

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

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

S. 4207

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

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

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Sense of Congress.

Sec. 3. Definitions.

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

Sec. 101. National Spectrum Research and Development Plan.

Sec. 102. Incumbent informing audit.

TITLE II—EXERTING UNITED STATES SPECTRUM LEADERSHIP

2

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

TITLE III—CREATION OF A SPECTRUM PIPELINE

Sec. 301. Creation of a spectrum pipeline.

TITLE IV—EXTENSION OF FCC AUCTION AUTHORITY

Sec. 401. Extension of FCC auction authority.

TITLE V—WORKFORCE DEVELOPMENT

Subtitle A—Improving Minority Participation

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

Subtitle B—National Spectrum Workforce Plan

Sec. 511. National spectrum workforce plan.

TITLE VI—SPECTRUM AUCTION TRUST FUND

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

TITLE VII—SECURE AND TRUSTED COMMUNICATIONS NETWORKS
REIMBURSEMENT PROGRAM

Sec. 701. Increase in limitation on expenditure.

TITLE VIII—NEXT GENERATION 9–1–1

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

TITLE IX—MINORITY SERVING INSTITUTIONS PROGRAM

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

1 SEC. 2. SENSE OF CONGRESS.

2 It is the sense of Congress that—

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

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

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

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

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

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

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

3 (2) DYNAMIC SPECTRUM SHARING.—The term
4 “dynamic spectrum sharing” means adaptive coex-
5 istence using techniques that enable multiple electro-
6 magnetic spectrum users to operate on the same fre-
7 quencies in the same geographic area without caus-
8 ing harmful interference to other users (in cases
9 where such users have an expectation of protection
10 from harmful interference) by using capabilities that
11 can adjust and optimize electromagnetic spectrum
12 usage in real time or near-real time, consistent with
13 defined regulations and policies for a particular
14 spectrum band.

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

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

1 **TITLE I—DEVELOPMENT OF**
2 **SPECTRUM MAXIMIZING**
3 **TECHNOLOGIES**

4 **SEC. 101. NATIONAL SPECTRUM RESEARCH AND DEVELOP-**
5 **MENT PLAN.**

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

10 (b) DYNAMIC SPECTRUM SHARING.—

11 (1) NATIONAL TESTBED.—Not later than 18
12 months after the date of enactment of this Act, the
13 Under Secretary shall establish, in coordination with
14 relevant Federal entities, a national testbed function
15 consisting of a federated network of sites to advance
16 dynamic spectrum sharing technology. This testbed
17 function shall—

18 (A) enable the identification of bands of
19 Federal and non-Federal spectrum that can be
20 accessed on a short-term basis for experimen-
21 tation;

22 (B) consider specific areas for testing and
23 measurement to improve future study efforts
24 across spectrum bands, including researching

1 and developing solutions that can be applied
2 across a range of spectrum bands;

3 (C) be focused on developing techno-
4 logically neutral approaches;

5 (D) enable Federal entities to work coop-
6 eratively with non-Federal entities, including in-
7 dustry entities, academic institutions, and re-
8 search organizations, to objectively examine new
9 technologies to improve spectrum management;

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

18 (F) ensure compatibility and data sharing
19 across sites and serve as a central hub for those
20 sites.

21 (2) ROLE OF NTIA.—The role of the Under
22 Secretary described in paragraph (1) shall not in-
23 clude responsibility for programmatic, physical, or
24 operational management of individual testbed sites
25 or for staffing, equipment, and day-to-day operations

1 in individual testbeds, which shall continue to be the
2 responsibility of the Federal entity or other testbed
3 site manager responsible for the site.

4 (3) FUNDING.—The Under Secretary may use
5 the funding provided under section 602(c)(1)(E) of
6 this Act to establish the national testbed for dy-
7 namic spectrum sharing under paragraph (1).

8 (c) RESEARCH AND DEVELOPMENT PLAN.—The Of-
9 fice of Science and Technology Policy, in coordination with
10 each member agency of the Spectrum Advisory Council,
11 shall develop a National Spectrum Research and Develop-
12 ment Plan that—

13 (1) identifies the key innovation areas for spec-
14 trum research and development, including dynamic
15 spectrum sharing, artificial intelligence and machine
16 learning techniques, and other emerging technologies
17 for improving spectrum efficiency and innovation;

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

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

24 (4) will encourage Federal entities to conduct
25 spectrum-related testing and research in cooperation

1 with the Institute for Telecommunication Sciences of
2 the National Telecommunications and Information
3 Administration.

4 (d) PUBLIC AND PRIVATE SECTOR COLLABORATIVE
5 FRAMEWORK.—

6 (1) ESTABLISHMENT.—The Under Secretary,
7 in coordination with the Commission, and in collabo-
8 ration with relevant Federal agencies, shall establish
9 a collaborative framework for coordination, technical
10 exchange, and information sharing between Federal
11 entities and non-Federal entities for purposes of
12 short-term and long-term spectrum planning and
13 management.

14 (2) RULE OF CONSTRUCTION.—Nothing in
15 paragraph (1) shall be construed to alter the ability
16 of other Federal agencies to engage with outside
17 stakeholders on spectrum planning and management
18 under other statutory authorities.

19 **SEC. 102. INCUMBENT INFORMING AUDIT.**

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

1 **“SEC. 120. INCUMBENT INFORMING AUDIT.**

2 “Some Federal agencies’ spectrum usage may
3 vary over time due to mission needs, notably related
4 to national defense systems and the need for per-
5 sistent spectrum access to enable maneuver space to
6 detect and address potential threats. The NTIA
7 shall coordinate with such Federal agencies to en-
8 sure that a spectrum audit provides a complete and
9 accurate representation of mission-related spectrum
10 use. The audit should identify classification consider-
11 ations for affected Federal agencies, which retain
12 classification authorities for any data included in
13 databases that are part of implementation of an
14 audit. Coordination with affected Federal agencies to
15 address classification requirements would occur prior
16 to implementation and transfer of data, including to
17 ensure personnel with access have the requisite ex-
18 pertise and security clearance level required to han-
19 dle and assess such data. Any disputes regarding
20 whether the audit accomplishes this aim shall be re-
21 solved through the interagency process described in
22 the national security memorandum of the President
23 entitled ‘Memorandum on Renewing the National
24 Security Council System.’”.

1 “(i) a system of competitive bidding
2 conducted under section 309(j) of the
3 Communications Act of 1934 (47 U.S.C.
4 309(j)); or

5 “(ii) some other form of licensing or
6 other action to expand spectrum access;
7 and

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

10 “(4) SPECTRUM ADVISORY COUNCIL.—The
11 term ‘Spectrum Advisory Council’ means the inter-
12 agency advisory body established under the memo-
13 randum of the President entitled ‘Memorandum on
14 Modernizing United States Spectrum Policy and Es-
15 tablishing a National Spectrum Strategy’, issued on
16 November 13, 2023. The Spectrum Advisory Council
17 shall serve as the principal interagency forum for
18 heads of agencies to advise the NTIA on spectrum
19 policy matters and to ensure that all decisions made
20 by the NTIA take into consideration the diverse mis-
21 sions of the Federal Government. The Council shall
22 be led by the Under Secretary and shall be com-
23 posed of Assistant Secretary-level representatives or
24 their designees with spectrum management oversight
25 from agencies holding Federal spectrum assignments

1 or otherwise having spectrum-related statutory au-
2 thorities within their respective agencies.

3 “(5) INTERDEPARTMENT RADIO ADVISORY COM-
4 MITTEE (IRAC).—The NTIA’s IRAC shall continue
5 to advise the NTIA with respect to the NTIA’s stat-
6 utory role to develop and execute policies, programs,
7 procedures, and technical criteria pertaining to the
8 allocation, management, and Federal use of the elec-
9 tromagnetic spectrum.

10 “(b) FEDERAL COORDINATION PROCEDURES.—

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

13 “(A) in order to properly fulfill the respon-
14 sibility of the NTIA under section 103(b)(2)(U)
15 to promote the best possible and most efficient
16 use of electromagnetic spectrum resources
17 across the Federal Government, subject to and
18 consistent with the needs and missions of Fed-
19 eral agencies, and consistent with the authority
20 of the NTIA as the executive branch agency
21 principally responsible for advising the Presi-
22 dent on telecommunications and information
23 policies, shall, in coordination with the Spec-
24 trum Advisory Council and the IRAC as appro-
25 priate, ensure that the views of the executive

1 branch on spectrum matters are properly devel-
2 oped, documented, and, if necessary, presented
3 to the Commission and, in appropriate cir-
4 cumstances, in coordination with the Director
5 of the Office of Management and Budget, to
6 the Congress, as required under sections
7 102(b)(6) and 103(b)(2)(J), which shall extend
8 to all Federal spectrum matters, both where
9 Federal agencies hold frequency assignments
10 issued by the NTIA and where non-Federal
11 spectrum use may have a substantial impact on
12 Federal agency missions;

13 “(B) work cooperatively with the Executive
14 Office of the President, Federal entities, and
15 the Commission to arrive at consensus positions
16 reflecting the Nation’s spectrum policy goals.

17 “(C) ensure, in coordination with the Spec-
18 trum Advisory Council and, as appropriate, the
19 IRAC, that the views of the executive branch on
20 spectrum matters are properly—

21 “(i) developed;

22 “(ii) documented; and

23 “(iii) presented, as necessary, to the
24 Commission and, as appropriate and in co-
25 ordination with the Director of the Office

1 of Management and Budget, to Congress,
2 as required by sections 102(b)(6) and
3 103(b)(2)(J);

4 “(D) adhere to the terms of the Memo-
5 randum;

6 “(E) solicit views of affected Federal enti-
7 ties and provide those Federal entities with suf-
8 ficient time and procedures to present their
9 views and supporting technical information to
10 the NTIA;

11 “(F) provide affected Federal entities with
12 timely written feedback explaining why and how
13 their views will be taken into account in the po-
14 sition that the NTIA communicates to the
15 Commission;

16 “(G) facilitate the presentation by affected
17 Federal entities of classified or otherwise sen-
18 sitive views to the Commission;

19 “(H) develop the position of the executive
20 branch on issues related to spectrum, including
21 any supporting technical and operational infor-
22 mation to facilitate decision-making by the
23 Commission;

24 “(I) provide the position described in sub-
25 paragraph (H) to the Commission; and

1 “(J) provide the position described in sub-
2 paragraph (H) within the applicable timelines
3 established by the Commission or, as needed,
4 request additional time from the Commission.

5 “(2) PROCESS FOR ADDRESSING NON-CON-
6 SENSUS VIEWS.—If a Federal entity and the Under
7 Secretary are unable to reach consensus on the
8 views concerning Federal spectrum matters to be
9 presented to the Commission, the Under Secretary
10 shall—

11 “(A) notify the Commission of the lack of
12 consensus and the anticipated next steps and
13 timing to resolve the dispute;

14 “(B) request the joint assistance of the
15 Secretary and the head of the Federal entity
16 objecting to the proposed submission to the
17 Commission to find a mutually agreeable reso-
18 lution; and

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

22 “(3) SECONDARY PROCESS FOR ADDRESSING
23 NON-CONSENSUS.—If a Federal entity and the
24 Under Secretary are unable to reach a mutually

1 agreeable resolution under the process under para-
2 graph (2)—

3 “(A) not later than 90 days after com-
4 pleting the process, the Under Secretary or the
5 Federal entity may submit the dispute to the
6 Assistant to the President for National Security
7 Affairs and the Assistant to the President for
8 Economic Policy;

9 “(B) the Assistant to the President for
10 National Security Affairs and the Assistant to
11 the President for Economic Policy, in consulta-
12 tion with the Director of the Office of Science
13 and Technology Policy and, if appropriate, the
14 National Space Council, shall resolve the dis-
15 pute through the interagency process described
16 in the national security memorandum of the
17 President entitled ‘Memorandum on Renewing
18 the National Security Council System’, issued
19 on February 4, 2021; and

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

24 “(4) POST-COMMISSION ACTION PROCE-
25 DURES.—If the Commission takes a spectrum action

1 to make spectrum available for non-Federal use and
2 an affected Federal entity has knowledge, unforeseen
3 before the Commission took the spectrum action,
4 that the non-Federal use is causing or potentially
5 will cause harmful interference to existing Federal
6 operations or non-Federal operations that are regu-
7 lated by the Federal entity—

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

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

19 “(ii) present evidence to the Under
20 Secretary that the non-Federal use is caus-
21 ing or potentially will cause harmful inter-
22 ference or potential harm to the public in-
23 terest, including any technical or scientific
24 data that supports that position; and

1 “(iii) explain why the Federal entity
2 cannot take steps to ensure mission con-
3 tinuity that are consistent with the spec-
4 trum action of the Commission;

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

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

24 “(5) RULE OF CONSTRUCTION.—Nothing in
25 this subsection may be construed to require the dis-

1 closure of classified information, or other informa-
2 tion reflecting technical, procedural, or policy con-
3 cerns that are exempt from disclosure under section
4 552 of title 5, United States Code (commonly known
5 as the ‘Freedom of Information Act’).

6 “(c) FEDERAL SPECTRUM COORDINATION RESPON-
7 SIBILITIES.—

8 “(1) SPECTRUM ADVISORY COUNCIL REP-
9 RESENTATIVE.—

10 “(A) IN GENERAL.—The head of each
11 Federal entity that is reflected in the member-
12 ship of the Spectrum Advisory Council, shall, if
13 it has not already done so, appoint a senior-
14 level employee (or an individual occupying a
15 Senior Executive Service position, as defined in
16 section 3132(a) of title 5, United States Code)
17 who is eligible to receive a security clearance
18 that allows for access to sensitive compart-
19 mented information to serve as the representa-
20 tive of the Federal entity to the Spectrum Advi-
21 sory Council.

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

1 “(i) the appointment shall be invalid;

2 and

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

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

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

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

18 “(C) work closely with the representative
19 of the applicable Federal entity to the IRAC;

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

1 “(i) the applicable reasonable deadline
2 established by the NTIA, at the discretion
3 of the NTIA, pursuant to section IV(3) of
4 the Memorandum, or any successor provi-
5 sion; or

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

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

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

21 “(G) collaborate with the NTIA on spec-
22 trum planning.

23 “(d) COORDINATION BETWEEN THE COMMISSION
24 AND THE NTIA.—

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

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

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

18 “(f) TESTING.—A Federal entity shall coordinate
19 with the NTIA before carrying out any electromagnetic
20 compatibility study or testing plan that the Federal entity
21 seeks to be considered in formulating the views of the ex-
22 ecutive branch regarding spectrum regulatory matters.

23 “(g) REPORT ON SPECTRUM MANAGEMENT PRIN-
24 CIPLES AND METHODS.—Not later than May 14, 2025,

1 the Under Secretary, in coordination with the Spectrum
2 Advisory Council, shall publish a report that identifies—

3 “(1) spectrum management principles and
4 methods to guide the Federal Government in spec-
5 trum studies and science;

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

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

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

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

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

23 (1) in section 5314, by striking “and Under
24 Secretary of Commerce for Minority Business Devel-
25 opment” and inserting “Under Secretary of Com-

1 merce for Minority Business Development, and
2 Under Secretary of Commerce for Communications
3 and Information”; and

4 (2) in section 5315, by striking “(11)” after
5 “Assistant Secretaries of Commerce” and inserting
6 “(10)”.

7 (c) DEPUTY UNDER SECRETARY.—

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

13 “(3) DEPUTY UNDER SECRETARY.—The Dep-
14 uty Under Secretary of Commerce for Communica-
15 tions and Information shall—

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

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

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

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENT.—Section 106(c) of the Public Telecommuni-
3 cations Financing Act of 1978 (5 U.S.C. 5316 note;
4 Public Law 95–567) is amended by striking “The
5 position of Deputy Assistant Secretary of Commerce
6 for Communications and Information, established in
7 Department of Commerce Organization Order Num-
8 bered 10–10 (effective March 26, 1978),” and in-
9 serting “The position of Deputy Under Secretary of
10 Commerce for Communications and Information, es-
11 tablished under section 103(a) of the National Tele-
12 communications and Information Administration Or-
13 ganization Act (47 U.S.C. 902(a)),”.

14 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

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

21 (2) NATIONAL TELECOMMUNICATIONS AND IN-
22 FORMATION ADMINISTRATION ORGANIZATION ACT.—
23 The National Telecommunications and Information
24 Administration Organization Act (47 U.S.C. 901 et
25 seq.) is amended by striking “Assistant Secretary”

1 each place the term appears and inserting “Under
2 Secretary”.

3 (3) HOMELAND SECURITY ACT OF 2002.—Sec-
4 tion 1805(d)(2) of the Homeland Security Act of
5 2002 (6 U.S.C. 575(d)(2)) is amended by striking
6 “Assistant Secretary for Communications and Infor-
7 mation of the Department of Commerce” and insert-
8 ing “Under Secretary of Commerce for Communica-
9 tions and Information”.

10 (4) AGRICULTURE IMPROVEMENT ACT OF
11 2018.—Section 6212 of the Agriculture Improvement
12 Act of 2018 (7 U.S.C. 950bb–6) is amended—

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

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

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

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

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

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

5 (C) by redesignating subsection (c) as sub-
6 section (b).

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

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

14 (B) by striking “such exceptions” and in-
15 serting “of the exceptions in subsections (a)
16 and (b)”.

17 (8) TITLE 17, UNITED STATES CODE.—Section
18 1201 of title 17, United States Code, is amended—

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

1 (B) in subsection (g), by striking para-
2 graph (5).

3 (9) UNLOCKING CONSUMER CHOICE AND WIRE-
4 LESS COMPETITION ACT.—Section 2(b) of the
5 Unlocking Consumer Choice and Wireless Competi-
6 tion Act (17 U.S.C. 1201 note; Public Law 113–
7 144) is amended by striking “Assistant Secretary
8 for Communications and Information of the Depart-
9 ment of Commerce” and inserting “Under Secretary
10 of Commerce for Communications and Information”.

11 (10) IMPLEMENTING RECOMMENDATIONS OF
12 THE 9/11 COMMISSION ACT OF 2007.—Section
13 2201(d) of the Implementing Recommendations of
14 the 9/11 Commission Act of 2007 (42 U.S.C. 247d–
15 3a note; Public Law 110–53) is repealed.

16 (11) COMMUNICATIONS SATELLITE ACT OF
17 1962.—Section 625(a)(1) of the Communications
18 Satellite Act of 1962 (47 U.S.C. 763d(a)(1)) is
19 amended, in the matter preceding subparagraph (A),
20 by striking “Assistant Secretary” and inserting
21 “Under Secretary of Commerce”.

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

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

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

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

11 (A) in subsection (b), in the first sentence,
12 by striking “Assistant Secretary of Commerce
13 for Communications and Information” and in-
14 serting “Under Secretary of Commerce for
15 Communications and Information”; and

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

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

1 (15) MIDDLE CLASS TAX RELIEF AND JOB CRE-
2 ATION ACT OF 2012.—Title VI of the Middle Class
3 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
4 1401 et seq.) is amended—

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

6 (i) by striking paragraph (4);

7 (ii) by redesignating paragraphs (5)
8 through (31) as paragraphs (4) through
9 (30), respectively; and

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

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

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

17 (i) in section 6406 (47 U.S.C.
18 1453)—

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

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

23 “(b) DEFINITION.—In this section, the term ‘5350
24 -5470 MHz band’ means the portion of the electro-

1 magnetic spectrum between the frequencies from 5350
2 megahertz to 5470 megahertz.”; and

3 (ii) by striking section 6408; and

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

7 (16) RAY BAUM’S ACT OF 2018.—The RAY
8 BAUM’S Act of 2018 (division P of Public Law
9 115–141; 132 Stat. 348) is amended by striking
10 “Assistant Secretary” each place the term appears
11 and inserting “Under Secretary”.

12 (17) SECURE AND TRUSTED COMMUNICATIONS
13 NETWORKS ACT OF 2019.—Section 8 of the Secure
14 and Trusted Communications Networks Act of 2019
15 (47 U.S.C. 1607) is amended—

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

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

22 (18) TITLE 51, UNITED STATES CODE.—Section
23 50112(3) of title 51, United States Code, is amend-
24 ed, in the matter preceding subparagraph (A), by

1 striking “Assistant Secretary” each place the term
2 appears and inserting “Under Secretary”.

3 (19) CONSOLIDATED APPROPRIATIONS ACT,
4 2021.—The Consolidated Appropriations Act, 2021
5 (Public Law 116–260; 134 Stat. 1182) is amend-
6 ed—

7 (A) in title IX of division N—

8 (i) in section 902(a)(2) (47 U.S.C.
9 1306(a)(2)), in the heading, by striking
10 “ASSISTANT SECRETARY” and inserting
11 “UNDER SECRETARY”;

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

13 (I) in subsection (a)(1), in the
14 heading, by striking “ASSISTANT SEC-
15 RETARY” and inserting “UNDER SEC-
16 RETARY”;

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

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

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

4 (B) in title IX of division FF—

5 (i) in section 903(g)(2), in the head-
6 ing, by striking “ASSISTANT SECRETARY”
7 and inserting “UNDER SECRETARY”; and

8 (ii) by striking “Assistant Secretary”
9 each place the term appears and inserting
10 “Under Secretary”.

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

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

17 (B) in division F—

18 (i) in section 60102 (47 U.S.C.
19 1702)—

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

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

1 (III) in subsection (h)—

2 (aa) in paragraph (1)(B), by
3 striking “ASSISTANT SEC-
4 RETARY” and inserting “UNDER
5 SECRETARY”; and

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

10 (ii) in title III—

11 (I) in section 60302(5) (47
12 U.S.C. 1721(5)), by striking “ASSIST-
13 ANT SECRETARY” and inserting
14 “UNDER SECRETARY”; and

15 (II) in section 60305(d)(2)(B)(ii)
16 (47 U.S.C. 1724(d)(2)(B)(ii)), by
17 striking “ASSISTANT SECRETARY” and
18 inserting “UNDER SECRETARY”;

19 (iii) in section 60401(a)(2) (47 U.S.C.
20 1741(a)(2)), by striking “ASSISTANT SEC-
21 RETARY” and inserting “UNDER SEC-
22 RETARY”; and

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

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

4 (D) in division J, in title I, in the matter
5 under the heading “DISTANCE LEARNING,
6 TELEMEDICINE, AND BROADBAND PROGRAM”
7 under the heading “RURAL UTILITIES SERV-
8 ICE” under the heading “RURAL DEVELOP-
9 MENT PROGRAMS”, by striking “Assistant
10 Secretary” and inserting “Under Secretary”.

11 (e) CONTINUATION IN OFFICE.—The individual serv-
12 ing as the Assistant Secretary of Commerce for Commu-
13 nications and Information and the individual serving as
14 the Deputy Assistant Secretary of Commerce for Commu-
15 nications and Information on the day before the date of
16 enactment of this Act may serve as the Under Secretary
17 of Commerce for Communications and Information and
18 the Deputy Under Secretary of Commerce for Commu-
19 nications and Information, respectively, on and after that
20 date without the need for renomination or reappointment.

21 (f) REFERENCES.—Any reference in any other Fed-
22 eral law, Executive order, rule, regulation, or delegation
23 of authority, or any document of or pertaining to the As-
24 sistant Secretary of Commerce for Communications and

1 Information is deemed to refer to the Under Secretary of
2 Commerce for Communications and Information.

3 (g) SAVINGS PROVISIONS.—

4 (1) LEGAL DOCUMENTS.—All orders, deter-
5 minations, rules, regulations, permits, grants, loans,
6 contracts, agreements, certificates, licenses, and
7 privileges—

8 (A) that have been issued, made, granted,
9 or allowed to become effective by the Assistant
10 Secretary of Commerce for Communications
11 and Information, any officer or employee of the
12 National Telecommunications and Information
13 Administration, or any other Government offi-
14 cial, or by a court of competent jurisdiction;
15 and

16 (B) that are in effect on the date of enact-
17 ment of this Act (or become effective after that
18 date pursuant to their terms as in effect on
19 that date),

20 shall continue in effect according to their terms until
21 modified, terminated, superseded, set aside, or re-
22 voked in accordance with law by the President, any
23 other authorized official, a court of competent juris-
24 diction, or operation of law.

1 (2) NONABATEMENT OF ACTIONS.—No suit, ac-
2 tion, or other proceeding commenced by or against
3 the Assistant Secretary of Commerce for Commu-
4 nications and Information shall abate by reason of
5 the enactment of this title and the amendments
6 made by this title.

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

1 discontinued or modified if this title had not been
2 enacted.

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

10 **TITLE III—CREATION OF A** 11 **SPECTRUM PIPELINE**

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

13 (a) DEFINITIONS.—In this section:

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

16 (A) with operations in, or oversight of, the
17 band of frequencies described in subsection
18 (b)(1)(A) or with future planned operations in
19 the band of frequencies described in subsection
20 (b)(1)(B), if such operations have been coordi-
21 nated with the Director of the Office of Man-
22 agement and Budget for budget purposes and
23 the Under Secretary for spectrum access pur-
24 poses; and

1 (B) that might be affected by a realloca-
2 tion, or another action to expand spectrum ac-
3 cess, in a band described in subparagraph (A).

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

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

7 (i) with operations in, or oversight of,
8 the band of frequencies described in sub-
9 section (b)(1)(A) or with future planned
10 operations in the band of frequencies de-
11 scribed in subsection (b)(1)(B), if such op-
12 erations have been coordinated with the
13 Director of the Office of Management and
14 Budget for budget purposes and the Under
15 Secretary for spectrum access purposes;
16 and

17 (ii) that might be affected by a re-
18 allocation, or another action to expand
19 spectrum access, in a band of frequencies
20 described in subsection (b)(1); and

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

23 (3) FEDERAL ENTITY.—The term “Federal en-
24 tity” has the meaning given the term in section
25 113(l) of the National Telecommunications and In-

1 formation Administration Organization Act (47
2 U.S.C. 923(l)).

3 (b) FEASIBILITY ASSESSMENTS.—

4 (1) COMPLETION OF ASSESSMENTS.—

5 (A) 7/8 GHZ ASSESSMENT.—The Secretary
6 of Commerce, acting through the Under Sec-
7 retary, with the co-leads, shall complete a feasi-
8 bility assessment of making spectrum available
9 for non-Federal use, shared Federal and non-
10 Federal use, or a combination thereof, in the
11 bands of frequencies between 7125 and 8400
12 megahertz, inclusive, or exclusive Federal use.

13 (B) 37 GHZ ASSESSMENT.—The Depart-
14 ment of Defense and the Under Secretary shall,
15 in collaboration with the Commission, complete
16 a feasibility assessment of making spectrum
17 available for shared Federal and non-Federal
18 use in the bands of frequencies between 37000
19 and 37600 megahertz, inclusive.

20 (2) OTHER REQUIREMENTS.—In conducting
21 each feasibility assessment required under paragraph
22 (1), the Under Secretary, in coordination with the
23 co-leads, shall—

24 (A) coordinate directly with each affected
25 Federal entity with respect to frequencies allo-

1 cated to, and used by, or overseen by, that af-
2 fected Federal entity in the bands described in
3 the applicable subparagraph of that paragraph
4 and in affected adjacent or near adjacent
5 bands;

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

13 (C) consider coexistence, including dynamic
14 spectrum sharing and, for the bands of fre-
15 quencies described in paragraph (1)(A), reloca-
16 tion of systems, compression or re-packing of
17 systems, consolidation of systems, and any
18 other re-purposing options the Under Secretary,
19 with the assistance of the co-leads, determines
20 will enable the most efficient and effective use
21 of frequencies considered under that paragraph.

22 (3) ASSISTANCE FROM AFFECTED FEDERAL EN-
23 TITIES.—Each affected Federal entity shall provide
24 any assistance that the Under Secretary and the co-

1 leads determine necessary in order to carry out the
2 assessments required under this subsection.

3 (4) DEADLINE FOR COMPLETION OF ASSESS-
4 MENTS.—The Under Secretary and the co-leads
5 shall complete the assessments required under this
6 subsection—

7 (A) if affected Federal entities submit re-
8 quests for funding under subsection (c)(1), not
9 later than 2 years after the date on which all
10 such requests for funding have been approved;
11 and

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

16 (c) FUNDING OF ACTIVITIES TO ASSIST IN CON-
17 DUCTING FEASIBILITY ASSESSMENTS.—

18 (1) IN GENERAL.—If an affected Federal entity
19 determines that the affected Federal entity requires
20 funding to conduct activities described in section
21 118(g) of the National Telecommunications and In-
22 formation Administration Organization Act (47
23 U.S.C. 928(g)) that are necessary to assist the
24 Under Secretary and the co-leads in carrying out an
25 assessment required under subsection (b), the af-

1 fected Federal entity shall, not later than 120 days
2 after the date of enactment of this Act, submit a re-
3 quest for payment pursuant to such section 118(g).

4 (2) EXEMPTION.—Section 118(g)(2)(D)(ii) of
5 the National Telecommunications and Information
6 Administration Organization Act (47 U.S.C.
7 928(g)(2)(D)(ii)) shall not apply with respect to a
8 payment requested under paragraph (1).

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

10 (1) SUBMISSION OF REPORT TO THE PRESI-
11 DENT.—Following the completion of each feasibility
12 assessment required under subsection (b), the Under
13 Secretary shall submit a report regarding that as-
14 sessment to the President. If the head of any Fed-
15 eral department or agency dissents from the report,
16 the Under Secretary shall notify the President con-
17 current with the transmission of the report.

18 (2) SUBMISSION OF REPORT TO CONGRESS AND
19 THE COMMISSION.—Not later than 60 days after the
20 transmission of a report under paragraph (1), the
21 President shall, having considered the report and
22 any dissents, submit a final report regarding the ap-
23 plicable feasibility assessment to Congress and the
24 Commission on behalf of the entire executive branch.

1 (3) EXISTING AUTHORITY.—Nothing in this
2 subsection shall be interpreted to limit the existing
3 authorities and responsibilities of any impacted Fed-
4 eral agency.

5 (4) CONTENTS.—Each report submitted under
6 paragraph (1) shall include—

7 (A) which Federal entities are affected
8 Federal entities and the contributions of those
9 affected Federal entities to the applicable feasi-
10 bility assessment required under subsection (b);

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

16 (i) the technical requirements nec-
17 essary to make those bands of frequencies
18 available for—

19 (I) exclusive non-Federal use;

20 and

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

23 (ii) an estimate of the cost to affected
24 Federal entities to make the bands of fre-

1 frequencies considered under subsection
2 (b)(1)(A) available for—

3 (I) exclusive non-Federal use;
4 and
5 (II) shared Federal and non-Fed-
6 eral use;

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

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

21 (E) an assessment of the potential impact
22 that authorizing mobile or fixed terrestrial wire-
23 less operations, including advanced mobile serv-
24 ices operations, in any of the frequencies con-

1 sidered under subsection (b) could have on the
2 mission of an affected Federal entity.

3 (5) PUBLIC AVAILABILITY.—The Under Sec-
4 retary shall ensure that all information in each re-
5 port submitted under this subsection that is per-
6 mitted to be released to the public is made available
7 on the public website of the National Telecommuni-
8 cations and Information Administration.

9 (6) CLASSIFIED INFORMATION.—If there is
10 classified material in a report submitted under this
11 subsection, the Under Secretary shall—

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

20 (B) transmit at least 1 copy of both the
21 classified report and the classified annexes to
22 the sensitive compartmented information facili-
23 ties of the Senate and House of Representa-
24 tives.

1 (7) PREPARATION OF REPORT.—Before final-
2 izing a report required under this subsection with re-
3 spect to the applicable feasibility assessment re-
4 quired under subsection (b), the Under Secretary
5 shall—

6 (A) submit the report for review by the
7 Spectrum Advisory Council; and

8 (B) resolve any disputes regarding the fea-
9 sibility assessment through the interagency
10 process described in the national security
11 memorandum of the President entitled “Memo-
12 randum on Renewing the National Security
13 Council System”, issued on February 4, 2021.

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

21 (e) REPORTS ON FUTURE FEASIBILITY ASSESS-
22 MENTS.—

23 (1) SUBMISSION OF REPORT TO THE PRESI-
24 DENT.—Following the completion of each feasibility
25 assessment required under subsection (b), the Under

1 Secretary shall submit a report regarding that as-
2 sessment to the President. If the head of any Fed-
3 eral department or agency dissents from the report,
4 the Under Secretary shall notify the President con-
5 current with the transmission of the report.

6 (2) SUBMISSION OF REPORT TO CONGRESS AND
7 THE COMMISSION.—Not later than 60 days after the
8 transmission of a report under paragraph (1), the
9 President shall, having considered the report and
10 any dissents, submit a final report regarding the
11 feasibility assessment to Congress and the Commis-
12 sion on behalf of the entire executive branch.

13 (3) EXISTING AUTHORITY.—Nothing in this
14 subsection shall be interpreted to limit the existing
15 authorities and responsibilities of any impacted Fed-
16 eral agency.

17 (4) CONTENTS.—Each report required under
18 paragraph (1) shall include, with respect to the ap-
19 plicable feasibility assessment described in that para-
20 graph—

21 (A) the Federal entities identified by the
22 Under Secretary with equities in the bands with
23 respect to frequencies allocated to, and used by,
24 those Federal entities and the contributions of

1 those Federal entities to that feasibility assess-
2 ment;

3 (B) whether the bands of frequencies con-
4 sidered under that feasibility assessment could
5 be made available for non-Federal use, shared
6 Federal and non-Federal use, or a combination
7 thereof, including—

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

12 (I) exclusive non-Federal use;
13 and

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

16 (ii) an estimate of the cost to Federal
17 entities affected by making bands in the
18 frequencies considered under that feasi-
19 bility assessment available for—

20 (I) exclusive non-Federal use;
21 and

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

24 (C) an assessment of the likelihood that
25 authorizing mobile or fixed terrestrial oper-

1 ations in any of the frequencies considered
2 under that feasibility assessment would result
3 in harmful interference to a Federal entity; and

4 (D) an assessment of the potential impact
5 that authorizing mobile or fixed terrestrial wire-
6 less operations, including advanced mobile serv-
7 ices operations, in any of the frequencies con-
8 sidered under that feasibility assessment could
9 have on the mission of a Federal entity.

10 (5) PUBLIC AVAILABILITY.—The Under Sec-
11 retary shall ensure that all information in a report
12 submitted under this subsection that may be re-
13 leased to the public is made available on the public
14 website of the National Telecommunications and In-
15 formation Administration.

16 (6) CLASSIFIED INFORMATION.—If there is
17 classified material in a report submitted under this
18 subsection, the Under Secretary shall—

19 (A) provide the Committee on Commerce,
20 Science, and Transportation of the Senate, the
21 Committee on Energy and Commerce of the
22 House of Representatives, and each other com-
23 mittee of Congress with jurisdiction over Fed-
24 eral entities with equities in the applicable

1 bands of frequencies with a briefing on the clas-
2 sified components of that report; and

3 (B) transmit at least 1 copy of both the
4 classified report and the classified annexes to
5 the sensitive compartmented information facili-
6 ties of the Senate and House of Representa-
7 tives.

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

15 **TITLE IV—EXTENSION OF FCC**
16 **AUCTION AUTHORITY**

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

18 Section 309(j)(11) of the Communications Act of
19 1934 (47 U.S.C. 309(j)(11)) is amended by striking
20 “March 9, 2023” and inserting “on the date that is 5
21 years after the date of enactment of the Spectrum and
22 National Security Act of 2024”.

1 **TITLE V—WORKFORCE**
2 **DEVELOPMENT**
3 **Subtitle A—Improving Minority**
4 **Participation**

5 **SEC. 501. SHORT TITLE.**

6 This subtitle may be cited as the “Improving Minor-
7 ity Participation And Careers in Telecommunications Act”
8 or the “IMPACT Act”.

9 **SEC. 502. DEFINITIONS.**

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

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

13 (2) **ELIGIBLE ENTITY.**—The term “eligible enti-
14 ty” means a historically Black college or university,
15 a Tribal College or University, or any other minor-
16 ity-serving institution, or a consortium of those enti-
17 ties, that forms a partnership with 1 or more of the
18 following entities to carry out a training program:

19 (A) A member of the telecommunications
20 industry, such as a company or industry asso-
21 ciation.

22 (B) A labor or labor-management organi-
23 zation with experience working in the tele-
24 communications industry, the electromagnetic
25 spectrum industry, or a similar industry.

1 (C) The Telecommunications Industry
2 Registered Apprenticeship Program.

3 (D) A nonprofit organization dedicated to
4 helping individuals gain employment in the tele-
5 communications or electromagnetic spectrum
6 industry.

7 (E) A community or technical college with
8 experience in providing workforce development
9 for individuals seeking employment in the tele-
10 communications industry, electromagnetic spec-
11 trum industry, or a similar industry.

12 (F) A Federal agency laboratory special-
13 izing in telecommunications or electromagnetic
14 spectrum technology that is located within the
15 National Telecommunications and Information
16 Administration.

17 (3) GRANT PROGRAM.—The term “Grant Pro-
18 gram” means the Telecommunications Workforce
19 Training Grant Program established under section
20 503.

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

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

6 (6) IMPROPER PAYMENT.—The term “improper
7 payment” has the meaning given the term in section
8 2(d) of the Improper Payments Information Act of
9 2002 (Public Law 107–300; 116 Stat. 2351).

10 (7) INDUSTRY FIELD ACTIVITY.—The term “in-
11 dustry field activity” means an activity at an active
12 telecommunications, cable, or broadband network
13 worksite, such as a tower, construction site, or net-
14 work management hub.

15 (8) INDUSTRY PARTNER.—The term “industry
16 partner” means an entity described in any of sub-
17 paragraphs (A) through (F) of paragraph (2) with
18 which an eligible entity forms a partnership to carry
19 out a training program.

20 (9) MINORITY-SERVING INSTITUTION.—The
21 term “minority-serving institution” means an eligi-
22 ble institution described in section 371(a) of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1067q(a)).

1 (10) REGISTERED APPRENTICESHIP PRO-
2 GRAM.—The term “registered apprenticeship pro-
3 gram” means an apprenticeship registered under the
4 Act of August 16, 1937 (commonly known as the
5 “National Apprenticeship Act”; 50 Stat. 664, chap-
6 ter 663).

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

11 (A) is designed to educate and train stu-
12 dents to participate in the telecommunications
13 or electromagnetic spectrum workforce; and

14 (B) includes a curriculum and apprentice-
15 ship or internship opportunity that can also be
16 paired with—

17 (i) a degree program; or

18 (ii) stacked credentialing toward a de-
19 gree.

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

1 (13) VETERAN.—The term “veteran” has the
2 meaning given the term in section 101 of title 38,
3 United States Code.

4 **SEC. 503. PROGRAM.**

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

13 (b) APPLICATION.—

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

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

21 (A) a commitment from the industry part-
22 ner of the eligible entity to collaborate with the
23 eligible entity to develop a training program, in-
24 cluding curricula and internships or apprentice-
25 ships;

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

5 (C) a plan for recruitment of students and
6 potential students to participate in the applica-
7 ble training program;

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

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

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

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

21 (1) hire faculty members to teach courses in the
22 applicable training program;

23 (2) train faculty members to prepare students
24 for employment in jobs related to the deployment of
25 next-generation wired and wireless communications

1 networks, including 5G networks, hybrid fiber-co-
2 axial networks, and fiber infrastructure, particularly
3 in—

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

6 (B) network deployment and maintenance;

7 and

8 (C) industry field activities;

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

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

19 (5) fund scholarships, student internships, ap-
20 prenticeships, and pre-apprenticeship opportunities
21 in the areas described in paragraph (2);

22 (6) recruit students for the training program;

23 and

24 (7) support the enrollment in the training pro-
25 gram of individuals working in the telecommuni-

1 cations or electromagnetic spectrum industry in
2 order for those individuals to advance professionally
3 in the industry.

4 (d) GRANT AWARDS.—

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

9 (2) MINIMUM ALLOCATION TO CERTAIN ENTI-
10 TIES.—Of the total amount of covered grants made
11 under this section, the Under Secretary shall award
12 not less than—

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

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

19 (C) 20 percent of covered grant amounts
20 to eligible entities that include Hispanic-serving
21 institutions.

22 (3) COORDINATION.—The Under Secretary
23 shall ensure that covered grant amounts awarded
24 under paragraph (2) are coordinated with grant
25 amounts provided under section 902 of division N of

1 the Consolidated Appropriations Act, 2021 (47
2 U.S.C. 1306).

3 (4) CONSTRUCTION.—In awarding covered
4 grants for education relating to construction, the
5 Under Secretary may prioritize applications that
6 partner with registered apprenticeship programs, in-
7 dustry-led apprenticeship programs, pre-apprentice-
8 ship programs, apprenticeships for veterans ap-
9 proved by the Department of Veterans Affairs, other
10 work-based learning opportunities, or public 2-year
11 community or technical colleges that have a written
12 agreement with 1 or more registered apprenticeship
13 programs, industry-led apprenticeship programs,
14 pre-apprenticeship programs, apprenticeships for
15 veterans approved by the Department of Veterans
16 Affairs, or other work-based learning opportunities.

17 (e) RULES.—

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

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

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

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

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

13 (D) develop criteria for evaluating applica-
14 tions for covered grants.

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

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

22 (1) describes how the eligible entity used the
23 covered grant amounts;

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

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

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

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

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

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

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

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

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

22 (h) OVERSIGHT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (5) includes information on—

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

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

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

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

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

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

13 (2) prioritize the development of the spectrum
14 ecosystem workforce; and

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

20 (b) STAKEHOLDER ENGAGEMENT.—The Under Sec-
21 retary, in coordination with the Executive Office of the
22 President, shall use the collaborative framework estab-
23 lished under section 101(d) to collect input from stake-
24 holders, including academia, Federal agencies, Tribal Na-
25 tions, and industry, to identify the education and training

1 programs necessary to equip the existing workforce, and
2 prepare the future workforce, to meet the evolving spec-
3 trum-related workforce demands.

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

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

15 **TITLE VI—SPECTRUM AUCTION** 16 **TRUST FUND**

17 **SEC. 601. DEFINITION.**

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

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

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

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

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

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

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—There is established in the
22 Treasury of the United States a fund to be known
23 as the “Spectrum Auction Trust Fund” (referred to
24 in this section as the “Fund”) for the purposes de-

1 scribed in subparagraphs (A) through (J) of sub-
2 section (c)(1).

3 (2) AMOUNTS AVAILABLE UNTIL EXPENDED.—

4 Amounts deposited in the Fund shall remain avail-
5 able until expended.

6 (b) DEPOSIT OF PROCEEDS.—

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

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

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

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

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

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

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

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

22 (II) any remaining proceeds after
23 sharing proceeds, as described in sub-
24 clause (I), shall be deposited in ac-
25 cordance with subsection (c).

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

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

12 (2) PROCEEDS OF SPECTRUM PIPELINE ACT OF
13 2015 AUCTION.—Except as provided in section
14 309(j)(8)(B) of the Communications Act of 1934
15 (47 U.S.C. 309(j)(8)(B)), and notwithstanding any
16 other provision of law (including paragraph (1)), the
17 proceeds of the system of competitive bidding re-
18 quired under section 1004 of the Spectrum Pipeline
19 Act of 2015 (47 U.S.C. 921 note) shall be deposited
20 or available as follows:

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

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

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

22 (B) After carrying out subparagraph (A)
23 (if that subparagraph is applicable to that sys-
24 tem of competitive bidding), \$300,000,000 of
25 the proceeds of that system of competitive bid-

1 ding shall be deposited in the general fund of
2 the Treasury, where those proceeds shall be
3 dedicated for the sole purpose of deficit reduc-
4 tion.

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

9 (c) DEPOSIT OF FUNDS.—

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

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

21 (B) 10 percent of those remaining
22 amounts, but not more than \$7,000,000,000
23 cumulatively, shall be transferred to the general
24 fund of the Treasury to reimburse the amount
25 borrowed under subsection (d)(1)(B).

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

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

11 (E) 10 percent of those remaining
12 amounts, but not more than \$4,000,000,000
13 cumulatively, shall be transferred to the general
14 fund of the Treasury to reimburse the amount
15 borrowed under subsection (e)(1)(C).

16 (F) 10 percent of those remaining
17 amounts, but not more than \$1,000,000,000
18 cumulatively, shall be transferred to the general
19 fund of the Treasury to reimburse the amount
20 borrowed under subsection (e)(1)(D).

21 (G) 10 percent of those remaining
22 amounts, but not more than \$200,000,000 cu-
23 mulatively, shall be transferred to the general
24 fund of the Treasury to reimburse the amount
25 borrowed under subsection (f).

1 (H) 10 percent of those remaining
2 amounts, but not more than \$2,000,000,000
3 cumulatively, shall be made available to the
4 Under Secretary, to remain available until ex-
5 pended, to carry out sections 159, 160, and 161
6 of the National Telecommunications and Infor-
7 mation Administration Organization Act, as
8 added by section 801 of this Act, except that
9 not more than 4 percent of the amount made
10 available under this subparagraph may be used
11 for administrative purposes (including carrying
12 out such sections 160 and 161).

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

19 (J) 10 percent of those remaining
20 amounts, but not more than \$25,000,000 cu-
21 mulatively, shall be made available to the Under
22 Secretary and the Secretary of Defense for the
23 purpose of research and development, engineer-
24 ing studies, economic analyses, activities with
25 respect to systems, or other planning activities

1 to improve efficiency and effectiveness of spec-
2 trum use of the Department of Defense.

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

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

19 (d) FCC BORROWING AUTHORITY.—

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

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

4 (B) \$7,000,000,000 to carry out section
5 904 of division N of the Consolidated Appro-
6 priations Act, 2021 (47 U.S.C. 1752).

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

11 (e) DEPARTMENT OF COMMERCE BORROWING AU-
12 THORITY.—

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

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

21 (B) \$3,000,000,000 for the fund estab-
22 lished under section 102(a) of the CHIPS Act
23 of 2022 (Public Law 117–167), which shall be
24 used to carry out section 9902 of the William
25 M. (Mac) Thornberry National Defense Author-

1 ization Act for Fiscal Year 2021 (15 U.S.C.
2 4652);

3 (C) \$4,000,000,000 to be made available
4 to the Director of the National Science Founda-
5 tion to carry out STEM education and research
6 and related activities, of which—

7 (i) \$2,000,000,000 shall be for the
8 Directorate for Technology, Innovation,
9 and Partnerships established under section
10 10381 of the Research and Development,
11 Competition, and Innovation Act (42
12 U.S.C. 19101); and

13 (ii) \$2,000,000,000 shall be used to
14 carry out other STEM education and re-
15 search and related activities for which
16 amounts are authorized to be appropriated
17 under section 10303 of the Research and
18 Development, Competition, and Innovation
19 Act (Public Law 117–167); and

20 (D) \$1,000,000,000 to be made available
21 to the Under Secretary of Commerce for Stand-
22 ards and Technology, of which—

23 (i) \$775,000,000 shall be used to
24 carry out scientific and technical research
25 and services laboratory activities for which

1 amounts are authorized to be appropriated
2 under section 10211 of the Research and
3 Development, Competition, and Innovation
4 Act (Public Law 117–167); and

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

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

16 (f) NTIA BORROWING AUTHORITY.—

17 (1) IN GENERAL.—Subject to the limitation
18 under paragraph (2), not later than 90 days after
19 the date of enactment of this Act, the Under Sec-
20 retary may borrow from the Treasury of the United
21 States an amount not to exceed \$200,000,000 to
22 carry out the program established under section
23 902.

24 (2) LIMITATION.—The Under Secretary may
25 not use any funds borrowed under this subsection in

1 a manner that may result in outlays on or after De-
2 cember 31, 2033.

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

13 **TITLE VII—SECURE AND TRUST-**
14 **ED COMMUNICATIONS NET-**
15 **WORKS REIMBURSEMENT**
16 **PROGRAM**

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

18 Section 4(k) of the Secure and Trusted Communica-
19 tions Networks Act of 2019 (47 U.S.C. 1603(k)) is
20 amended by striking “\$1,900,000,000” and inserting
21 “\$4,980,000,000”.

1 **TITLE VIII—NEXT GENERATION**

2 **9–1–1**

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

5 Part C of the National Telecommunications and In-
6 formation Administration Organization Act is amended by
7 adding at the end the following:

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

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

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

14 “(A) take actions, in coordination with
15 State points of contact described in subsection
16 (c)(3)(A)(ii) as applicable, to improve coordina-
17 tion and communication with respect to the im-
18 plementation of Next Generation 9–1–1;

19 “(B) develop, collect, and disseminate in-
20 formation concerning the practices, procedures,
21 and technology used in the implementation of
22 Next Generation 9–1–1;

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

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

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

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

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

18 “(3) ASSISTANCE.—The Under Secretary may
19 seek the assistance of the Administrator in carrying
20 out the duties described in subparagraphs (A)
21 through (D) of paragraph (1) as the Under Sec-
22 retary determines necessary.

23 “(b) ADDITIONAL DUTIES.—

24 “(1) MANAGEMENT PLAN.—

1 cations and Information Administration;
2 and

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

8 “(2) MODIFICATION OF PLAN.—

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

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

16 “(i) submit the modified plan to—

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

21 “(II) the Committee on Energy
22 and Commerce and the Committee on
23 Appropriations of the House of Rep-
24 resentatives;

1 “(ii) publish the modified plan on the
2 website of the National Telecommuni-
3 cations and Information Administration;
4 and

5 “(iii) provide the modified plan to the
6 Administrator for the purpose of pub-
7 lishing the modified plan on the website of
8 the National Highway Traffic and Safety
9 Administration.

10 “(c) NEXT GENERATION 9-1-1 IMPLEMENTATION
11 GRANTS.—

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

14 “(A) implementing Next Generation 9-1-
15 1;

16 “(B) maintaining Next Generation 9-1-1;

17 “(C) training directly related to imple-
18 menting, maintaining, and operating Next Gen-
19 eration 9-1-1 if the cost related to the training
20 does not exceed—

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

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

1 “(D) public outreach and education on how
2 the public can best use Next Generation 9–1–
3 1 and the capabilities and usefulness of Next
4 Generation 9–1–1;

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

10 “(i) the cost is fully documented in
11 materials submitted to the Under Sec-
12 retary; and

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

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

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

21 “(F) costs associated with implementing
22 cybersecurity measures at emergency commu-
23 nications centers or with respect to Next Gen-
24 eration 9–1–1.

1 “(2) APPLICATION.—In providing grants under
2 paragraph (1), the Under Secretary, after consulting
3 with the Administrator, shall require an eligible enti-
4 ty to submit to the Under Secretary an application,
5 at the time and in the manner determined by the
6 Under Secretary, containing the certification re-
7 quired by paragraph (3).

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

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

13 “(i) has coordinated the application
14 with the emergency communications cen-
15 ters located within the jurisdiction of the
16 entity;

17 “(ii) has designated a single officer or
18 governmental body to serve as the State
19 point of contact to coordinate the imple-
20 mentation of Next Generation 9–1–1 for
21 the State, except that the designation need
22 not vest the officer or governmental body
23 with direct legal authority to implement
24 Next Generation 9–1–1 or to manage
25 emergency communications operations; and

1 “(iii) has developed and submitted a
2 plan for the coordination and implementa-
3 tion of Next Generation 9–1–1 that—

4 “(I) ensures interoperability by
5 requiring the use of commonly accept-
6 ed standards;

7 “(II) ensures reliability;

8 “(III) enables emergency commu-
9 nications centers to process, analyze,
10 and store multimedia, data, and other
11 information;

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

15 “(V) includes strategies for co-
16 ordinating cybersecurity information
17 sharing between Federal, State, Trib-
18 al, and local government partners;

19 “(VI) uses open and competitive
20 request for proposal processes, includ-
21 ing through shared government pro-
22 curement vehicles, for deployment of
23 Next Generation 9–1–1;

24 “(VII) documents how input was
25 received and accounted for from rel-

1 evant rural and urban emergency
2 communications centers, regional au-
3 thorities, local authorities, and Tribal
4 authorities;

5 “(VIII) includes a governance
6 body or bodies, either by creation of
7 new, or use of existing, body or bod-
8 ies, for the development and deploy-
9 ment of Next Generation 9–1–1
10 that—

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

14 “(bb) consults and coordi-
15 nates with the State point of con-
16 tact required by clause (ii);

17 “(IX) creates efficiencies related
18 to Next Generation 9–1–1 functions,
19 including cybersecurity and the
20 virtualization and sharing of infra-
21 structure, equipment, and services;
22 and

23 “(X) utilizes an effective, com-
24 petitive approach to establishing au-
25 thentication, credentialing, secure con-

1 nections, and access in deploying Next
2 Generation 9–1–1, including by—

3 “(aa) requiring certificate
4 authorities to be capable of cross-
5 certification with other authori-
6 ties;

7 “(bb) avoiding risk of a sin-
8 gle point of failure or vulner-
9 ability; and

10 “(cc) adhering to Federal
11 agency best practices such as
12 those promulgated by the Na-
13 tional Institute of Standards and
14 Technology; and

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

19 “(4) CRITERIA.—

20 “(A) IN GENERAL.—Not later than 1 year
21 after the date of enactment of this section, the
22 Under Secretary, after consulting with the Ad-
23 ministrator, shall issue rules, after providing
24 the public with notice and an opportunity to

1 comment, establishing the criteria for selecting
2 eligible entities for grants under this subsection.

3 “(B) REQUIREMENTS.—The criteria estab-
4 lished under subparagraph (A) shall—

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

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

11 “(C) UPDATES.—The Under Secretary
12 shall update the rules issued under subpara-
13 graph (A) as necessary.

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

21 “(A) beginning on the date that is 180
22 days before the date on which the application is
23 filed, no portion of any 9–1–1 fee or charge im-
24 posed by the eligible entity (or if the eligible en-
25 tity is not a State or Tribe, any State or taxing

1 jurisdiction within which the eligible entity will
2 carry out, or is carrying out, activities using
3 grant funds) is obligated or expended for a pur-
4 pose or function not designated as acceptable
5 under the rules issued under section 6(f)(3) of
6 the Wireless Communications and Public Safety
7 Act of 1999 (47 U.S.C. 615a-1(f)(3)) (as those
8 rules are in effect on the date on which the eli-
9 gible entity makes the certification);

10 “(B) any funds received by the eligible en-
11 tity will be used, consistent with paragraph (1),
12 to support the deployment of Next Generation
13 9-1-1 in a manner that ensures reliability and
14 interoperability by requiring the use of com-
15 monly accepted standards;

16 “(C) the eligible entity (or if the eligible
17 entity is not a State or Tribe, any State or tax-
18 ing jurisdiction within which the eligible entity
19 will carry out or is carrying out activities using
20 grant funds) has established, or has committed
21 to establish not later than 3 years after the
22 date on which the grant funds are distributed
23 to the eligible entity—

24 “(i) a sustainable funding mechanism
25 for Next Generation 9-1-1; and

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

3 “(D) the eligible entity will promote inter-
4 operability between emergency communications
5 centers deploying Next Generation 9–1–1 and
6 emergency response providers, including users
7 of the nationwide public safety broadband net-
8 work;

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

13 “(F) the eligible entity has developed a
14 plan for public outreach and education on how
15 the public can best use Next Generation 9–1–
16 1 and on the capabilities and usefulness of Next
17 Generation 9–1–1.

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

1 from the grant shall be returned to the Under Sec-
2 retary.

3 “(7) PENALTY FOR PROVIDING FALSE INFOR-
4 MATION.—An eligible entity that knowingly provides
5 false information in a certification under paragraph
6 (5)—

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

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

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

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

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

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

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

24 “(1) 9-1-1 FEE OR CHARGE.—The term ‘9-1-
25 1 fee or charge’ has the meaning given the term in

1 section 6(f)(3)(D) of the Wireless Communications
2 and Public Safety Act of 1999 (47 U.S.C. 615a-
3 1(f)(3)(D)).

4 “(2) 9-1-1 REQUEST FOR EMERGENCY ASSIST-
5 ANCE.—The term ‘9-1-1 request for emergency as-
6 sistance’ means a communication, such as voice,
7 text, picture, multimedia, or any other type of data,
8 that is sent to an emergency communications center
9 for the purpose of requesting emergency assistance.

10 “(3) ADMINISTRATOR.—The term ‘Adminis-
11 trator’ means the Administrator of the National
12 Highway Traffic Safety Administration.

13 “(4) COMMONLY ACCEPTED STANDARDS.—The
14 term ‘commonly accepted standards’ means the tech-
15 nical standards followed by the communications in-
16 dustry for network, device, and Internet Protocol
17 connectivity that—

18 “(A) enable interoperability; and

19 “(B) are—

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

1 “(I) that is open for participation
2 by any person; and

3 “(II) provides for a conflict reso-
4 lution process;

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

8 “(iii) consensus-based; and

9 “(iv) made publicly available once ap-
10 proved.

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

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

16 “(B) travel expenses;

17 “(C) instructor expenses; or

18 “(D) facility costs and training materials.

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

21 “(A) means—

22 “(i) a State or a Tribe; or

23 “(ii) an entity, including a public au-
24 thority, board, or commission, established

1 by 1 or more entities described in clause
2 (i); and

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

6 “(7) EMERGENCY COMMUNICATIONS CENTER.—

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

9 “(i) a facility that—

10 “(I) is designated to receive a 9–
11 1–1 request for emergency assistance;
12 and

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

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

19 “(B) FUNCTIONS DESCRIBED.—The func-
20 tions described in this subparagraph are the fol-
21 lowing:

22 “(i) Processing and analyzing 9–1–1
23 requests for emergency assistance and in-
24 formation and data related to such re-
25 quests.

1 “(ii) Dispatching appropriate emer-
2 gency response providers.

3 “(iii) Transferring or exchanging 9-
4 1-1 requests for emergency assistance and
5 information and data related to such re-
6 quests with 1 or more other emergency
7 communications centers and emergency re-
8 sponse providers.

9 “(iv) Analyzing any communications
10 received from emergency response pro-
11 viders.

12 “(v) Supporting incident command
13 functions.

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

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

23 “(10) INTEROPERABILITY.—The term ‘inter-
24 operability’ means the capability of emergency com-
25 munications centers to receive 9-1-1 requests for

1 emergency assistance and information and data re-
2 lated to such requests, such as location information
3 and callback numbers from a person initiating the
4 request, then process and share the 9–1–1 requests
5 for emergency assistance and information and data
6 related to such requests with other emergency com-
7 munications centers and emergency response pro-
8 viders without the need for proprietary interfaces
9 and regardless of jurisdiction, equipment, device,
10 software, service provider, or other relevant factors.

11 “(11) NATIONWIDE PUBLIC SAFETY
12 BROADBAND NETWORK.—The term ‘nationwide pub-
13 lic safety broadband network’ has the meaning given
14 the term in section 6001 of the Middle Class Tax
15 Relief and Job Creation Act of 2012 (47 U.S.C.
16 1401).

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

20 “(A) ensures interoperability;

21 “(B) is secure;

22 “(C) employs commonly accepted stand-
23 ards;

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

4 “(E) acquires and integrates additional in-
5 formation useful to handling 9–1–1 requests for
6 emergency assistance; and

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

11 “(13) RELIABILITY.—The term ‘reliability’
12 means the employment of sufficient measures to en-
13 sure the ongoing operation of Next Generation 9–1–
14 1, including through the use of geo-diverse, device-
15 and network-agnostic elements that provide more
16 than 1 route between end points with no common
17 points where a single failure at that point would
18 cause all routes to fail.

19 “(14) STATE.—The term ‘State’ means any
20 State of the United States, the District of Columbia,
21 Puerto Rico, American Samoa, Guam, the United
22 States Virgin Islands, the Northern Mariana Is-
23 lands, and any other territory or possession of the
24 United States.

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

6 “(16) TRIBE.—The term ‘Tribe’ has the mean-
7 ing given to the term ‘Indian Tribe’ in section 4(e)
8 of the Indian Self-Determination and Education As-
9 sistance Act (25 U.S.C. 5304(e)).

10 **“SEC. 160. ESTABLISHMENT OF NATIONWIDE NEXT GEN-**
11 **ERATION 9-1-1 CYBERSECURITY CENTER.**

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

21 **“SEC. 161. NEXT GENERATION 9-1-1 ADVISORY BOARD.**

22 “(a) NEXT GENERATION 9-1-1 ADVISORY BOARD.—
23 “(1) ESTABLISHMENT.—The Under Secretary
24 shall establish a Public Safety Next Generation 9-
25 1-1 Advisory Board (in this section referred to as

1 the ‘Board’) to provide recommendations to the
2 Under Secretary—

3 “(A) with respect to carrying out the du-
4 ties and responsibilities of the Under Secretary
5 in issuing the rules required under section
6 159(c)(4);

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

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

11 “(2) MEMBERSHIP.—

12 “(A) APPOINTMENT.—Not later than 150
13 days after the date on which amounts are first
14 made available to carry out this section, the
15 Under Secretary shall appoint 16 members to
16 the Board, of which—

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

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

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

23 “(iv) 4 members shall represent 9–1–
24 1 professionals.

1 “(B) DIVERSITY OF MEMBERSHIP.—Mem-
2 bers of the Board shall be representatives of
3 States or Tribes and local governments, chosen
4 to reflect geographic and population density dif-
5 ferences, as well as public safety organizations
6 at the national level across the United States.

7 “(C) EXPERTISE.—Each member of the
8 Board shall have specific expertise necessary for
9 developing technical requirements under this
10 section, such as technical expertise, and exper-
11 tise related to public safety communications and
12 9–1–1 services.

13 “(D) RANK AND FILE MEMBERS.—In mak-
14 ing the appointments under subparagraph (A),
15 the Under Secretary shall appoint a rank and
16 file member from each of the public safety dis-
17 ciplines listed in clauses (i) through (iv) of that
18 subparagraph as a member of the Board and
19 shall select the member from an organization
20 that represents its public safety discipline at the
21 national level.

22 “(3) PERIOD OF APPOINTMENT.—

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

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

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

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

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

12 “(7) DUTY OF BOARD TO SUBMIT REC-
13 COMMENDATIONS.—Not later than 120 days after all
14 members of the Board are appointed under para-
15 graph (2), the Board shall submit to the Under Sec-
16 retary recommendations for—

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

19 “(B) ensuring flexibility in guidance, rules,
20 and grant funding to allow for technology im-
21 provements;

22 “(C) creating efficiencies related to Next
23 Generation 9–1–1, including cybersecurity and
24 the virtualization and sharing of core infra-
25 structure;

1 “(D) enabling effective coordination among
2 State, local, Tribal, and territorial government
3 entities to ensure that the needs of emergency
4 communications centers in both rural and
5 urban areas are taken into account in each im-
6 plementation plan required under section
7 159(c)(3)(A)(iii); and

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

11 “(8) AUTHORITY TO PROVIDE ADDITIONAL REC-
12 COMMENDATIONS.—Except as provided in paragraphs
13 (1) and (7), the Board may provide recommenda-
14 tions to the Under Secretary only upon request of
15 the Under Secretary.

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

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

1 **TITLE IX—MINORITY SERVING**
2 **INSTITUTIONS PROGRAM**

3 **SEC. 901. DEFINITIONS.**

4 In this title:

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

7 (A) having—

8 (i) a speed of not less than—

9 (I) 100 megabits per second for
10 downloads; and

11 (II) 20 megabits per second for
12 uploads; and

13 (ii) a latency sufficient to support rea-
14 sonably foreseeable, real-time, interactive
15 applications; and

16 (B) with respect to an eligible community,
17 offered with a low-cost option that is affordable
18 to low- and middle-income residents of the eligi-
19 ble community, including through the Afford-
20 able Connectivity Program established under
21 section 904(b) of division N of the Consolidated
22 Appropriations Act, 2021 (47 U.S.C. 1752(b))
23 or any successor program, and a low-cost pro-
24 gram available through a provider.

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

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

9 (B) an eligible entity—

10 (i) carrying out pre-deployment plan-
11 ning activities under subparagraph (A) of
12 section 60102(d)(2) of the Infrastructure
13 Investment and Jobs Act (47 U.S.C.
14 1702(d)(2)) or carrying out the adminis-
15 tration of the grant under subparagraph
16 (B) of that Act; or

17 (ii) carrying out planning activities
18 under section 60102(e)(1)(C)(iii) of the In-
19 frastructure Investment and Jobs Act (47
20 U.S.C. 1702(e)(1)(C)(iii)).

21 (3) DIGITAL EQUITY.—The term “digital eq-
22 uity” has the meaning given the term in section
23 60302 of the Infrastructure Investment and Jobs
24 Act (47 U.S.C. 1721).

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

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

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

10 (C) has relevant experience and expertise
11 supporting eligible community anchor institu-
12 tions to engage in the planning for the expan-
13 sion and adoption of reliable and affordable
14 broadband and deployment of broadband, and
15 the advancement of digital equity—

16 (i) on campus at those institutions;

17 and

18 (ii) to low-income residents in eligible
19 communities with respect to those institu-
20 tions; and

21 (D) employs staff with expertise in the de-
22 velopment of broadband plans, the construction
23 of internet infrastructure, or the design and de-
24 livery of digital equity programs, including
25 through the use of contractors and consultants,

1 except that the employment of the staff does
2 not rely solely on outsourced contracts.

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

5 (A) is located—

6 (i) within a census tract any portion
7 of which is not more than 15 miles from
8 an eligible community anchor institution;
9 and

10 (ii) with respect to a Tribal College or
11 University located on land held in trust by
12 the United States—

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

15 (II) within a maximum distance
16 established by the Under Secretary, in
17 consultation with the Secretary of the
18 Interior, to ensure that the area is
19 statistically comparable to other areas
20 described in clause (i); and

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

1 (6) ELIGIBLE COMMUNITY ANCHOR INSTITU-
2 TION.—The term “eligible community anchor insti-
3 tution” means a historically Black college or univer-
4 sity, a Tribal College or University, or a Minority-
5 serving institution.

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

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

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

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

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

6 **SEC. 902. PROGRAM.**

7 (a) ESTABLISHMENT.—The Under Secretary, acting
8 through the head of the Office of Minority Broadband Ini-
9 tiatives, shall use the amounts borrowed under section
10 602(f) to establish within the National Telecommuni-
11 cations and Information Administration a pilot program
12 for the purposes described in subsection (c) of this section,
13 provided that not more than 6 percent of the amounts
14 used to establish the pilot program may be used for salary,
15 expenses, administration, and oversight with respect to the
16 pilot program.

17 (b) AUTHORITY.—The Under Secretary may use
18 funding mechanisms, including grants, cooperative agree-
19 ments, and contracts, for the effective implementation of
20 the Program.

21 (c) PURPOSES.—Funding made available under the
22 Program shall enable an eligible applicant to work with
23 an eligible community anchor institution, and each eligible
24 community with respect to the eligible community anchor
25 institution, to develop a local broadband plan to—

1 (1) identify barriers to broadband deployment
2 and adoption in order to expand the availability and
3 adoption of broadband at the eligible community an-
4 chor institution and within each such eligible com-
5 munity;

6 (2) advance digital equity at the eligible com-
7 munity anchor institution and within each such eligi-
8 ble community; and

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

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

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

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

21 (1) be developed in coordination with stake-
22 holder representatives; and

23 (2) with respect to support for infrastructure
24 funding—

- 1 (A) reflect an approach that is perform-
2 ance-based and does not favor any particular
3 technology, provider, or type of provider; and
- 4 (B) include—
- 5 (i) a description of the demographic
6 profile of each applicable eligible commu-
7 nity;
- 8 (ii) an assessment of the needs of
9 each applicable eligible community, includ-
10 ing with respect to digital literacy, work-
11 force development, and device access needs;
- 12 (iii) a summary of current (as of the
13 date of the most current data published by
14 the Commission) service providers oper-
15 ating in each applicable eligible community
16 and the broadband offerings and related
17 services in each applicable eligible commu-
18 nity;
- 19 (iv) an estimate of capital and oper-
20 ational expenditures for the course of ac-
21 tion recommended in the local broadband
22 plan;
- 23 (v) a preliminary implementation
24 schedule for the deployment of broadband

1 required under the local broadband plan;
2 and

3 (vi) a summary of the potential em-
4 ployment, development, and revenue cre-
5 ation opportunities for the eligible commu-
6 nity anchor institution and each applicable
7 eligible community.

8 (e) APPLICATION.—

9 (1) IN GENERAL.—To be eligible to receive
10 funding under the Program, an applicant that is an
11 eligible applicant shall submit to the Under Sec-
12 retary, acting through the head of the Office of Mi-
13 nority Broadband Initiatives, an application con-
14 taining—

15 (A) the name and mailing address of the
16 applicant;

17 (B) the name and email address of the
18 point of contact for the applicant;

19 (C) documentation providing evidence that
20 the applicant is an eligible applicant;

21 (D) a summary description of the proposed
22 approach that the applicant will take to expand
23 the availability and adoption of broadband;

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

1 (F) a draft proposal for carrying out the
2 local broadband plan with respect to the funds,
3 describing with specificity how funds will be
4 used;

5 (G) a summary of past performance in
6 which the applicant created plans similar to the
7 local broadband plan for communities similar to
8 each applicable eligible community;

9 (H) a description of the approach the ap-
10 plicant will take to engage each applicable eligi-
11 ble community and the applicable eligible com-
12 munity anchor institution and report outcomes
13 relating to that engagement;

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

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

19 (2) DEADLINES.—The Under Secretary, acting
20 through the head of the Office of Minority
21 Broadband Initiatives, shall publish a notice for the
22 Program not later than 60 days after the date of en-
23 actment of this Act.

24 (f) SELECTION CRITERIA.—When selecting an eligi-
25 ble applicant to receive funding under the Program, the

1 Under Secretary may give preference or priority to an eli-
2 gible applicant, the application of which, if awarded, would
3 enable a greater number of eligible communities to be
4 served.

5 (g) REPORT.—

6 (1) IN GENERAL.—Not later than 540 days
7 after the date of enactment of this Act, the Under
8 Secretary, acting through the head of the Office of
9 Minority Broadband Initiatives, shall submit to the
10 Committee on Commerce, Science, and Transpor-
11 tation of the Senate and the Committee on Energy
12 and Commerce of the House of Representatives a re-
13 port, which the Under Secretary, acting through the
14 head of the Office of Minority Broadband Initiatives,
15 shall make available to the public.

16 (2) CONTENTS.—The report described in para-
17 graph (1) shall include, for the period covered by the
18 report—

19 (A) the number of eligible applicants that
20 submitted applications under the Program;

21 (B) the number of eligible applicants that
22 received funding under the Program;

23 (C) a summary of the funding amounts
24 made available to eligible applicants under the
25 Program and the list of eligible community an-

1 chor institutions the eligible applicants propose
2 to serve;

3 (D) the number of eligible communities
4 that ultimately received funding or financing to
5 promote broadband adoption and to deploy
6 broadband in the eligible community under the
7 Program;

8 (E) information determined necessary by
9 the Under Secretary to measure progress to-
10 ward the goals described in subsection
11 (h)(2)(A) and assess whether the goals de-
12 scribed in that subsection are being met; and

13 (F) an identification of each eligible appli-
14 cant that received funds through the Program
15 and a description of the progress each eligible
16 applicant has made toward accomplishing the
17 purpose of the Program, as described in sub-
18 section (e).

19 (h) PUBLIC NOTICE; REQUIREMENTS.—

20 (1) PUBLIC NOTICE.—Not later than 90 days
21 after the date on which the Under Secretary pro-
22 vides public notice of the Program, the Under Sec-
23 retary, in consultation with the head of the Office of
24 Minority Broadband Initiatives, shall issue the No-
25 tice of Funding Opportunity governing the Program.

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

3 (A) establish short-term and long-term
4 goals for eligible applicants that receive funds
5 under the Program;

6 (B) establish performance metrics by
7 which to evaluate whether an eligible applicant
8 has met the goals described in subparagraph
9 (A); and

10 (C) identify the selection criteria described
11 in subsection (f) that the Under Secretary will
12 use to award funds under the Program if de-
13 mand for funds under the Program exceeds the
14 amount appropriated for carrying out the Pro-
15 gram.

16 (i) OVERSIGHT.—

17 (1) AUDITS.—The Inspector General of the De-
18 partment of Commerce (referred to in this sub-
19 section as the “Inspector General”) shall conduct an
20 audit of the Program in order to—

21 (A) ensure that eligible applicants use
22 funds awarded under the Program in accord-
23 ance with—

24 (i) the requirements of this title; and

1 (ii) the purposes of the Program, as
2 described in subsection (c); and

3 (B) prevent waste, fraud, abuse, and im-
4 proper payments.

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

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

14 (A) The name of the eligible applicant.

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

17 (C) The amount of funding determined to
18 be an improper payment made to an eligible ap-
19 plicant involved in the waste, fraud, abuse, or
20 improper payment.

21 (4) NOTIFICATION OF AUDIT FINDINGS.—Not
22 later than 7 days after the date of a finding de-
23 scribed under paragraph (3), the Inspector General
24 shall concurrently notify the Under Secretary, the
25 Committee on Commerce, Science, and Transpor-

1 tation of the Senate, and the Committee on Energy
2 and Commerce of the House of Representatives of
3 the information described in that paragraph.

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

7 (A) designate an entity within the Pro-
8 gram office to lead fraud risk management ac-
9 tivities;

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

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

16 (D) collect and analyze data from report-
17 ing mechanisms and instances of detected fraud
18 for real-time monitoring of fraud trends;

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

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

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

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

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