphs (B) and (C), the permanent removal, replacement, and disposal of any covered communications equipment or services identified under paragraph (4)(A)(i) shall be completed not later than 1 year after the date on which the Commission distributes reimbursement funds to the recipient.

(B) GENERAL EXTENSION.—The Commission may grant an extension of the deadline described in subparagraph (A) for 6 months to all recipients of reimbursements under the Program if the Commission—

(i) finds that the supply of replacement communications equipment or services needed by the recipients to achieve the purposes of the Program is inadequate to meet the needs of the recipients; and

(ii) provides notice and a detailed justification for granting the extension to—

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

(II) the Committee on Commerce, Science, and Transportation of the Senate.

(C) INDIVIDUAL EXTENSION.—

(i) PETITION.—A recipient of a reimbursement under the Program may petition the Commission for an extension for such recipient of the deadline described in subparagraph (A) or, if the Commission has granted an extension of such deadline under subparagraph (B), such deadline as so extended.

(ii) GRANT.—The Commission may grant a petition filed under clause (i) by extending, for the recipient that filed the petition, the deadline described in subparagraph (A) or, if the Commission has granted an extension of such deadline under subparagraph (B), such deadline as so extended, for a period of not more than 6 months if the Commission finds that, due to no fault of such recipient, such recipient is unable to complete the permanent removal, replacement, and disposal described in subparagraph (A).

(7) DISPOSAL OF COVERED COMMUNICATIONS EQUIPMENT OR SERVICES.—The Commission shall include in the regulations promulgated under subsection (g) requirements for the disposal by a recipient of a reimbursement under the Program of covered communications equipment or services identified under paragraph (4)(A)(i) and removed from the network of the recipient in order to prevent such equipment or services from being used in the networks of providers of advanced communications service.

(8) STATUS UPDATES.—

(A) IN GENERAL.—Not less frequently than once every 90 days beginning on the date on which the Commission approves an application for a reimbursement under the Program, the recipient of the reimbursement shall submit to the Commission a status update on the work of the recipient to permanently remove, replace, and dispose of the covered communications equipment or services identified under paragraph (4)(A)(i).

(B) PUBLIC POSTING.—Not earlier than 30 days after the date on which the Commission receives a status update under subparagraph (A), the Commission shall make such status update public on the website of the Commission.

(C) REPORTS TO CONGRESS.—Not less frequently than once every 180 days beginning on the date on which the Commission first makes funds available to a recipient of a reimbursement under the Program, the Commission shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(i) the implementation of the Program by the Commission; and

(ii) the work by recipients of reimbursements under the Program to permanently remove, replace, and dispose of covered communications equipment or services identified under paragraph (4)(A)(i).

(e) MEASURES TO AVOID WASTE, FRAUD, AND ABUSE.—

(1) IN GENERAL.—The Commission shall take all necessary steps to avoid waste, fraud, and abuse with respect to the Program.

(2) SPENDING REPORTS.—The Commission shall require recipients of reimbursements under the Program to submit to the Commission on a regular basis reports regarding how reimbursement funds have been spent, including detailed accounting of the covered communications equipment or services permanently removed and disposed of, and the replacement equipment or services purchased, rented, leased, or otherwise obtained, using reimbursement funds.

(3) AUDITS, REVIEWS, AND FIELD INVESTIGATIONS.—The Commission shall conduct—

(A) regular audits and reviews of reimbursements under the Program to confirm that recipients of such reimbursements are complying with this Act; and

(B) random field investigations to ensure that recipients of reimbursements under the Program are performing the work such recipients are required to perform under the commitments made in the applications of such recipients for reimbursements under the Program, including the permanent removal, replacement, and disposal of the covered communications equipment or services identified under subsection (d)(4)(A)(i).

(4) FINAL CERTIFICATION.—

(A) IN GENERAL.—The Commission shall require a recipient of a reimbursement under the Program to submit to the Commission, in a form and at an appropriate time to be determined by the Commission, a certification stating that the recipient—

(i) has fully complied with (or is in the process of complying with) all terms and conditions of the Program;

(ii) has fully complied with (or is in the process of complying with) the commitments made in the application of the recipient for the reimbursement;

(iii) has permanently removed from the communications network of the recipient, replaced, and disposed of (or is in the process of permanently removing, replacing, and disposing of) all covered communications equipment or services that were in the network of the recipient as of the date of the submission of the application of the recipient for the reimbursement; and

(iv) has fully complied with (or is in the process of complying with) the timeline submitted by the recipient under subparagraph (A)(ii) of paragraph (4) of subsection (d) and the other requirements of such paragraph.

(B) UPDATED CERTIFICATION.—If, at the time when a recipient of a reimbursement under the Program submits a certification under subparagraph (A), the recipient has not fully complied as described in clause (i), (ii), or (iv) of such subparagraph or has not completed the permanent removal, replacement, and disposal described in clause (iii)

of such subparagraph, the Commission shall require the recipient to file an updated certification when the recipient has fully complied as described in such clause (i), (ii), or (iv) or completed such permanent removal, replacement, and disposal.

(f) EFFECT OF REMOVAL OF EQUIPMENT OR SERVICE FROM LIST.—

(1) IN GENERAL.—If, after the date on which a recipient of a reimbursement under the Program submits the application for the reimbursement, any covered communications equipment or service that is in the network of the recipient as of such date is removed from the list published under section 2(a), the recipient may—

(A) return to the Commission any reimbursement funds received for the removal, replacement, and disposal of such equipment or service and be released from any requirement under this section to remove, replace, or dispose of such equipment or service; or

(B) retain any reimbursement funds received for the removal, replacement, and disposal of such equipment or service and remain subject to the requirements of this section to remove, replace, and dispose of such equipment or service as if such equipment or service continued to be on the list published under section 2(a).

(2) ASSURANCES.—In the case of an assurance relating to the removal, replacement, or disposal of any equipment or service with respect to which the recipient returns to the Commission reimbursement funds under paragraph (1)(A), such assurance may be satisfied by making an assurance that such funds have been returned.

(g) RULEMAKING.—

(1) COMMENCEMENT.—Not later than 90 days after the date of the enactment of this Act, the Commission shall commence a rulemaking to implement this section.

(2) COMPLETION.—The Commission shall complete the rulemaking under paragraph (1) not later than 1 year after the date of the enactment of this Act.

(h) RULE OF CONSTRUCTION REGARDING TIMING OF REIMBURSEMENT.—Nothing in this section shall be construed to prohibit the Commission from making a reimbursement under the Program to a provider of advanced communications service before the provider incurs the cost of the permanent removal, replacement, and disposal of the covered communications equipment or service for which the application of the provider has been approved under this section.

(i) EDUCATION EFFORTS.—The Commission shall engage in education efforts with providers of advanced communications service to—

- (1) encourage such providers to participate in the Program; and
- (2) assist such providers in submitting applications for the Program.

(j) SEPARATE FROM FEDERAL UNIVERSAL SERVICE PROGRAMS.—The Program shall be separate from any Federal universal service program established under section 254 of the Communications Act of 1934 (47 U.S.C. 254).

(k) LIMITATION.—In carrying out this section, the Commission may not expend more than ~~【\$1,900,000,000】~~ \$4,980,000,000.

* * * * *

NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION ORGANIZATION ACT

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

PART A—ORGANIZATION AND FUNCTIONS

SEC. 101. SHORT TITLE.

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

* * * * *

SEC. 106. IMPROVING SPECTRUM MANAGEMENT.

(a) *DEFINITIONS.—In this section:*

(1) *CHAIR.—The term “Chair” means the Chairman of the Commission.*

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

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

(4) *PPSG.—The term “PPSG” means the interagency advisory body that, as of the date of the enactment of this section, is known as the Policy and Plans Steering Group.*

(5) *SPECTRUM ACTION.—The term “spectrum action” means any proposed action by the Commission to reallocate radio frequency spectrum that is anticipated to result in a system of competitive bidding conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) or licensing that could potentially impact the spectrum operations of a Federal entity.*

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

(b) *FEDERAL COORDINATION PROCEDURES.—*

(1) *NOTICE.—With respect to each spectrum action, the Assistant Secretary shall file in the public record with respect to the spectrum action information (redacted as necessary if the information is protected from disclosure for a reason described in paragraph (3)) not later than the end of the period for submitting comments to the Commission in such proceeding regarding—*

(A) when the Commission provided notice to the Assistant Secretary regarding the spectrum action, as required under the Memorandum;

(B) the Federal entities that may be impacted by the spectrum action;

(C) when the Assistant Secretary provided notice to the Federal entities described in subparagraph (B) regarding the spectrum action; and

(D) a summary of the general technical or procedural concerns of Federal entities with the spectrum action.

(2) *FINAL RULE.*—If the Commission promulgates a final rule under section 553 of title 5, United States Code, involving a spectrum action, the Commission shall prepare, make available to the public, and publish in the Federal Register along with the final rule an interagency coordination summary that describes—

(A) when the Commission provided notice to the Assistant Secretary regarding the spectrum action, as required under the Memorandum;

(B) whether the Assistant Secretary raised technical, procedural, or policy concerns of Federal entities regarding the spectrum action; and

(C) how any concerns described in subparagraph (B) were resolved.

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

(c) *FEDERAL SPECTRUM COORDINATION RESPONSIBILITIES.*—

(1) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall establish a charter for the PPSG.

(2) *PPSG REPRESENTATIVE.*—

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

(B) *SECURITY CLEARANCE REQUIREMENT.*—If an individual appointed under subparagraph (A) is not eligible to receive a security clearance described in that subparagraph—

(i) the appointment shall be invalid; and

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

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

(A) oversee the spectrum coordination policies and procedures of the applicable Federal entity;

(B) be responsible for timely notification of technical or procedural concerns of the applicable Federal entity to the PPSG; and

(C) work closely with the representative of the applicable Federal entity to the Interdepartment Radio Advisory Committee.

(4) *PUBLIC CONTACT.*—

(A) *IN GENERAL.*—Each Federal entity shall list, on the website of the Federal entity, the name and contact information of the representative of the Federal entity to the PPSG, as appointed under paragraph (2).

(B) *NTIA RESPONSIBILITY.*—The Assistant Secretary shall publish on the public website of the NTIA a complete list of the representatives to the PPSG appointed under paragraph (2).

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

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

(2) *NATURE OF UPDATE.*—In updating the Memorandum as required in paragraph (1), such updates shall reflect changing technological, procedural, and policy circumstances as determined are necessary and appropriate by the Commission and NTIA.

PART B—TRANSFER OF AUCTIONABLE FREQUENCIES

* * * * *

SEC. 120. INCUMBENT INFORMING CAPABILITY.

(a) *IN GENERAL.*—The Assistant Secretary shall—

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

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

(b) *ESTABLISHMENT OF THE INCUMBENT INFORMING CAPABILITY.*—

(1) *IN GENERAL.*—The incumbent informing capability required by subsection (a) shall include a system to enable sharing, including time-based sharing and coordination, to securely manage harmful interference between non-Federal users and incumbent Federal entities sharing a band of covered spectrum and between Federal entities sharing a band of covered spectrum.

(2) *REQUIREMENTS.*—The system required by paragraph (1) shall contain, at a minimum, the following:

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

(B) *One or more mechanisms to facilitate Federal-to-Federal sharing, as authorized by the NTIA.*

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

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

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

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

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

(A) *input into the system required by paragraph (1) such information as the Assistant Secretary may require, including the frequency, time, and location of the use of the band by such Federal entity; and*

(B) *to the extent practicable, input such information into such system on an automated basis.*

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

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

(B) **MECHANISM.**—*The Assistant Secretary shall develop a mechanism—*

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

(ii) to address issues of aggregate classification challenges.

(6) **CONSULTATION.**—

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

(B) **STAKEHOLDER FEEDBACK.**—*The Assistant Secretary shall solicit stakeholder feedback from Federal and non-Federal users of the incumbent informing capability, including on—*

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

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

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

(c) **BRIEFING.**—Not later than 120 days after the date of the enactment of this section, and annually thereafter, the Assistant Secretary shall provide a briefing on the implementation and operation of the incumbent informing capability to—

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

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

(d) **DEFINITIONS.**—In this section:

(1) **COVERED SPECTRUM.**—The term “covered spectrum” means—

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

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

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

(3) **INCUMBENT INFORMING CAPABILITY.**—The term “incumbent informing capability” means a capability to facilitate the sharing of covered spectrum.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to alter or expand the authority of the NTIA as described in section 113(j)(1).

PART C—SPECIAL AND TEMPORARY PROVISIONS

* * * * *

SEC. 159. COORDINATION OF NEXT GENERATION 9-1-1 IMPLEMENTATION.

(a) **DUTIES OF ASSISTANT SECRETARY WITH RESPECT TO NEXT GENERATION 9-1-1.**—

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

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

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

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

(D) provide technical assistance to eligible entities provided a grant under subsection (c) in support of efforts to explore efficiencies related to Next Generation 9–1–1;

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

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

(2) ANNUAL REPORTS.—Not later than October 1, 2024, and each year thereafter until funds made available to make grants under subsection (c) are no longer available to be expended, the Assistant Secretary shall submit to Congress a report on the activities conducted by the Assistant Secretary under paragraph (1) in the year preceding the submission of the report.

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

(b) ADDITIONAL DUTIES.—

(1) MANAGEMENT PLAN.—

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

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

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

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

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

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

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

(ii) publish the management plan on the website of the National Telecommunications and Information Administration; and

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

(2) MODIFICATION OF PLAN.—

(A) MODIFICATION.—The Assistant Secretary, after consulting with the Administrator, may modify the management plan developed under paragraph (1)(A).

(B) SUBMISSION.—Not later than 90 days after the plan is modified under subparagraph (A), the Assistant Secretary shall—

- (i) *submit the modified plan to—*
 - (I) *the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and*
 - (II) *the Committees on Energy and Commerce and Appropriations of the House of Representatives;*
 - (ii) *publish the modified plan on the website of the National Telecommunications and Information Administration; and*
 - (iii) *provide the modified plan to the Administrator for the purpose of publishing the modified plan on the website of the National Highway Traffic and Safety Administration.*
- (c) **NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—**
- (1) **GRANTS.—***The Assistant Secretary shall provide grants to eligible entities for—*
 - (A) *implementing Next Generation 9–1–1;*
 - (B) *maintaining Next Generation 9–1–1;*
 - (C) *training directly related to implementing, maintaining, and operating Next Generation 9–1–1 if the cost related to the training does not exceed—*
 - (i) *3 percent of the total grant award for eligible entities that are not Tribes; and*
 - (ii) *5 percent of the total grant award for eligible entities that are Tribes;*
 - (D) *public outreach and education on how the public can best use Next Generation 9–1–1 and the capabilities and usefulness of Next Generation 9–1–1;*
 - (E) *administrative costs associated with planning of Next Generation 9–1–1, including any cost related to planning for and preparing an application and related materials as required by this subsection, if—*
 - (i) *the cost is fully documented in materials submitted to the Assistant Secretary; and*
 - (ii) *the cost is reasonable, necessary, and does not exceed—*
 - (I) *1 percent of the total grant award for eligible entities that are not Tribes; and*
 - (II) *2 percent of the total grant award for eligible entities that are Tribes;*
 - (F) *costs associated with implementing cybersecurity measures at emergency communications centers or with respect to Next Generation 9–1–1.*
 - (2) **APPLICATION.—***In providing grants under paragraph (1), the Assistant Secretary, after consulting with the Administrator, shall require an eligible entity to submit to the Assistant Secretary an application, at the time and in the manner determined by the Assistant Secretary, and containing the certification required by paragraph (3).*
 - (3) **COORDINATION REQUIRED.—***Each eligible entity shall include in the application required by paragraph (2) a certification that—*
 - (A) *in the case of an eligible entity that is a State, the entity—*

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

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

(iii) has developed and submitted a plan for the coordination and implementation of Next Generation 9-1-1 that—

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

(II) ensures reliability;

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

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

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

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

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

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

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

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

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

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

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

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

(cc) adhering to Federal agency best practices such as those promulgated by the Na-

*tional Institute of Standards and Technology;
and*

(B) in the case of an eligible entity that is a Tribe, the Tribe has complied with clauses (i) and (iii) of subparagraph (A).

(4) CRITERIA.—

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

(B) REQUIREMENTS.—The criteria shall—

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

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

(C) UPDATES.—The Assistant Secretary shall update such rules as necessary.

(5) GRANT CERTIFICATIONS.—*Each eligible entity shall certify to the Assistant Secretary at the time of application for a grant under this subsection, and each eligible entity that receives such a grant shall certify to the Assistant Secretary annually thereafter during any period of time the funds from the grant are available to the eligible entity, that—*

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

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

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

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

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

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

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

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

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

(7) **PENALTY FOR PROVIDING FALSE INFORMATION.**—Any eligible entity that provides a certification under paragraph (5) knowing that the information provided in the certification was false shall—

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

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

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

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

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

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

(d) **DEFINITIONS.**—In this section and sections 160 and 161:

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

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

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

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

(A) enable interoperability; and

(B) are—

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

(I) that is open to the public, including open for participation by any person; and

(II) provides for a conflict resolution process;

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

(iii) consensus-based; and

(iv) made publicly available once approved.

(5) **COST RELATED TO THE TRAINING.**—The term “cost related to the training” means—

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

(B) travel expenses;

(C) instructor expenses; or

(D) facility costs and training materials.

(6) **ELIGIBLE ENTITY.**—The term “eligible entity”—

(A) means—

(i) a State or a Tribe; or

(ii) an entity, including a public authority, board, or commission, established by one or more entities described in clause (i); and

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

(7) **EMERGENCY COMMUNICATIONS CENTER.**—

(A) **IN GENERAL.**—The term “emergency communications center” means—

(i) a facility that—

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

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

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

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

(i) Processing and analyzing 9–1–1 requests for emergency assistance and information and data related to such requests.

(ii) Dispatching appropriate emergency response providers.

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

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

(v) Supporting incident command functions.

(8) *EMERGENCY RESPONSE PROVIDERS.*—The term “emergency response providers” has the meaning given that term under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(9) *FIRST RESPONDER NETWORK AUTHORITY.*—The term “First Responder Network Authority” means the authority established under 6204 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1424).

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

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

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

(A) ensures interoperability;

(B) is secure;

(C) employs commonly accepted standards;

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

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

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

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

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

(15) *SUSTAINABLE FUNDING MECHANISM.*—The term “sustainable funding mechanism” means a funding mechanism that provides adequate revenues to cover ongoing expenses, including operations, maintenance, and upgrades.

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

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

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

SEC. 161. NEXT GENERATION 9-1-1 ADVISORY BOARD.

(a) NEXT GENERATION 9-1-1 ADVISORY BOARD.—

(1) ESTABLISHMENT.—*The Assistant Secretary shall establish a “Public Safety Next Generation 9-1-1 Advisory Board” (in this section referred to as the “Board”) to provide recommendations to the Assistant Secretary—*

(A) with respect to carrying out the duties and responsibilities of the Assistant Secretary in issuing the rules required under section 159(c)(4);

(B) as required by paragraph (7); and

(C) upon request under paragraph (8).

(2) MEMBERSHIP.—

(A) VOTING MEMBERS.—*Not later than 150 days after the date of the enactment of this section, the Assistant Secretary shall appoint 16 public safety members to the Board, of which—*

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

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

(iii) 4 members shall represent emergency medical service officials; and

(iv) 4 members shall represent 9-1-1 professionals.

(B) DIVERSITY OF MEMBERSHIP.—*Members shall be representatives of State or Tribes and local governments, chosen to reflect geographic and population density differences as well as public safety organizations at the national level across the United States.*

(C) EXPERTISE.—*All members shall have specific expertise necessary for developing technical requirements under this section, such as technical expertise, and expertise related to public safety communications and 9-1-1 services.*

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

(3) PERIOD OF APPOINTMENT.—

(A) IN GENERAL.—*Except as provided in subparagraph (B), members of the Board shall serve for a 3-year term.*

(B) REMOVAL FOR CAUSE.—*A member of the Board may be removed for cause upon the determination of the Assistant Secretary.*

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

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

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

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

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

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

(C) creating efficiencies related to Next Generation 9–1–1, including cybersecurity and the virtualization and sharing of core infrastructure;

(D) enabling effective coordination among State, local, Tribal, and territorial government entities to ensure that the needs of emergency communications centers in both rural and urban areas are taken into account in each implementation plan required under section 159(c)(3)(A)(iii); and

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

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

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

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

* * * * *

