AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO THE COMMITTEE PRINT FOR H.R. 7624
OFFERED BY Mr. Latta and Mr. Doyle

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

   (a) SHORT TITLE.—This Act may be cited as the
   “Spectrum Innovation Act of 2022”.
   (b) TABLE OF CONTENTS.—The table of contents for
   this Act is as follows:

   Sec. 1. Short title; table of contents.

   TITLE I—SPECTRUM AUCTIONS AND INNOVATION

   Sec. 101. Spectrum auctions and innovation.

   TITLE II—SECURE AND TRUSTED COMMUNICATIONS NETWORKS
   REIMBURSEMENT PROGRAM

   Sec. 201. Increase in limitation on expenditure.

   TITLE III—NEXT GENERATION 9–1–1

   Sec. 301. Further deployment and coordination of Next Generation 9–1–1.
   Sec. 302. Transfer to NTIA of sole responsibility for certain 9–1–1 implement-
   ation coordination functions.

   TITLE IV—INCUMBENT INFORMING CAPABILITY

   Sec. 401. Incumbent informing capability.

   TITLE V—EXTENSION OF FCC AUCTION AUTHORITY

   Sec. 501. Extension of FCC auction authority.

   TITLE VI—PUBLIC SAFETY AND SECURE NETWORKS FUND

   Sec. 601. Public Safety and Secure Networks Fund.
TITLE I—SPECTRUM AUCTIONS AND INNOVATION

SEC. 101. SPECTRUM AUCTIONS AND INNOVATION.

(a) DEFINITIONS.—In this section:

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

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

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

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

(5) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” means—

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

(B) the Committee on Commerce, Science, and Transportation of the Senate;
(C) the Committee on Armed Services of the House of Representatives; and

(D) the Committee on Armed Services of the Senate.

(6) Relocation or Sharing Costs.—The term “relocation or sharing costs” has the meaning given such term in section 113(g)(3) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)).

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

(b) 3.1–3.45 GHz Band.—

(1) Pipeline Funding.—

(A) In General.—Federal entities with operations in the covered band that the Assistant Secretary determines might be affected by reallocation of the covered band may request funding to carry out activities as described under subparagraph (A) of subsection (g)(2) of section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) in order to make available the entire covered band for non-Federal use, shared Federal and non-Federal use, or a com-
bination thereof, including by making available—

(i) frequencies in the covered band for identification by the Secretary under paragraph (2)(A); and

(ii) frequencies in the covered band for identification by the Secretary under paragraph (2)(B).

(B) PLAN.—Federal entities with operations in the covered band that the Assistant Secretary determines might be affected by reallocation of the covered band shall submit a plan in accordance with subparagraph (E) of subsection (g)(2) of section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) to request funding.

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

(D) OVERSIGHT.—The Assistant Secretary and the Executive Office of the President shall
continuously review and provide oversight of the activities carried out using a payment under subparagraph (A) and a payment pursuant to section 90008 of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921 note).

(E) REPORT TO SECRETARY OF COMMERCE AND CONGRESS.—Not later than 15 months after the date of enactment of this Act, for the purposes of aiding the Secretary in making the identification under paragraph (2) and informed by the activities carried out using a payment under subparagraph (A) or a payment pursuant to section 90008 of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921 note), any Federal entity receiving such a payment, in consultation with the Assistant Secretary and the Executive Office of the President, shall submit to the Secretary and the relevant congressional committees a report that—

(i) contains the findings of the activities carried out using such payment; and

(ii) recommends—
(I) frequencies in the covered band for identification by the Secretary under paragraph (2)(A); and

(II) frequencies in the covered band for identification by the Secretary under paragraph (2)(B).

(2) IDENTIFICATION.—Not later than 21 months after the date of enactment of this Act, informed by the activities carried out using a payment under paragraph (1)(A) and the report required under paragraph (1)(D), the Secretary, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Commission, shall submit to the President, the Commission, and the relevant congressional committees a report that—

(A) identifies for inclusion in a system of competitive bidding under paragraph (3) at least 200 megahertz of frequencies in the covered band for non-Federal use, shared Federal and non-Federal use, or a combination thereof; and

(B) identifies additional frequencies in the covered band that could be made available for
non-Federal use, shared Federal and non-Federal use, or a combination thereof.

(3) AUCTION.—

(A) IN GENERAL.—Not later than 7 years after the date of enactment of this Act, the Commission, in coordination with the Assistant Secretary, shall commence a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), in accordance with paragraph (2) of this subsection, of the frequencies identified under subparagraph (A) of that paragraph.

(B) PROHIBITION.—No entity that is on the list required by section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601) may participate in the system of competitive bidding required by subparagraph (A).

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

(D) DEPOSIT OF PROCEEDS.—Notwithstanding subparagraphs (A), (C)(i), and (D) of section 309(j)(8) of the Communications Act of
1934 (47 U.S.C. 309(j)(8)) and except as pro-
vided in subparagraph (B) of such section, the
proceeds (including deposits and upfront pay-
ments from successful bidders) of the system of
competitive bidding required by subparagraph
(A) of this paragraph (in this subparagraph re-
ferred to as the “covered proceeds”) shall be
deposited or available as follows:

(i) Such amount of the covered pro-
cceeds as is necessary to cover the reloca-
tion or sharing costs of Federal entities re-
located from or sharing the frequencies
identified under paragraph (2)(A) of this
subsection shall be deposited in the Spec-
trum Relocation Fund established under
section 118 of the National Telecommuni-
cations and Information Administration

(ii) After the amount required to be
deposited by clause (i) is so deposited, any
remainder of the covered proceeds shall be
deposited in the Public Safety and Secure
Networks Fund established by section 601.

(4) Modification or withdrawal.—
(A) In general.—The President shall modify or withdraw any assignment to a Federal Government station of the frequencies identified under paragraph (2)(A) to accommodate non-Federal use, shared Federal and non-Federal use, or a combination thereof in accordance with that paragraph.

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

(i) unless the President determines that such modification or withdrawal will not compromise the primary mission of a Federal entity operating in the covered band; or

(ii) before November 30, 2024.

(5) Auction proceeds to cover 110 percent of Federal relocation or sharing costs.—Nothing in this subsection shall be construed to relieve the Commission from the requirements under section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(6) Rules authorizing additional use of spectrum in covered band.—Not later than 4
years after the date of enactment of this Act, the Commission, in coordination with the Assistant Secretary, shall adopt rules that authorize the use of spectrum in the covered band identified under paragraph (2)(B) for non-Federal use, shared Federal and non-Federal use, or a combination thereof.

(c) FCC AUCTION AUTHORITY.—

(1) TERMINATION.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “2025” and all that follows and inserting “2026, and with respect to the electromagnetic spectrum identified under section 101(b)(2)(A) of the Spectrum Innovation Act of 2022, such authority shall expire on the date that is 7 years after the date of enactment of that Act.”.

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

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

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

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

(d) **REPEAL.**—Section 90008 of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to alter or impede the activities previously authorized by subsection (b)(1)(A) of section 90008 of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921 note) so long as such efforts are in accordance with subsection (b) of this section.

**TITLE II—SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM**

**SEC. 201. INCREASE IN LIMITATION ON EXPENDITURE.**

Section 4(k) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603(k)) is amended by striking “$1,900,000,000” and inserting “$5,300,000,000”.
TITLE III—NEXT GENERATION 9–1–1

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

(a) ADDITIONAL DUTIES OF THE 9–1–1 IMPLEMENTATION COORDINATION OFFICE WITH RESPECT TO NEXT GENERATION 9–1–1.—Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by inserting “and section 159” after “section”; and

(B) by adding at the end the following:

“(4) ADDITIONAL DUTIES OF THE OFFICE WITH RESPECT TO NEXT GENERATION 9–1–1.—

“(A) ADDITIONAL DUTIES.—The Office shall—

“(i) take actions, in concert with the coordinators designated in accordance with section 159(b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of Next Generation 9–1–1;

“(ii) develop, collect, and disseminate information concerning the practices, pro-
cedures, and technology used in the implement-
mentation of Next Generation 9–1–1;

“(iii) advise and assist eligible entities
in the preparation of implementation plans
required under section 159(b)(2)(A)(iii);

“(iv) provide technical assistance to
eligible entities provided a grant under sec-
tion 159(b) in support of efforts to explore
efficiencies related to Next Generation 9–
1–1;

“(v) receive, review, and recommend
to the Assistant Secretary and the Admin-
istrator the approval or disapproval of ap-
plications for grants under section 159(b);
and

“(vi) oversee the use of funds pro-
vided by such grants in fulfilling such im-
plementation plans.

“(B) ANNUAL REPORTS.—Not later than
October 1, 2023, and each year thereafter until
funds made available to make grants under sec-
tion 159(b) are no longer available to be ex-
pended, the Assistant Secretary and the Admin-
istrator shall submit to Congress a report on
the activities conducted by the Office under
subparagraph (A) in the year preceding the submission of the report.”; and

(2) in subsection (d)(2), by striking “section” each place it appears and inserting “section (except for paragraphs (1) and (4) of subsection (a) and for subsection (c))”.

(b) COORDINATION OF NEXT GENERATION 9–1–1 IMPLEMENTATION.—Part C of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

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

“(a) ADDITIONAL FUNCTIONS OF 9–1–1 IMPLEMENTATION COORDINATION OFFICE.—

“(1) MANAGEMENT PLAN.—

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

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

“(ii) funding profiles for each fiscal year of the duration of such program.
“(B) Submission to Congress.—Not later than 180 days after the date of the enactment of this section, the Assistant Secretary and the Administrator shall—

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

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

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

“(ii) publish the management plan developed under subparagraph (A) on the website of the National Telecommunications and Information Administration.

“(2) Modification of Plan.—

“(A) Modification.—The Assistant Secretary and the Administrator may modify the management plan developed under paragraph (1)(A).

“(B) Submission.—Not later than 90 days after the plan is modified under subparagraph (A), the Assistant Secretary and the Administrator shall—
“(i) submit the modified plan to—

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

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

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

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

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

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

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

“(C) training directly related to implementing, maintaining, and operating Next Generation 9–1–1 if the cost related to the training does not exceed 3 percent of the total grant award;

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

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

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

“(ii) the cost is reasonable, necessary,
and does not exceed 1 percent of the total
grant award; and

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

“(2) APPLICATION.—In providing grants under
paragraph (1), the Assistant Secretary and the Ad-
ministrator, acting through the Office, shall require
an eligible entity to submit to the Office an applica-
tion, at the time and in the manner determined by
the Assistant Secretary and the Administrator, and
containing the certification required by paragraph
(3).
“(3) COORDINATION REQUIRED.—Each eligible entity shall include in the application required by paragraph (2) a certification that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(aa) requiring certificate authorities to be capable of cross-certification with other authorities;
“(bb) avoiding risk of a single point of failure or vulnerability; and

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

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

“(4) CRITERIA.—

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

“(B) REQUIREMENTS.—The criteria shall—

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

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

“(C) UPDATES.—The Assistant Secretary and the Administrator shall update such regulations as necessary.

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

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

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

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

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

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

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

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

“(6) CONDITION OF GRANT.—Each eligible entity shall agree, as a condition of receipt of a grant made under this subsection, that if any State or taxing jurisdiction within which the eligible entity will carry out activities using grant funds, during any period of time during which the funds from the grant are available to the eligible entity, fails to comply a certification required under paragraph (5), all of the funds from such grant shall be returned to the Office.
“(7) PENALTY FOR PROVIDING FALSE INFORMATION.—Any eligible entity that provides a certification under paragraph (5) knowing that the information provided in the certification was false shall—

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

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

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

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

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

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

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

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

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

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

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

“(A) enable interoperability; and

“(B) are—

“(i) developed and approved by a standards development organization that is accredited by an American or international standards body (such as the American National Standards Institute or International Code Council) in a process—
“(I) that is open to the public, including open for participation by any person; and  
“(II) provides for a conflict resolution process;  
“(ii) subject to an open comment and input process before being finalized by the standards development organization;  
“(iii) consensus-based; and  
“(iv) made publicly available once approved.

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

“(A) actual wages incurred for travel and attendance, including any necessary overtime pay and backfill wage;  
“(B) travel expenses;  
“(C) instructor expenses; or  
“(D) facility costs and training materials.

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

“(A) means a State or a Tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));
“(B) may be an entity, including a public authority, board, or commission, established by one or more entities described in subparagraph (A); and

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

“(7) EMERGENCY COMMUNICATIONS CENTER.—

The term ‘emergency communications center’—

“(A) means a facility that—

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

“(ii) performs one or more of the following functions—

“(I) process and analyze 9–1–1 requests for emergency assistance and information and data related to such requests;

“(II) dispatch appropriate emergency response providers;

“(III) transfer or exchange 9–1–1 requests for emergency assistance and information and data related to such requests with one or more facili-
ties described under this paragraph and emergency response providers;

“(IV) analyze any communications received from emergency response providers; and

“(V) support incident command functions; or

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


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

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

“(11) Nationwide Public Safety Broadband Network.—The term ‘nationwide public safety broadband network’ has the meaning given the term in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401).

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

“(A) employs commonly accepted standards;

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

“(C) acquires and integrates additional information useful to handling 9–1–1 requests for emergency assistance; and
“(D) supports sharing information related to 9-1-1 requests for emergency assistance among emergency communications centers and emergency response providers.

“(13) OFFICE.—The term ‘Office’ means the 9-1-1 Implementation Coordination Office established under section 158.

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

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

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

“(d) SAVINGS PROVISION.—Nothing in this title, or any amendment made by this title, shall affect any application pending or grant awarded under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) before the date of the enactment of this section.

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

“The Assistant Secretary and the Administrator shall establish a Next Generation 9–1–1 Cybersecurity Center to Coordinate with State, local, and regional governments on the sharing of cybersecurity information about, the analysis of cybersecurity threats to, and guidelines for strategies to detect and prevent cybersecurity intrusions relating to Next-Generation 9–1–1.

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

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

“(1) ESTABLISHMENT.—The Assistant Secretary and the Administrator, acting through the Office, shall establish a ‘Public Safety Next Generation 9–1–1 Advisory Board’ (in this section referred to as the ‘Board’) to provide recommendations to the Office—
“(A) with respect to carrying out the duties and responsibilities of the Office in issuing the regulations required under section 159(b);

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

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

“(2) MEMBERSHIP.—

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

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

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

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

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

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

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

“(D) RANK AND FILE MEMBERS.—A rank and file member from each of the public safety disciplines listed in clauses (i) through (iv) of subparagraph (A) shall be appointed as a mem-
ber of the Board and shall be selected from an organization that represents their public safety discipline at the national level.

“(3) PERIOD OF APPOINTMENT.—

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

“(B) REMOVAL FOR CAUSE.—A member of the Board may be removed for cause upon the determination of the Assistant Secretary and the Administrator.
“(4) VACANCIES.—Any vacancy in the Board shall be filled in the same manner as the original appointment.

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

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

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

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

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

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

“(D) enabling effective coordination among State, local, Tribal, and territorial government
entities to ensure that the needs of emergency
communications centers in both rural and
urban areas are taken into account in each im-
plementation plan required under section
159(b)(2)(A)(iii); and
“(E) incorporating existing cybersecurity
resources to Next Generation 9–1–1 procure-
ment and deployment.
“(8) AUTHORITY TO PROVIDE ADDITIONAL RE-
ommendations.—Except as provided in paragraphs
(1) and (7), the Board may provide recommenda-
tions to the Office only upon request of the Office.
“(9) DURATION OF AUTHORITY.—The Board
shall terminate on the date on which funds made
available to make grants under section 159(b) are
no longer available to be expended.
“(10) Rule of construction.—Nothing in
this section may be construed as limiting the author-
ity of the Office to seek comment from stakeholders
and the public.”.

SEC. 302. TRANSFER TO NTIA OF SOLE RESPONSIBILITY
FOR CERTAIN 9–1–1 IMPLEMENTATION CO-
ORDINATION FUNCTIONS.

(a) Transfer.—
(1) Functions.—There are transferred to the Assistant Secretary all functions that on September 30, 2022, are assigned to the Administrator, or jointly to the Assistant Secretary and the Administrator, under section 158, section 159, section 160, and section 161 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942).

(2) Personnel and Other Assets.—The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to the Assistant Secretary under paragraph (1) shall be transferred to the Assistant Secretary for use in connection with the functions transferred.

(3) Authority of Director of OMB.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make—

(A) such determinations as may be necessary with regard to the functions transferred under paragraph (1) and the personnel, property, records, and unexpended balances of ap-
propriations, allocations, and other funds transferred under paragraph (2); and

(B) such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the functions transferred under paragraph (1), as may be necessary to carry out this section and the amendments made by this section.

(b) REFERENCES.—On and after October 1, 2022, in the case of any reference relating to the functions transferred under subsection (a) in any law, regulation, document, paper, or other record of the United States—

(1) if such reference is to the Administrator, or to the Assistant Secretary and the Administrator, such reference shall be deemed to be to the Assistant Secretary; and

(2) if such reference is to the National Highway Traffic Safety Administration, or to the National Telecommunications and Information Administration and the National Highway Traffic Safety Administration, such reference shall be deemed to be to the
(c) SAVINGS PROVISIONS.—

(1) DOCUMENTS AND ACTIONS.—

(A) IN GENERAL.—All documents and actions described in subparagraph (B) shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Assistant Secretary, any officer or employee transferred under subsection (a), a court of competent jurisdiction, or operation of law.

(B) DOCUMENTS AND ACTIONS DESCRIBED.—A document or action described in this subparagraph is any order, determination, rule, grant, contract, agreement, or other document or action that—

(i) was issued, made, granted, or allowed to become effective by the Assistant Secretary, the Administrator, the Assistant Secretary and the Administrator, any officer or employee transferred under subsection (a), or a court of competent jurisdiction, in the performance of any function.
that is transferred under such subsection;

and

(ii) is in effect on September 30, 2022
(or becomes effective after such day pursuant to its terms as in effect on such day).

(2) Pending proceedings and applications.—

(A) In general.—This section and the amendments made by this section shall not affect any proceeding or application for any benefits, service, license, permit, certificate, or grant or other financial assistance relating to the functions transferred under subsection (a) that was pending on September 30, 2022, before the Assistant Secretary, the Administrator, the Assistant Secretary and the Administrator, or any officer or employee transferred under such subsection, but such proceeding or application shall be continued. Orders shall be issued in any such proceeding, and appeals shall be taken therefrom, as if this section and the amendments made by this section had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by the Assistant Secretary,
any other authorized official, a court of competent jurisdiction, or operation of law.

(B) **Substitution.**—Notwithstanding subparagraph (A), on and after October 1, 2022, any proceeding or application described in such subparagraph that was pending before the Administrator, or before the Assistant Secretary and the Administrator, shall be continued as described in such subparagraph before the Assistant Secretary.

(C) **Rule of Construction.**—Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any proceeding or application described in subparagraph (A) under the same terms and conditions and to the same extent that such proceeding or application could have been discontinued or modified if this section and the amendments made by this section had not been enacted.

(3) **Continuation of Civil Actions.**—

(A) **In General.**—This section and the amendments made by this section shall not affect any civil action relating to the functions transferred under subsection (a) that was commenced before October 1, 2022, by or against
the Assistant Secretary, the Administrator, the Assistant Secretary and the Administrator, or any officer or employee transferred under such subsection. In any such action, proceeding shall be had, appeals taken, and judgment rendered in the same manner and with the same effect as if this section and the amendments made by this section had not been enacted.

(B) SUBSTITUTION.—Notwithstanding subparagraph (A), on and after October 1, 2022, in the case of any civil action described in such subparagraph by or against the Administrator, or the Assistant Secretary and the Administrator, the Assistant Secretary shall be substituted as a party for the Administrator, or the Assistant Secretary and the Administrator, respectively.

(4) NO CHANGE IN STATUS OF PERSONNEL.—In the case of an officer or employee who is transferred to the Assistant Secretary under subsection (a), the officer or employee’s grade, compensation, rate of leave, or other benefits that apply with respect to such officer or employee at the time of transfer shall not be reduced while such officer or employee remains continuously employed in perform-
ance of the functions in connection with which such
officer or employee is transferred, other than for
cause.
(d) CONFORMING AMENDMENTS.—
(1) NATIONAL TELECOMMUNICATIONS AND IN-
FORMATION ADMINISTRATION ORGANIZATION ACT.—
The National Telecommunications and Information
Administration Organization Act (47 U.S.C. 942) is
amended—
(A) in section 158—
(i) by striking “and the Adminis-
trator” each place it appears; and
(ii) in subsection (a)(1), by striking
“of the National Highway Traffic Safety
Administration”;
(B) in section 159, by striking “and the
Administrator” each place it appears;
(C) in section 160, by striking “and the
Administrator” each place it appears; and
(2) EFFECTIVE DATE.—The amendments made
by this subsection shall take effect on October 1,
2022.
(e) DEFINITIONS.—In this section:
(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Highway Traffic Safety Administration.

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

TITLE IV—INCUMBENT INFORMING CAPABILITY

SEC. 401. INCUMBENT INFORMING CAPABILITY.

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

“SEC. 120. INCUMBENT INFORMING CAPABILITY.

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

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

“(2) not later than the date on which the total amount of funds required to be made available from the Public Safety and Secure Networks Fund under...
section 601(c)(3) of the Spectrum Innovation Act of 2022 is so made available, begin to implement such capability, including the development and testing of such capability.

“(b) Establishment of the Incumbent Informing Capability.—

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

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

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

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

“(i) Sensing.

“(ii) Identification.

“(iii) Reporting.

“(iv) Analysis.

“(v) Resolution.

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

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

“(4) INPUT OF INFORMATION.—

“(A) IN GENERAL.—Each incumbent Federal entity sharing a band of covered spectrum shall—
“(i) input into the system required by paragraph (1) such information as the Assistant Secretary may require, including the frequency, time, and location of the use of the band by such Federal entity; and

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

“(B) **Payment of Costs.**—Notwithstanding subsections (c) through (e) of section 118 and subparagraphs (C) through (E) of subsection (g)(2) of such section, the Director of the Office of Management and Budget, in consultation with the Assistant Secretary, may use amounts available in the Spectrum Relocation Fund to pay the costs incurred by Federal entities to input information as required by subparagraph (A).

“(5) **Protection of Classified Information and Controlled Unclassified Information.**—The system required by paragraph (1) shall contain appropriate measures to protect classified information and controlled unclassified information, including any such classified information or con-
trolled unclassified information that relates to military operations.

“(c) BRIEFING.—Not later than 1 year after the date on which the total amount of funds required to be made available from the Public Safety and Secure Networks Fund under section 601(c)(3) of the Spectrum Innovation Act of 2022 is so made available, the Assistant Secretary shall provide a briefing on the implementation of this section to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(d) DEFINITIONS.—In this section:

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

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

“(B) electromagnetic spectrum allocated on a primary or co-primary basis for Federal use that is shared among Federal entities.
“(2) **FEDERAL ENTITY.**—The term ‘Federal entity’ has the meaning given such term in section 113(l).

“(3) **INCUMBENT INFORMING CAPABILITY.**—The term ‘incumbent informing capability’ means a capability to facilitate the sharing of covered spectrum.

“(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to alter or expand the authority of the NTIA as described in section 113(j)(1).”

**TITLE V—EXTENSION OF FCC AUCTION AUTHORITY**

**SEC. 501. EXTENSION OF FCC AUCTION AUTHORITY.**

(a) **IN GENERAL.**—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “September 30, 2022” and inserting “March 31, 2024”.

(b) **DEPOSIT OF PROCEEDS.**—

(1) **IN GENERAL.**—Notwithstanding subparagraphs (A), (C)(i), (D), and (G)(iii) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) and except as provided in subparagraph (B) of such section, the proceeds (including deposits and upfront payments from successful bidders) of any system of competitive bidding de-
scribed in paragraph (2) (in this paragraph referred to as the “covered proceeds”) shall be deposited as follows:

(A) In the case of covered proceeds attributable to eligible frequencies described in subsection (g)(2) of section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923), such amount of such proceeds as is necessary to cover the relocation or sharing costs (as defined in subsection (g)(3) of such section) of Federal entities (as defined in subsection (l) of such section) relocated from or sharing such eligible frequencies shall be deposited in the Spectrum Relocation Fund established under section 118 of such Act (47 U.S.C. 928). Any remainder of such proceeds shall be deposited in the Public Safety and Secure Networks Fund established by section 601 of this Act.

(B) In the case of covered proceeds attributable to spectrum usage rights made available through an incentive auction under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), such proceeds shall be deposited in the Public
Safety and Secure Networks Fund established by section 601 of this Act.

(C) Any other covered proceeds shall be deposited in the Public Safety and Secure Networks Fund established by section 601 of this Act.

(2) SYSTEM OF COMPETITIVE BIDDING DESCRIBED.—A system of competitive bidding described in this paragraph is any system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) that is concluded during the period beginning on July 1, 2022, and ending on March 31, 2024, except for the system of competitive bidding required by section 101(b)(3)(A) of this Act.

TITLE VI—PUBLIC SAFETY AND SECURE NETWORKS FUND

SEC. 601. PUBLIC SAFETY AND SECURE NETWORKS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Public Safety and Secure Networks Fund” (in this section referred to as the “Fund”).

(b) ACCOUNTING FOR FEDERAL BUDGET BASELINE.—
(1) PROCEEDS OF AUCTION OF 2496–2690 MHZ BAND.—In the case of the proceeds of any system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) with respect to the frequencies between 2496 megahertz and 2690 megahertz, inclusive, that are deposited in the Fund as required by section 501(b) of this Act, the first $1,700,000,000 of such proceeds shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction. The remainder of such proceeds shall be available or deposited under subsection (c).

(2) PROCEEDS OF REQUIRED AUCTION OF 3.1–3.45 GHZ BAND.—In the case of the proceeds of the system of competitive bidding required by subparagraph (A) of section 101(b)(3) that are deposited in the Fund as required by subparagraph (D) of such section, the first $16,000,000,000 of such proceeds shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction. The remainder of such proceeds shall be available or deposited under subsection (c).
(c) USE OF FUNDS.—Except as provided in subsection (b), as amounts are deposited in the Fund, such amounts shall be available or deposited as follows:

(1) $3,400,000,000 shall be available to the Federal Communications Commission until expended to make reimbursements under section 4 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603).

(2) After the amount required to be made available by paragraph (1) is so made available, $10,000,000,000 shall be available to the Assistant Secretary of Commerce for Communications and Information until expended to carry out title III of this Act and the amendments made by such title, except that not more than 4 percent of the amount made available by this paragraph may be used for administrative purposes (including carrying out sections 160 and 161 of the National Telecommunications and Information Administration Organization Act, as added by such title).

(3) After the amount required to be made available by paragraph (2) is so made available, $117,400,000 shall be available to the Assistant Secretary of Commerce for Communications and Information until expended to carry out section 120 of
the National Telecommunications and Information Administration Organization Act, as added by section 401 of this Act.

(4) After the amount required to be made available by paragraph (3) is so made available, any remaining amounts deposited in the Fund shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.