

**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.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Spectrum Innovation Act of 2022”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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 implementation 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.

1 **TITLE I—SPECTRUM AUCTIONS**
2 **AND INNOVATION**

3 **SEC. 101. SPECTRUM AUCTIONS AND INNOVATION.**

4 (a) DEFINITIONS.—In this section:

5 (1) ASSISTANT SECRETARY.—The term “Assist-
6 ant Secretary” means the Assistant Secretary of
7 Commerce for Communications and Information.

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

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

13 (4) FEDERAL ENTITY.—The term “Federal en-
14 tity” has the meaning given such term in section
15 113(l) of the National Telecommunications and In-
16 formation Administration Organization Act (47
17 U.S.C. 923(l)).

18 (5) RELEVANT CONGRESSIONAL COMMIT-
19 TEES.—The term “relevant congressional commit-
20 tees” means—

21 (A) the Committee on Energy and Com-
22 merce of the House of Representatives;

23 (B) the Committee on Commerce, Science,
24 and Transportation of the Senate;

1 (C) the Committee on Armed Services of
2 the House of Representatives; and

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

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

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

12 (b) 3.1–3.45 GHZ BAND.—

13 (1) PIPELINE FUNDING.—

14 (A) IN GENERAL.—Federal entities with
15 operations in the covered band that the Assist-
16 ant Secretary determines might be affected by
17 reallocation of the covered band may request
18 funding to carry out activities as described
19 under subparagraph (A) of subsection (g)(2) of
20 section 118 of the National Telecommunications
21 and Information Administration Organization
22 Act (47 U.S.C. 928) in order to make available
23 the entire covered band for non-Federal use,
24 shared Federal and non-Federal use, or a com-

1 bination thereof, including by making avail-
2 able—

3 (i) frequencies in the covered band for
4 identification by the Secretary under para-
5 graph (2)(A); and

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

9 (B) PLAN.—Federal entities with oper-
10 ations in the covered band that the Assistant
11 Secretary determines might be affected by re-
12 allocation of the covered band shall submit a
13 plan in accordance with subparagraph (E) of
14 subsection (g)(2) of section 118 of the National
15 Telecommunications and Information Adminis-
16 tration Organization Act (47 U.S.C. 928) to re-
17 quest funding.

18 (C) EXEMPTION.—Section 118(g)(2)(D)(ii)
19 of the National Telecommunications and Infor-
20 mation Administration Organization Act (47
21 U.S.C. 928(g)(2)(D)(ii)) shall not apply with
22 respect to the payment required under subpara-
23 graph (A).

24 (D) OVERSIGHT.—The Assistant Secretary
25 and the Executive Office of the President shall

1 continuously review and provide oversight of the
2 activities carried out using a payment under
3 subparagraph (A) and a payment pursuant to
4 section 90008 of the Infrastructure Investment
5 and Jobs Act (Public Law 117–58; 135 Stat.
6 1348; 47 U.S.C. 921 note).

7 (E) REPORT TO SECRETARY OF COMMERCE
8 AND CONGRESS.—Not later than 15 months
9 after the date of enactment of this Act, for the
10 purposes of aiding the Secretary in making the
11 identification under paragraph (2) and in-
12 formed by the activities carried out using a pay-
13 ment under subparagraph (A) or a payment
14 pursuant to section 90008 of the Infrastructure
15 Investment and Jobs Act (Public Law 117–58;
16 135 Stat. 1348; 47 U.S.C. 921 note), any Fed-
17 eral entity receiving such a payment, in con-
18 sultation with the Assistant Secretary and the
19 Executive Office of the President, shall submit
20 to the Secretary and the relevant congressional
21 committees a report that—

22 (i) contains the findings of the activi-
23 ties carried out using such payment; and

24 (ii) recommends—

1 (I) frequencies in the covered
2 band for identification by the Sec-
3 retary under paragraph (2)(A); and

4 (II) frequencies in the covered
5 band for identification by the Sec-
6 retary under paragraph (2)(B).

7 (2) IDENTIFICATION.—Not later than 21
8 months after the date of enactment of this Act, in-
9 formed by the activities carried out using a payment
10 under paragraph (1)(A) and the report required
11 under paragraph (1)(D), the Secretary, in consulta-
12 tion with the Secretary of Defense, the Director of
13 the Office of Science and Technology Policy, and the
14 Commission, shall submit to the President, the Com-
15 mission, and the relevant congressional committees a
16 report that—

17 (A) identifies for inclusion in a system of
18 competitive bidding under paragraph (3) at
19 least 200 megahertz of frequencies in the cov-
20 ered band for non-Federal use, shared Federal
21 and non-Federal use, or a combination thereof;
22 and

23 (B) identifies additional frequencies in the
24 covered band that could be made available for

1 non-Federal use, shared Federal and non-Fed-
2 eral use, or a combination thereof.

3 (3) AUCTION.—

4 (A) IN GENERAL.—Not later than 7 years
5 after the date of enactment of this Act, the
6 Commission, in coordination with the Assistant
7 Secretary, shall commence a system of competi-
8 tive bidding under section 309(j) of the Com-
9 munications Act of 1934 (47 U.S.C. 309(j)), in
10 accordance with paragraph (2) of this sub-
11 section, of the frequencies identified under sub-
12 paragraph (A) of that paragraph.

13 (B) PROHIBITION.—No entity that is on
14 the list required by section 2 of the Secure and
15 Trusted Communications Networks Act of 2019
16 (47 U.S.C. 1601) may participate in the system
17 of competitive bidding required by subpara-
18 graph (A).

19 (C) SCOPE.—The Commission may not in-
20 clude in the system of competitive bidding re-
21 quired by subparagraph (A) any frequencies
22 that are not in the covered band.

23 (D) DEPOSIT OF PROCEEDS.—Notwith-
24 standing subparagraphs (A), (C)(i), and (D) of
25 section 309(j)(8) of the Communications Act of

1 1934 (47 U.S.C. 309(j)(8)) and except as pro-
2 vided in subparagraph (B) of such section, the
3 proceeds (including deposits and upfront pay-
4 ments from successful bidders) of the system of
5 competitive bidding required by subparagraph
6 (A) of this paragraph (in this subparagraph re-
7 ferred to as the “covered proceeds”) shall be
8 deposited or available as follows:

9 (i) Such amount of the covered pro-
10 ceeds as is necessary to cover the reloca-
11 tion or sharing costs of Federal entities re-
12 located from or sharing the frequencies
13 identified under paragraph (2)(A) of this
14 subsection shall be deposited in the Spec-
15 trum Relocation Fund established under
16 section 118 of the National Telecommuni-
17 cations and Information Administration
18 Organization Act (47 U.S.C. 928).

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

24 (4) MODIFICATION OR WITHDRAWAL.—

1 (A) IN GENERAL.—The President shall
2 modify or withdraw any assignment to a Fed-
3 eral Government station of the frequencies iden-
4 tified under paragraph (2)(A) to accommodate
5 non-Federal use, shared Federal and non-Fed-
6 eral use, or a combination thereof in accordance
7 with that paragraph.

8 (B) LIMITATIONS.—The President may not
9 modify or withdraw any assignment to a Fed-
10 eral Government station as described in sub-
11 paragraph (A)—

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

17 (ii) before November 30, 2024.

18 (5) AUCTION PROCEEDS TO COVER 110 PER-
19 CENT OF FEDERAL RELOCATION OR SHARING
20 COSTS.—Nothing in this subsection shall be con-
21 strued to relieve the Commission from the require-
22 ments under section 309(j)(16)(B) of the Commu-
23 nications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

24 (6) RULES AUTHORIZING ADDITIONAL USE OF
25 SPECTRUM IN COVERED BAND.—Not later than 4

1 years after the date of enactment of this Act, the
2 Commission, in coordination with the Assistant Sec-
3 retary, shall adopt rules that authorize the use of
4 spectrum in the covered band identified under para-
5 graph (2)(B) for non-Federal use, shared Federal
6 and non-Federal use, or a combination thereof.

7 (c) FCC AUCTION AUTHORITY.—

8 (1) TERMINATION.—Section 309(j)(11) of the
9 Communications Act of 1934 (47 U.S.C. 309(j)(11))
10 is amended by striking “2025” and all that follows
11 and inserting “2026, and with respect to the electro-
12 magnetic spectrum identified under section
13 101(b)(2)(A) of the Spectrum Innovation Act of
14 2022, such authority shall expire on the date that is
15 7 years after the date of enactment of that Act.”.

16 (2) SPECTRUM PIPELINE ACT OF 2015.—Section
17 1004 of the Spectrum Pipeline Act of 2015 (Public
18 Law 114–74; 129 Stat. 621; 47 U.S.C. 921 note) is
19 amended—

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

22 (B) in subsection (b)(1), by striking
23 “2022” and inserting “2024”; and

24 (C) in subsection (c)(1)(B), by striking
25 “2024” and inserting “2026”.

1 (d) REPEAL.—Section 90008 of the Infrastructure
2 Investment and Jobs Act (Public Law 117–58; 135 Stat.
3 1348; 47 U.S.C. 921 note), and the item relating to such
4 section in the table of contents in section 1(b) of such Act,
5 are repealed.

6 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to alter or impede the activities
8 previously authorized by subsection (b)(1)(A) of section
9 90008 of the Infrastructure Investment and Jobs Act
10 (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921 note)
11 so long as such efforts are in accordance with subsection
12 (b) of this section.

13 **TITLE II—SECURE AND TRUSTED**
14 **COMMUNICATIONS NET-**
15 **WORKS REIMBURSEMENT**
16 **PROGRAM**

17 **SEC. 201. 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 “\$5,300,000,000”.

1 **TITLE III—NEXT GENERATION 9–**
2 **1–1**

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

5 (a) ADDITIONAL DUTIES OF THE 9–1–1 IMPLEMEN-
6 TATION COORDINATION OFFICE WITH RESPECT TO NEXT
7 GENERATION 9–1–1.—Section 158 of the National Tele-
8 communications and Information Administration Organi-
9 zation Act (47 U.S.C. 942) is amended—

10 (1) in subsection (a)—

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

13 (B) by adding at the end the following:

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

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

18 “(i) take actions, in concert with the
19 coordinators designated in accordance with
20 section 159(b)(3)(A)(ii), to improve coordi-
21 nation and communication with respect to
22 the implementation of Next Generation 9–
23 1–1;

24 “(ii) develop, collect, and disseminate
25 information concerning the practices, pro-

1 cedures, and technology used in the imple-
2 mentation of Next Generation 9–1–1;

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

6 “ (iv) provide technical assistance to
7 eligible entities provided a grant under sec-
8 tion 159(b) in support of efforts to explore
9 efficiencies related to Next Generation 9–
10 1–1;

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

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

19 “(B) ANNUAL REPORTS.—Not later than
20 October 1, 2023, and each year thereafter until
21 funds made available to make grants under sec-
22 tion 159(b) are no longer available to be ex-
23 pended, the Assistant Secretary and the Admin-
24 istrator shall submit to Congress a report on
25 the activities conducted by the Office under

1 subparagraph (A) in the year preceding the
2 submission of the report.”; and

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

7 (b) COORDINATION OF NEXT GENERATION 9–1–1
8 IMPLEMENTATION.—Part C of the National Tele-
9 communications and Information Administration Organi-
10 zation Act (47 U.S.C. 901 et seq.) is amended by adding
11 at the end the following:

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

14 “(a) ADDITIONAL FUNCTIONS OF 9–1–1 IMPLEMEN-
15 TATION COORDINATION OFFICE.—

16 “(1) MANAGEMENT PLAN.—

17 “(A) DEVELOPMENT.—The Assistant Sec-
18 retary and the Administrator shall develop a
19 management plan for the grant program estab-
20 lished under this section, including by devel-
21 oping—

22 “(i) plans related to the organiza-
23 tional structure of such program; and

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

1 “(B) SUBMISSION TO CONGRESS.—Not
2 later than 180 days after the date of the enact-
3 ment of this section, the Assistant Secretary
4 and the Administrator shall—

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

7 “(I) the Committees on Com-
8 merce, Science, and Transportation
9 and Appropriations of the Senate; and

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

13 “(ii) publish the management plan de-
14 veloped under subparagraph (A) on the
15 website of the National Telecommuni-
16 cations and Information Administration.

17 “(2) MODIFICATION OF PLAN.—

18 “(A) MODIFICATION.—The Assistant Sec-
19 retary and the Administrator may modify the
20 management plan developed under paragraph
21 (1)(A).

22 “(B) SUBMISSION.—Not later than 90
23 days after the plan is modified under subpara-
24 graph (A), the Assistant Secretary and the Ad-
25 ministrator shall—

1 “(i) submit the modified plan to—

2 “(I) the Committees on Com-
3 merce, Science, and Transportation
4 and Appropriations of the Senate; and

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

8 “(ii) publish the modified plan on the
9 website of the National Telecommuni-
10 cations and Information Administration.

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

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

16 “(A) implementing Next Generation 9–1–
17 1;

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

19 “(C) training directly related to imple-
20 menting, maintaining, and operating Next Gen-
21 eration 9–1–1 if the cost related to the training
22 does not exceed 3 percent of the total grant
23 award;

24 “(D) public outreach and education on how
25 the public can best use Next Generation 9–1–

1 1 and the capabilities and usefulness of Next
2 Generation 9–1–1;

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

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

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

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

17 “(2) APPLICATION.—In providing grants under
18 paragraph (1), the Assistant Secretary and the Ad-
19 ministrator, acting through the Office, shall require
20 an eligible entity to submit to the Office an applica-
21 tion, at the time and in the manner determined by
22 the Assistant Secretary and the Administrator, and
23 containing the certification required by paragraph
24 (3).

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

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

6 “(i) has coordinated the application
7 with the emergency communications cen-
8 ters located within the jurisdiction of the
9 entity;

10 “(ii) has designated a single officer or
11 governmental body to serve as the State
12 point of contact to coordinate the imple-
13 mentation of Next Generation 9–1–1 for
14 that State, except that such designation
15 need not vest such officer or governmental
16 body with direct legal authority to imple-
17 ment Next Generation 9–1–1 or to manage
18 emergency communications operations; and

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

22 “(I) ensures interoperability by
23 requiring the use of commonly accept-
24 ed standards;

25 “(II) ensures reliable operations;

1 “(III) enables emergency commu-
2 nications centers to process, analyze,
3 and store multimedia, data, and other
4 information;

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

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

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

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

23 “(VIII) includes a governance
24 body or bodies, either by creation of
25 new, or use of existing, body or bod-

1 ies, for the development and deploy-
2 ment of Next Generation 9–1–1
3 that—

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

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

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

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

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

1 “(bb) avoiding risk of a sin-
2 gle point of failure or vulner-
3 ability; and

4 “(cc) adhering to Federal
5 agency best practices such as
6 those promulgated by the Na-
7 tional Institute of Standards and
8 Technology; and

9 “(B) in the case of an eligible entity that
10 is a Tribal Organization, the Tribal Organiza-
11 tion has complied with clauses (i) and (iii) of
12 subparagraph (A).

13 “(4) CRITERIA.—

14 “(A) IN GENERAL.—Not later than 1 year
15 after the date of the enactment of this section,
16 the Assistant Secretary and the Administrator
17 shall issue regulations, after providing the pub-
18 lic with notice and an opportunity to comment,
19 prescribing the criteria for selection for grants
20 under this subsection.

21 “(B) REQUIREMENTS.—The criteria
22 shall—

23 “(i) include performance requirements
24 and a schedule for completion of any

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

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

5 “(C) UPDATES.—The Assistant Secretary
6 and the Administrator shall update such regula-
7 tions as necessary.

8 “(5) GRANT CERTIFICATIONS.—Each eligible
9 entity shall certify to the Assistant Secretary and
10 the Administrator at the time of application, and
11 each eligible entity that receives such a grant shall
12 certify to the Assistant Secretary and the Adminis-
13 trator annually thereafter during any period of time
14 the funds from the grant are available to the eligible
15 entity, that—

16 “(A) beginning on the date that is 180
17 days before the date on which the application as
18 filed, no portion of any 9–1–1 fee or charge im-
19 posed by the eligible entity (or in the case that
20 the eligible entity is not a State or Tribal orga-
21 nization, any State or taxing jurisdiction within
22 which the eligible entity will carry out, or is
23 carrying out, activities using grant funds) are
24 obligated or expended for a purpose or function
25 not designated under the rules issued pursuant

1 to section 6(f)(3) of the Wireless Communica-
2 tions and Public Safety Act of 1999 (47 U.S.C.
3 615a–1(f)(3))(as such rules are in effect on the
4 date on which the eligible entity makes the cer-
5 tification) as acceptable;

6 “(B) any funds received by the eligible en-
7 tity will be used consistent with subsection
8 (b)(1) to support the deployment of Next Gen-
9 eration 9–1–1 that ensures reliability and inter-
10 operability, by requiring the use of commonly
11 accepted standards;

12 “(C) the eligible entity (or in the case that
13 the eligible entity is not a State or Tribal orga-
14 nization, any State or taxing jurisdiction within
15 which the eligible entity will carry out or is car-
16 rying out activities using grant funds) has es-
17 tablished, or has committed to establish not
18 later than 3 years following the date on which
19 the grant funds are distributed to the eligible
20 entity—

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

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

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

7 “(E) the eligible entity has or will take
8 steps to coordinate with adjoining States and
9 Tribes to establish and maintain Next Genera-
10 tion 9–1–1; and

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

16 “(6) CONDITION OF GRANT.—Each eligible en-
17 tity shall agree, as a condition of receipt of a grant
18 made under this subsection, that if any State or tax-
19 ing jurisdiction within which the eligible entity will
20 carry out activities using grant funds, during any
21 period of time during which the funds from the
22 grant are available to the eligible entity, fails to
23 comply a certification required under paragraph (5),
24 all of the funds from such grant shall be returned
25 to the Office.

1 “(7) PENALTY FOR PROVIDING FALSE INFOR-
2 MATION.—Any eligible entity that provides a certifi-
3 cation under paragraph (5) knowing that the infor-
4 mation provided in the certification was false shall—

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

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

9 “(C) not be eligible to receive any subse-
10 quent grants under this subsection.

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

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

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

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

22 “(1) 9–1–1 FEE OR CHARGE.—The term ‘9–1–
23 1 fee or charge’ has the meaning given such term in
24 section 6(f)(3)(D) of the Wireless Communications
25 and Public Safety Act of 1999 (47 U.S.C. 615a–

1 1(f)(3)(D)), as such rules are in effect as of the date
2 of the certification.

3 “(2) 9–1–1 REQUEST FOR EMERGENCY ASSIST-
4 ANCE.—The term ‘9–1–1 request for emergency as-
5 sistance’ means a communication, such as voice,
6 text, picture, multimedia, or any other type of data
7 that is sent to a facility for the purpose of request-
8 ing emergency assistance.

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

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

17 “(A) enable interoperability; and

18 “(B) are—

19 “(i) developed and approved by a
20 standards development organization that is
21 accredited by an American or international
22 standards body (such as the American Na-
23 tional Standards Institute or International
24 Code Council) in a process—

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

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

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

9 “(iii) consensus-based; and

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

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

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

17 “(B) travel expenses;

18 “(C) instructor expenses; or

19 “(D) facility costs and training materials.

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

22 “(A) means a State or a Tribal organiza-
23 tion (as defined in section 4(l) of the Indian
24 Self-Determination and Education Assistance
25 Act (25 U.S.C. 5304));

1 “(B) may be an entity, including a public
2 authority, board, or commission, established by
3 one or more entities described in subparagraph
4 (A); and

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

8 “(7) EMERGENCY COMMUNICATIONS CENTER.—
9 The term ‘emergency communications center’—

10 “(A) means a facility that—

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

13 “(ii) performs one or more of the fol-
14 lowing functions—

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

19 “(II) dispatch appropriate emer-
20 gency response providers;

21 “(III) transfer or exchange 9–1–
22 1 requests for emergency assistance
23 and information and data related to
24 such requests with one or more facili-

1 ties described under this paragraph
2 and emergency response providers;

3 “(IV) analyze any communica-
4 tions received from emergency re-
5 sponse providers; and

6 “(V) support incident command
7 functions; or

8 “(B) may be a public safety answering
9 point, as defined in section 222 of the Commu-
10 nications Act of 1934 (47 U.S.C. 222).

11 “(8) EMERGENCY RESPONSE PROVIDER.—The
12 term ‘emergency response provider’ has the meaning
13 given that term under section 2 of the Homeland Se-
14 curity Act of 2002 (6 U.S.C. 101).

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

20 “(10) INTEROPERABLE.—The term ‘interoper-
21 able’ or ‘interoperability’ means the capability of
22 emergency communications centers to receive 9–1–1
23 requests for emergency assistance and information/
24 data related to such requests, such as location infor-
25 mation and callback numbers from a person initi-

1 ating the request, then process and share the 9–1–
2 1 requests for emergency assistance and informa-
3 tion/data related to such requests with other emer-
4 gency communications centers and emergency re-
5 sponse providers without the need for proprietary
6 interfaces and regardless of jurisdiction, equipment,
7 device, software, service provider, or other relevant
8 factors.

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

15 “(12) NEXT GENERATION 9–1–1.—The term
16 ‘Next Generation 9–1–1’ means an interoperable, se-
17 cure, Internet Protocol-based system that—

18 “(A) employs commonly accepted stand-
19 ards;

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

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

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

5 “(13) OFFICE.—The term ‘Office’ means the
6 9–1–1 Implementation Coordination Office estab-
7 lished under section 158.

8 “(14) RELIABILITY.—The term ‘reliability’ or
9 ‘reliable’ means the employment of sufficient meas-
10 ures to ensure the ongoing operation of Next Gen-
11 eration 9–1–1 including through the use of geo-di-
12 verse, device- and network-agnostic elements that
13 provide more than one route between end points
14 with no common points where a single failure at that
15 point would cause all to fail.

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

22 “(16) SUSTAINABLE FUNDING MECHANISM.—
23 The term ‘sustainable funding mechanism’ means a
24 funding mechanism that provides adequate revenues

1 to cover ongoing expenses, including operations,
2 maintenance, and upgrades.

3 “(d) SAVINGS PROVISION.—Nothing in this title, or
4 any amendment made by this title, shall affect any appli-
5 cation pending or grant awarded under section 158 of the
6 National Telecommunications and Information Adminis-
7 tration Organization Act (47 U.S.C. 942) before the date
8 of the enactment of this section.

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

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

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

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

20 “(1) ESTABLISHMENT.—The Assistant Sec-
21 retary and the Administrator, acting through the Of-
22 fice, shall establish a ‘Public Safety Next Generation
23 9-1-1 Advisory Board’ (in this section referred to as
24 the ‘Board’) to provide recommendations to the Of-
25 fice—

1 “(A) with respect to carrying out the du-
2 ties and responsibilities of the Office in issuing
3 the regulations required under section 159(b);

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

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

6 “(2) MEMBERSHIP.—

7 “(A) VOTING MEMBERS.—Not later than
8 150 days after the date of enactment of this
9 section, the Assistant Secretary and the Admin-
10 istrator, acting through the Office, shall ap-
11 point 16 public safety members to the Board, of
12 which—

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

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

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

19 “(iv) 4 members shall represent 9–1–
20 1 professionals.

21 “(B) DIVERSITY OF MEMBERSHIP.—Mem-
22 bers shall be representatives of State or Tribes
23 and local governments, chosen to reflect geo-
24 graphic and population density differences as

1 well as public safety organizations at the na-
2 tional level across the United States.

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

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

16 “(3) PERIOD OF APPOINTMENT.—

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

20 “(B) REMOVAL FOR CAUSE.—A member of
21 the Board may be removed for cause upon the
22 determination of the Assistant Secretary and
23 the Administrator.

1 “(4) VACANCIES.—Any vacancy in the Board
2 shall be filled in the same manner as the original ap-
3 pointment.

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

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

10 “(7) DUTY OF BOARD TO SUBMIT REC-
11 OMMENDATIONS.—Not later than 120 days after all
12 members of the Board are appointed under para-
13 graph (2), the Board shall submit to the Office rec-
14 ommendations for the following—

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

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

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

24 “(D) enabling effective coordination among
25 State, local, Tribal, and territorial government

1 entities to ensure that the needs of emergency
2 communications centers in both rural and
3 urban areas are taken into account in each im-
4 plementation plan required under section
5 159(b)(2)(A)(iii); and

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

9 “(8) AUTHORITY TO PROVIDE ADDITIONAL REC-
10 OMMENDATIONS.—Except as provided in paragraphs
11 (1) and (7), the Board may provide recommenda-
12 tions to the Office only upon request of the Office.

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

17 “(10) RULE OF CONSTRUCTION.—Nothing in
18 this section may be construed as limiting the author-
19 ity of the Office to seek comment from stakeholders
20 and the public.”.

21 **SEC. 302. TRANSFER TO NTIA OF SOLE RESPONSIBILITY**
22 **FOR CERTAIN 9-1-1 IMPLEMENTATION CO-**
23 **ORDINATION FUNCTIONS.**

24 (a) TRANSFER.—

1 (1) FUNCTIONS.—There are transferred to the
2 Assistant Secretary all functions that on September
3 30, 2022, are assigned to the Administrator, or
4 jointly to the Assistant Secretary and the Adminis-
5 trator, under section 158, section 159, section 160,
6 and section 161 of the National Telecommunications
7 and Information Administration Organization Act
8 (47 U.S.C. 942).

9 (2) PERSONNEL AND OTHER ASSETS.—The per-
10 sonnel, property, records, and unexpended balances
11 of appropriations, allocations, and other funds em-
12 ployed, used, held, available, or to be made available
13 in connection with a function transferred to the As-
14 sistant Secretary under paragraph (1) shall be
15 transferred to the Assistant Secretary for use in
16 connection with the functions transferred.

17 (3) AUTHORITY OF DIRECTOR OF OMB.—The
18 Director of the Office of Management and Budget,
19 at such time or times as the Director shall provide,
20 may make—

21 (A) such determinations as may be nec-
22 essary with regard to the functions transferred
23 under paragraph (1) and the personnel, prop-
24 erty, records, and unexpended balances of ap-

1 appropriations, allocations, and other funds trans-
2 ferred under paragraph (2); and

3 (B) such additional incidental dispositions
4 of personnel, assets, liabilities, grants, con-
5 tracts, property, records, and unexpended bal-
6 ances of appropriations, authorizations, alloca-
7 tions, and other funds held, used, arising from,
8 available to, or to be made available in connec-
9 tion with the functions transferred under para-
10 graph (1), as may be necessary to carry out
11 this section and the amendments made by this
12 section.

13 (b) REFERENCES.—On and after October 1, 2022,
14 in the case of any reference relating to the functions trans-
15 ferred under subsection (a) in any law, regulation, docu-
16 ment, paper, or other record of the United States—

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

21 (2) if such reference is to the National Highway
22 Traffic Safety Administration, or to the National
23 Telecommunications and Information Administration
24 and the National Highway Traffic Safety Adminis-
25 tration, such reference shall be deemed to be to the

1 National Telecommunications and Information Ad-
2 ministration.

3 (c) SAVINGS PROVISIONS.—

4 (1) DOCUMENTS AND ACTIONS.—

5 (A) IN GENERAL.—All documents and ac-
6 tions described in subparagraph (B) shall con-
7 tinue in effect according to their terms until
8 modified, terminated, superseded, set aside, or
9 revoked in accordance with law by the Assistant
10 Secretary, any officer or employee transferred
11 under subsection (a), a court of competent ju-
12 risdiction, or operation of law.

13 (B) DOCUMENTS AND ACTIONS DE-
14 SCRIBED.—A document or action described in
15 this subparagraph is any order, determination,
16 rule, grant, contract, agreement, or other docu-
17 ment or action that—

18 (i) was issued, made, granted, or al-
19 lowed to become effective by the Assistant
20 Secretary, the Administrator, the Assistant
21 Secretary and the Administrator, any offi-
22 cer or employee transferred under sub-
23 section (a), or a court of competent juris-
24 diction, in the performance of any function

1 that is transferred under such subsection;
2 and
3 (ii) is in effect on September 30, 2022
4 (or becomes effective after such day pursu-
5 ant to its terms as in effect on such day).

6 (2) PENDING PROCEEDINGS AND APPLICA-
7 TIONS.—

8 (A) IN GENERAL.—This section and the
9 amendments made by this section shall not af-
10 fect any proceeding or application for any bene-
11 fits, service, license, permit, certificate, or grant
12 or other financial assistance relating to the
13 functions transferred under subsection (a) that
14 was pending on September 30, 2022, before the
15 Assistant Secretary, the Administrator, the As-
16 sistant Secretary and the Administrator, or any
17 officer or employee transferred under such sub-
18 section, but such proceeding or application shall
19 be continued. Orders shall be issued in any such
20 proceeding, and appeals shall be taken there-
21 from, as if this section and the amendments
22 made by this section had not been enacted, and
23 orders issued in any such proceeding shall con-
24 tinue in effect until modified, terminated, su-
25 perseded, or revoked by the Assistant Secretary,

1 any other authorized official, a court of com-
2 petent jurisdiction, or operation of law.

3 (B) SUBSTITUTION.—Notwithstanding
4 subparagraph (A), on and after October 1,
5 2022, any proceeding or application described
6 in such subparagraph that was pending before
7 the Administrator, or before the Assistant Sec-
8 retary and the Administrator, shall be contin-
9 ued as described in such subparagraph before
10 the Assistant Secretary.

11 (C) RULE OF CONSTRUCTION.—Nothing in
12 this paragraph shall be construed to prohibit
13 the discontinuance or modification of any pro-
14 ceeding or application described in subpara-
15 graph (A) under the same terms and conditions
16 and to the same extent that such proceeding or
17 application could have been discontinued or
18 modified if this section and the amendments
19 made by this section had not been enacted.

20 (3) CONTINUATION OF CIVIL ACTIONS.—

21 (A) IN GENERAL.—This section and the
22 amendments made by this section shall not af-
23 fect any civil action relating to the functions
24 transferred under subsection (a) that was com-
25 menced before October 1, 2022, by or against

1 the Assistant Secretary, the Administrator, the
2 Assistant Secretary and the Administrator, or
3 any officer or employee transferred under such
4 subsection. In any such action, proceeding shall
5 be had, appeals taken, and judgment rendered
6 in the same manner and with the same effect
7 as if this section and the amendments made by
8 this section had not been enacted.

9 (B) SUBSTITUTION.—Notwithstanding
10 subparagraph (A), on and after October 1,
11 2022, in the case of any civil action described
12 in such subparagraph by or against the Admin-
13 istrator, or the Assistant Secretary and the Ad-
14 ministrator, the Assistant Secretary shall be
15 substituted as a party for the Administrator, or
16 the Assistant Secretary and the Administrator,
17 respectively.

18 (4) NO CHANGE IN STATUS OF PERSONNEL.—
19 In the case of an officer or employee who is trans-
20 ferred to the Assistant Secretary under subsection
21 (a), the officer or employee's grade, compensation,
22 rate of leave, or other benefits that apply with re-
23 spect to such officer or employee at the time of
24 transfer shall not be reduced while such officer or
25 employee remains continuously employed in perform-

1 ance of the functions in connection with which such
2 officer or employee is transferred, other than for
3 cause.

4 (d) CONFORMING AMENDMENTS.—

5 (1) NATIONAL TELECOMMUNICATIONS AND IN-
6 FORMATION ADMINISTRATION ORGANIZATION ACT.—

7 The National Telecommunications and Information
8 Administration Organization Act (47 U.S.C. 942) is
9 amended—

10 (A) in section 158—

11 (i) by striking “and the Adminis-
12 trator” each place it appears; and

13 (ii) in subsection (a)(1), by striking
14 “of the National Highway Traffic Safety
15 Administration”;

16 (B) in section 159, by striking “and the
17 Administrator” each place it appears;

18 (C) in section 160, by striking “and the
19 Administrator” each place it appears; and

20 (2) EFFECTIVE DATE.—The amendments made
21 by this subsection shall take effect on October 1,
22 2022.

23 (e) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the National
3 Highway Traffic Safety Administration.

4 (2) ASSISTANT SECRETARY.—The term “Assist-
5 ant Secretary” means the Assistant Secretary of
6 Commerce for Communications and Information.

7 **TITLE IV—INCUMBENT**
8 **INFORMING CAPABILITY**

9 **SEC. 401. INCUMBENT INFORMING CAPABILITY.**

10 Part B of the National Telecommunications and In-
11 formation Administration Organization Act (47 U.S.C.
12 921 et seq.) is amended by adding at the end the fol-
13 lowing:

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

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

16 “(1) not later than 120 days after the date of
17 the enactment of this section, begin to amend the
18 Department of Commerce spectrum management
19 document entitled ‘Manual of Regulations and Pro-
20 cedures for Federal Radio Frequency Management’
21 so as to incorporate an incumbent informing capa-
22 bility; and

23 “(2) not later than the date on which the total
24 amount of funds required to be made available from
25 the Public Safety and Secure Networks Fund under

1 section 601(c)(3) of the Spectrum Innovation Act of
2 2022 is so made available, begin to implement such
3 capability, including the development and testing of
4 such capability.

5 “(b) ESTABLISHMENT OF THE INCUMBENT INFORM-
6 ING CAPABILITY.—

7 “(1) IN GENERAL.—The incumbent informing
8 capability required by subsection (a) shall include a
9 system to enable sharing, including time-based shar-
10 ing and coordination, to securely manage harmful
11 interference between non-Federal users and incum-
12 bent Federal entities sharing a band of covered spec-
13 trum and between Federal entities sharing a band of
14 covered spectrum.

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

18 “(A) One or more mechanisms to allow
19 non-Federal use in covered spectrum, as au-
20 thorized by the rules of the Commission. Such
21 mechanism or mechanisms shall include inter-
22 faces to commercial sharing systems, as appro-
23 priate.

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

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

8 “(i) Sensing.

9 “(ii) Identification.

10 “(iii) Reporting.

11 “(iv) Analysis.

12 “(v) Resolution.

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

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

21 “(4) INPUT OF INFORMATION.—

22 “(A) IN GENERAL.—Each incumbent Fed-
23 eral entity sharing a band of covered spectrum
24 shall—

1 “(i) input into the system required by
2 paragraph (1) such information as the As-
3 sistant Secretary may require, including
4 the frequency, time, and location of the use
5 of the band by such Federal entity; and

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

9 “(B) PAYMENT OF COSTS.—Notwith-
10 standing subsections (c) through (e) of section
11 118 and subparagraphs (C) through (E) of sub-
12 section (g)(2) of such section, the Director of
13 the Office of Management and Budget, in con-
14 sultation with the Assistant Secretary, may use
15 amounts available in the Spectrum Relocation
16 Fund to pay the costs incurred by Federal enti-
17 ties to input information as required by sub-
18 paragraph (A).

19 “(5) PROTECTION OF CLASSIFIED INFORMA-
20 TION AND CONTROLLED UNCLASSIFIED INFORMA-
21 TION.—The system required by paragraph (1) shall
22 contain appropriate measures to protect classified
23 information and controlled unclassified information,
24 including any such classified information or con-

1 trolled unclassified information that relates to mili-
2 tary operations.

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

12 “(d) DEFINITIONS.—In this section:

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

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

23 “(B) electromagnetic spectrum allocated
24 on a primary or co-primary basis for Federal
25 use that is shared among Federal entities.

1 “(2) FEDERAL ENTITY.—The term ‘Federal en-
2 tity’ has the meaning given such term in section
3 113(l).

4 “(3) INCUMBENT INFORMING CAPABILITY.—
5 The term ‘incumbent informing capability’ means a
6 capability to facilitate the sharing of covered spec-
7 trum.

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

11 **TITLE V—EXTENSION OF FCC** 12 **AUCTION AUTHORITY**

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

14 (a) IN GENERAL.—Section 309(j)(11) of the Commu-
15 nications Act of 1934 (47 U.S.C. 309(j)(11)) is amended
16 by striking “September 30, 2022” and inserting “March
17 31, 2024”.

18 (b) DEPOSIT OF PROCEEDS.—

19 (1) IN GENERAL.—Notwithstanding subpara-
20 graphs (A), (C)(i), (D), and (G)(iii) of section
21 309(j)(8) of the Communications Act of 1934 (47
22 U.S.C. 309(j)(8)) and except as provided in sub-
23 paragraph (B) of such section, the proceeds (includ-
24 ing deposits and upfront payments from successful
25 bidders) of any system of competitive bidding de-

1 scribed in paragraph (2) (in this paragraph referred
2 to as the “covered proceeds”) shall be deposited as
3 follows:

4 (A) In the case of covered proceeds attrib-
5 utable to eligible frequencies described in sub-
6 section (g)(2) of section 113 of the National
7 Telecommunications and Information Adminis-
8 tration Organization Act (47 U.S.C. 923), such
9 amount of such proceeds as is necessary to
10 cover the relocation or sharing costs (as defined
11 in subsection (g)(3) of such section) of Federal
12 entities (as defined in subsection (l) of such sec-
13 tion) relocated from or sharing such eligible fre-
14 quencies shall be deposited in the Spectrum Re-
15 location Fund established under section 118 of
16 such Act (47 U.S.C. 928). Any remainder of
17 such proceeds shall be deposited in the Public
18 Safety and Secure Networks Fund established
19 by section 601 of this Act.

20 (B) In the case of covered proceeds attrib-
21 utable to spectrum usage rights made available
22 through an incentive auction under subpara-
23 graph (G) of section 309(j)(8) of the Commu-
24 nications Act of 1934 (47 U.S.C. 309(j)(8)),
25 such proceeds shall be deposited in the Public

1 Safety and Secure Networks Fund established
2 by section 601 of this Act.

3 (C) Any other covered proceeds shall be
4 deposited in the Public Safety and Secure Net-
5 works Fund established by section 601 of this
6 Act.

7 (2) SYSTEM OF COMPETITIVE BIDDING DE-
8 SCRIBED.—A system of competitive bidding de-
9 scribed in this paragraph is any system of competi-
10 tive bidding under section 309(j) of the Communica-
11 tions Act of 1934 (47 U.S.C. 309(j)) that is con-
12 cluded during the period beginning on July 1, 2022,
13 and ending on March 31, 2024, except for the sys-
14 tem of competitive bidding required by section
15 101(b)(3)(A) of this Act.

16 **TITLE VI—PUBLIC SAFETY AND**
17 **SECURE NETWORKS FUND**

18 **SEC. 601. PUBLIC SAFETY AND SECURE NETWORKS FUND.**

19 (a) ESTABLISHMENT.—There is established in the
20 Treasury of the United States a fund to be known as the
21 “Public Safety and Secure Networks Fund” (in this sec-
22 tion referred to as the “Fund”).

23 (b) ACCOUNTING FOR FEDERAL BUDGET BASE-
24 LINE.—

1 (1) PROCEEDS OF AUCTION OF 2496–2690 MHZ
2 BAND.—In the case of the proceeds of any system of
3 competitive bidding under section 309(j) of the Com-
4 munications Act of 1934 (47 U.S.C. 309(j)) with re-
5 spect to the frequencies between 2496 megahertz
6 and 2690 megahertz, inclusive, that are deposited in
7 the Fund as required by section 501(b) of this Act,
8 the first \$1,700,000,000 of such proceeds shall be
9 deposited in the general fund of the Treasury, where
10 such amounts shall be dedicated for the sole purpose
11 of deficit reduction. The remainder of such proceeds
12 shall be available or deposited under subsection (c).

13 (2) PROCEEDS OF REQUIRED AUCTION OF 3.1–
14 3.45 GHZ BAND.—In the case of the proceeds of the
15 system of competitive bidding required by subpara-
16 graph (A) of section 101(b)(3) that are deposited in
17 the Fund as required by subparagraph (D) of such
18 section, the first \$16,000,000,000 of such proceeds
19 shall be deposited in the general fund of the Treas-
20 ury, where such amounts shall be dedicated for the
21 sole purpose of deficit reduction. The remainder of
22 such proceeds shall be available or deposited under
23 subsection (c).

1 (c) USE OF FUNDS.—Except as provided in sub-
2 section (b), as amounts are deposited in the Fund, such
3 amounts shall be available or deposited as follows:

4 (1) \$3,400,000,000 shall be available to the
5 Federal Communications Commission until expended
6 to make reimbursements under section 4 of the Se-
7 cure and Trusted Communications Networks Act of
8 2019 (47 U.S.C. 1603).

9 (2) After the amount required to be made avail-
10 able by paragraph (1) is so made available,
11 \$10,000,000,000 shall be available to the Assistant
12 Secretary of Commerce for Communications and In-
13 formation until expended to carry out title III of this
14 Act and the amendments made by such title, except
15 that not more than 4 percent of the amount made
16 available by this paragraph may be used for admin-
17 istrative purposes (including carrying out sections
18 160 and 161 of the National Telecommunications
19 and Information Administration Organization Act,
20 as added by such title).

21 (3) After the amount required to be made avail-
22 able by paragraph (2) is so made available,
23 \$117,400,000 shall be available to the Assistant Sec-
24 retary of Commerce for Communications and Infor-
25 mation until expended to carry out section 120 of

1 the National Telecommunications and Information
2 Administration Organization Act, as added by sec-
3 tion 401 of this Act.

4 (4) After the amount required to be made avail-
5 able by paragraph (3) is so made available, any re-
6 maining amounts deposited in the Fund shall be de-
7 posited in the general fund of the Treasury, where
8 such amounts shall be dedicated for the sole purpose
9 of deficit reduction.

