

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3565
OFFERED BY M . _____**

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 Auction Reauthorization Act of 2023”.

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 INNOVATION

Sec. 101. Spectrum auctions and innovation.

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

Sec. 201. Increase in limitation on expenditure.

TITLE III—NEXT GENERATION 9–1–1

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

TITLE IV—INCUMBENT INFORMING CAPABILITY

Sec. 401. Incumbent informing capability.

TITLE V—REAUTHORIZATION OF FCC AUCTION AUTHORITY

Sec. 501. Reauthorization of FCC auction authority.

TITLE VI—SPECTRUM AUCTION TRUST FUND

Sec. 601. Deposit of proceeds.

Sec. 602. Spectrum Auction Trust Fund.

TITLE VII—CREATION OF A SPECTRUM PIPELINE

Sec. 701. Creation of a spectrum pipeline.

TITLE VIII—IMPROVING SPECTRUM MANAGEMENT

Sec. 801. Improving spectrum management.

TITLE IX—MINORITY SERVING INSTITUTIONS PROGRAM

Sec. 901. Definitions.

Sec. 902. Program.

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

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

4 (a) 3.1–3.45 GHz BAND.—

5 (1) DEFINITIONS.—Section 90008(a) of the In-
6 frastructure Investment and Jobs Act (47 U.S.C.
7 921 note) is amended—

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

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

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

17 (C) by adding at the end the following:

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

1 “(6) ASSISTANT SECRETARY.—The term ‘As-
2 sistant Secretary’ means the Assistant Secretary of
3 Commerce for Communications and Information.”.

4 (2) PROMOTING WIRELESS INNOVATION.—Sec-
5 tion 90008(b) of the Infrastructure Investment and
6 Jobs Act (47 U.S.C. 921 note) is amended—

7 (A) in paragraph (1)—

8 (i) in subparagraph (A)(i), by striking
9 “for shared Federal and non-Federal com-
10 mercial licensed use; and” and inserting
11 “for non-Federal use, shared Federal and
12 non-Federal use, or a combination thereof;
13 and”;

14 (ii) in subparagraph (B)—

15 (I) by striking “Section” and in-
16 serting the following:

17 “(i) IN GENERAL.—Section”;

18 (II) in clause (i), as so des-
19 ignated, by striking “the payment re-
20 quired under subparagraph (A)” and
21 inserting “payments made under sub-
22 paragraph (A) before the date of the
23 enactment of the Spectrum Auction
24 Reauthorization Act of 2023”; and

1 (III) by adding at the end the
2 following:

3 “(ii) ACCOUNTING PLAN.—The Sec-
4 retary of Defense shall submit a report to
5 the Secretary of Commerce and the Direc-
6 tor of the Office of Management and
7 Budget not later than 90 days after the
8 date of the enactment of the Spectrum
9 Auction Reauthorization Act of 2023, in
10 accordance with section 118(g)(2)(D)(i)(I)
11 of the National Telecommunications and
12 Information Administration Organization
13 Act (47 U.S.C. 928(g)(2)(D)(i)(I)), de-
14 scribing the activities for which the De-
15 partment of Defense has used, is using,
16 and will use payments made under sub-
17 paragraph (A) before the date of the en-
18 actment of the Spectrum Auction Reau-
19 thorization Act of 2023. The Secretary of
20 Commerce, acting through the Assistant
21 Secretary, and the Director of the Office of
22 Management and Budget shall continu-
23 ously review and provide an accounting of
24 the activities carried out using the pay-
25 ments made under subparagraph (A).”;

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

3 “(C) REPORT TO SECRETARY OF COM-
4 MERCE.—For purposes of paragraph (2)(A),
5 the Secretary of Defense, in coordination with
6 the heads of other relevant Federal agencies
7 who receive funds under subparagraph (D) of
8 this paragraph, shall, not later than September
9 30, 2023, report to the Secretary of Commerce
10 the findings of the planning activities described
11 in subparagraph (A) of this paragraph, and de-
12 tail frequencies in the covered band for identi-
13 fication by the Secretary of Commerce under
14 paragraph (2).”; and

15 (iv) by adding at the end the fol-
16 lowing:

17 “(D) ADDITIONAL PAYMENTS.—

18 “(i) IN GENERAL.—Federal entities
19 with operations in the covered band that
20 did not receive a payment under subpara-
21 graph (A) and that the Assistant Secretary
22 determines might be affected by realloca-
23 tion of the covered band may request a
24 payment under section 118(g)(2)(A) of the
25 National Telecommunications and Infor-

1 mation Administration Organization Act
2 (47 U.S.C. 928(g)(2)(A)) in order to make
3 available the entire covered band for non-
4 Federal use, shared Federal and non-Fed-
5 eral use, or a combination thereof. Total
6 awards under this clause shall not exceed
7 \$25,000,000.

8 “(ii) EXEMPTIONS.—Subparagraphs
9 (C)(ii) and (D)(ii) of section 118(g)(2) of
10 the National Telecommunications and In-
11 formation Administration Organization Act
12 (47 U.S.C. 928(g)(2)) shall not apply with
13 respect to a payment made under clause
14 (i).

15 “(E) COOPERATION.—The Assistant Sec-
16 retary and the Department of Defense Chief In-
17 formation Officer will serve as co-chairs of the
18 Partnering to Advance Trusted and Holistic
19 Spectrum Solutions (PATHSS) Task Group.”;

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

22 “(2) IDENTIFICATION.—

23 “(A) IN GENERAL.—Not later than June
24 15, 2025, informed by the report required
25 under paragraph (1)(C), the Secretary of Com-

1 merce, in consultation with the Secretary of De-
2 fense, the Director of the Office of Science and
3 Technology Policy, and the Commission, shall
4 submit to the President, the Commission, and
5 the relevant congressional committees a report
6 that identifies 350 megahertz of frequencies in
7 the covered band for non-Federal use, shared
8 Federal and non-Federal use, or a combination
9 thereof.

10 “(B) DETERMINATION IN CASE OF RISK
11 TO NATIONAL SECURITY.—If the Secretary of
12 Defense believes reallocation of the frequencies
13 identified by the Secretary of Commerce under
14 subparagraph (A) poses an unacceptable risk to
15 the national security of the United States, the
16 Secretary of Defense shall inform the President,
17 as the Commander in Chief under Article II,
18 Section 2 of the United States Constitution,
19 and the President shall make a final determina-
20 tion regarding which frequencies could feasibly
21 be reallocated for the purposes of that subpara-
22 graph.”;

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

25 “(3) AUCTION.—

1 “(A) IN GENERAL.—Not later than Janu-
2 ary 15, 2028, the Commission, in coordination
3 with the Assistant Secretary, shall commence a
4 system of competitive bidding under section
5 309(j) of the Communications Act of 1934 (47
6 U.S.C. 309(j)), in accordance with paragraph
7 (2) of this subsection, of the frequencies identi-
8 fied under such paragraph as suitable for a sys-
9 tem of competitive bidding.

10 “(B) PROHIBITION.—No entity that pro-
11 duces or provides any covered communications
12 equipment or service (as defined in section 9 of
13 the Secure and Trusted Communications Net-
14 works Act of 2019 (47 U.S.C. 1608)), or any
15 affiliate (as defined in section 3 of the Commu-
16 nications Act of 1934 (47 U.S.C. 153)) of such
17 an entity, may participate in the system of com-
18 petitive bidding required by subparagraph (A).

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

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

1 “(4) MODIFICATION OR WITHDRAWAL OF FED-
2 ERAL ENTITY LICENSES.—

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

5 “(i) begin the process of modifying or
6 withdrawing any assignment to a Federal
7 Government station of the frequencies
8 identified under paragraph (2) to accom-
9 modate non-Federal use, shared Federal
10 and non-Federal use, or a combination
11 thereof in accordance with that paragraph
12 not later than December 15, 2027; and

13 “(ii) not later than 30 days after com-
14 pleting any necessary withdrawal or modi-
15 fication under clause (i), notify the Com-
16 mission that the withdrawal or modifica-
17 tion is complete.

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

22 “(i) unless the President determines
23 that such modification or withdrawal will
24 not pose an unacceptable risk to the na-
25 tional security of the United States; and

1 “(ii) before November 30, 2024.”.

2 (b) FCC AUCTION AUTHORITY.—

3 (1) TERMINATION.—Section 309(j)(11) of the
4 Communications Act of 1934 (47 U.S.C. 309(j)(11))
5 is amended by striking “except that” and all that
6 follows and inserting “except that with respect to
7 the electromagnetic spectrum identified as suitable
8 for a system of competitive bidding under section
9 90008(b)(2) of the Infrastructure Investment and
10 Jobs Act (47 U.S.C. 921 note), such authority shall
11 expire on the date that is 7 years after November
12 15, 2021.”.

13 (2) SPECTRUM PIPELINE ACT OF 2015.—Section
14 1004 of the Spectrum Pipeline Act of 2015 (Public
15 Law 114–74; 129 Stat. 621; 47 U.S.C. 921 note) is
16 amended—

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

19 (B) in subsection (b)(1), by striking
20 “2022” and inserting “2024”; and

21 (C) in subsection (c)(1)(B), by striking
22 “2024” and inserting “2026”.

23 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion or the amendments made by this section shall be con-
25 strued to alter or impede the activities authorized to be

1 conducted using the payment required by section
2 90008(b)(1)(A) of the Infrastructure Investment and Jobs
3 Act (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921
4 note), as such section was in effect on the day before the
5 date of the enactment of this Act, if the Assistant Sec-
6 retary of Commerce for Communications and Information
7 determines that such activities are conducted in accord-
8 ance with section 90008 of the Infrastructure Investment
9 and Jobs Act, as amended by this section. Nothing in this
10 subsection shall be construed to affect any requirement
11 under section 1062(b) of the National Defense Authoriza-
12 tion Act for Fiscal Year 2000 (47 U.S.C. 921 note; Public
13 Law 106–65).

14 (d) SAVINGS CLAUSE.—Nothing in this section, or
15 any amendment made by this section, shall be construed
16 to alter the authorities of the Assistant Secretary of Com-
17 merce for Communications and Information in the spec-
18 trum management process as provided in the National
19 Telecommunications and Information Administration Or-
20 ganization Act (47 U.S.C. 901 et seq.).

1 **TITLE II—SECURE AND TRUSTED**
2 **COMMUNICATIONS NET-**
3 **WORKS REIMBURSEMENT**
4 **PROGRAM**

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

6 Section 4(k) of the Secure and Trusted Communica-
7 tions Networks Act of 2019 (47 U.S.C. 1603(k)) is
8 amended by striking “\$1,900,000,000” and inserting
9 “\$4,980,000,000”.

10 **TITLE III—NEXT GENERATION 9–**
11 **1–1**

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

14 Part C of the National Telecommunications and In-
15 formation Administration Organization Act is amended by
16 adding at the end the following:

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

19 **“(a) DUTIES OF ASSISTANT SECRETARY WITH RE-**
20 **SPECT TO NEXT GENERATION 9–1–1.—**

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

23 **“(A) take actions, in coordination with**
24 **State points of contact described under sub-**
25 **section (c)(3)(A)(ii) as applicable, to improve**

1 coordination and communication with respect to
2 the implementation of Next Generation 9–1–1;

3 “(B) develop, collect, and disseminate in-
4 formation concerning the practices, procedures,
5 and technology used in the implementation of
6 Next Generation 9–1–1;

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

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

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

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

19 “(2) ANNUAL REPORTS.—Not later than Octo-
20 ber 1, 2024, and each year thereafter until funds
21 made available to make grants under subsection (c)
22 are no longer available to be expended, the Assistant
23 Secretary shall submit to Congress a report on the
24 activities conducted by the Assistant Secretary under

1 paragraph (1) in the year preceding the submission
2 of the report.

3 “(3) ASSISTANCE.—The Assistant Secretary
4 may seek the assistance of the Administrator in car-
5 rying out the duties described in subparagraphs (A)
6 through (D) of paragraph (1) as the Assistant Sec-
7 retary determines necessary.

8 “(b) ADDITIONAL DUTIES.—

9 “(1) MANAGEMENT PLAN.—

10 “(A) DEVELOPMENT.—The Assistant Sec-
11 retary, after consulting with the Administrator,
12 shall develop a management plan for the grant
13 program established under this section, includ-
14 ing by developing—

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

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

19 “(B) SUBMISSION TO CONGRESS.—Not
20 later than 180 days after the date of the enact-
21 ment of this section, the Assistant Secretary
22 shall—

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

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

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

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

11 “(iii) provide the management plan to
12 the Administrator for the purpose of pub-
13 lishing the management plan on the
14 website of the National Highway Traffic
15 Safety Administration.

16 “(2) MODIFICATION OF PLAN.—

17 “(A) MODIFICATION.—The Assistant Sec-
18 retary, after consulting with the Administrator,
19 may modify the management plan developed
20 under paragraph (1)(A).

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

24 “(i) submit the modified plan to—

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

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

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

11 “(iii) provide the modified plan to the
12 Administrator for the purpose of pub-
13 lishing the modified plan on the website of
14 the National Highway Traffic and Safety
15 Administration.

16 “(c) NEXT GENERATION 9-1-1 IMPLEMENTATION
17 GRANTS.—

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

20 “(A) implementing Next Generation 9-1-
21 1;

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

23 “(C) training directly related to imple-
24 menting, maintaining, and operating Next Gen-

1 eration 9–1–1 if the cost related to the training
2 does not exceed—

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

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

8 “(D) public outreach and education on how
9 the public can best use Next Generation 9–1–
10 1 and the capabilities and usefulness of Next
11 Generation 9–1–1;

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

17 “(i) the cost is fully documented in
18 materials submitted to the Assistant Sec-
19 retary; and

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

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

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

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

8 “(2) APPLICATION.—In providing grants under
9 paragraph (1), the Assistant Secretary, after con-
10 sulting with the Administrator, shall require an eligi-
11 ble entity to submit to the Assistant Secretary an
12 application, at the time and in the manner deter-
13 mined by the Assistant Secretary, and containing
14 the certification required by paragraph (3).

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

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

20 “(i) has coordinated the application
21 with the emergency communications cen-
22 ters located within the jurisdiction of the
23 entity;

24 “(ii) has designated a single officer or
25 governmental body to serve as the State

1 point of contact to coordinate the imple-
2 mentation of Next Generation 9–1–1 for
3 that State, except that such designation
4 need not vest such officer or governmental
5 body with direct legal authority to imple-
6 ment Next Generation 9–1–1 or to manage
7 emergency communications operations; and

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

11 “(I) ensures interoperability by
12 requiring the use of commonly accept-
13 ed standards;

14 “(II) ensures reliability;

15 “(III) enables emergency commu-
16 nications centers to process, analyze,
17 and store multimedia, data, and other
18 information;

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

22 “(V) includes strategies for co-
23 ordinating cybersecurity information
24 sharing between Federal, State, Trib-
25 al, and local government partners;

1 “(VI) uses open and competitive
2 request for proposal processes, includ-
3 ing through shared government pro-
4 curement vehicles, for deployment of
5 Next Generation 9–1–1;

6 “(VII) documents how input was
7 received and accounted for from rel-
8 evant rural and urban emergency
9 communications centers, regional au-
10 thorities, local authorities, and Tribal
11 authorities;

12 “(VIII) includes a governance
13 body or bodies, either by creation of
14 new, or use of existing, body or bod-
15 ies, for the development and deploy-
16 ment of Next Generation 9–1–1
17 that—

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

21 “(bb) consults and coordi-
22 nates with the State point of con-
23 tact required by clause (ii);

24 “(IX) creates efficiencies related
25 to Next Generation 9–1–1 functions,

1 including cybersecurity and the
2 virtualization and sharing of infra-
3 structure, equipment, and services;
4 and

5 “(X) utilizes an effective, com-
6 petitive approach to establishing au-
7 thentication, credentialing, secure con-
8 nections, and access in deploying Next
9 Generation 9–1–1, including by—

10 “(aa) requiring certificate
11 authorities to be capable of cross-
12 certification with other authori-
13 ties;

14 “(bb) avoiding risk of a sin-
15 gle point of failure or vulner-
16 ability; and

17 “(cc) adhering to Federal
18 agency best practices such as
19 those promulgated by the Na-
20 tional Institute of Standards and
21 Technology; and

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

25 “(4) CRITERIA.—

1 “(A) IN GENERAL.—Not later than 1 year
2 after the date of the enactment of this section,
3 the Assistant Secretary, after consulting with
4 the Administrator, shall issue rules, after pro-
5 viding the public with notice and an opportunity
6 to comment, prescribing the criteria for select-
7 ing eligible entities for grants under this sub-
8 section.

9 “(B) REQUIREMENTS.—The criteria
10 shall—

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

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

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

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

1 “(A) beginning on the date that is 180
2 days before the date on which the application is
3 filed, no portion of any 9–1–1 fee or charge im-
4 posed by the eligible entity (or in the case that
5 the eligible entity is not a State or Tribe, any
6 State or taxing jurisdiction within which the eli-
7 gible entity will carry out, or is carrying out,
8 activities using grant funds) are obligated or
9 expended for a purpose or function not des-
10 ignated under the rules issued pursuant to sec-
11 tion 6(f)(3) of the Wireless Communications
12 and Public Safety Act of 1999 (47 U.S.C.
13 615a–1(f)(3)) (as such rules are in effect on the
14 date on which the eligible entity makes the cer-
15 tification) as acceptable;

16 “(B) any funds received by the eligible en-
17 tity will be used, consistent with paragraph (1),
18 to support the deployment of Next Generation
19 9–1–1 that ensures reliability and interoper-
20 ability, by requiring the use of commonly ac-
21 cepted standards;

22 “(C) the eligible entity (or in the case that
23 the eligible entity is not a State or Tribe, any
24 State or taxing jurisdiction within which the eli-
25 gible entity will carry out or is carrying out ac-

1 activities using grant funds) has established, or
2 has committed to establish not later than 3
3 years following the date on which the grant
4 funds are distributed to the eligible entity—

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

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

9 “(D) the eligible entity will promote inter-
10 operability between emergency communications
11 centers deploying Next Generation 9–1–1 and
12 emergency response providers, including users
13 of the nationwide public safety broadband net-
14 work;

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

19 “(F) the eligible entity has developed a
20 plan for public outreach and education on how
21 the public can best use Next Generation 9–1–
22 1 and on the capabilities and usefulness of Next
23 Generation 9–1–1.

24 “(6) CONDITION OF GRANT.—Each eligible en-
25 tity shall agree, as a condition of receipt of a grant

1 under this subsection, that if any State or taxing ju-
2 risdiction within which the eligible entity will carry
3 out activities using grant funds fails to comply with
4 a certification required under paragraph (5), during
5 any period of time during which the funds from the
6 grant are available to the eligible entity, all of the
7 funds from such grant shall be returned to the As-
8 sistant Secretary.

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

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

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

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

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

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

23 “(B) to make any payments to a person
24 who has been, for reasons of national security,
25 prohibited by any entity of the Federal Govern-

1 ment from bidding on a contract, participating
2 in an auction, or receiving a grant.

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

5 “(1) 9–1–1 FEE OR CHARGE.—The term ‘9–1–
6 1 fee or charge’ has the meaning given such term in
7 section 6(f)(3)(D) of the Wireless Communications
8 and Public Safety Act of 1999 (47 U.S.C. 615a–
9 1(f)(3)(D)).

10 “(2) 9–1–1 REQUEST FOR EMERGENCY ASSIST-
11 ANCE.—The term ‘9–1–1 request for emergency as-
12 sistance’ means a communication, such as voice,
13 text, picture, multimedia, or any other type of data
14 that is sent to an emergency communications center
15 for the purpose of requesting emergency assistance.

16 “(3) ADMINISTRATOR.—The term ‘Adminis-
17 trator’ means the Administrator of the National
18 Highway Traffic Safety Administration.

19 “(4) COMMONLY ACCEPTED STANDARDS.—The
20 term ‘commonly accepted standards’ means the tech-
21 nical standards followed by the communications in-
22 dustry for network, device, and Internet Protocol
23 connectivity that—

24 “(A) enable interoperability; and

25 “(B) are—

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

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

10 “(II) provides for a conflict reso-
11 lution process;

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

15 “(iii) consensus-based; and

16 “(iv) made publicly available once ap-
17 proved.

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

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

23 “(B) travel expenses;

24 “(C) instructor expenses; or

25 “(D) facility costs and training materials.

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

3 “(A) means—

4 “(i) a State or a Tribe; or

5 “(ii) an entity, including a public au-
6 thority, board, or commission, established
7 by one or more entities described in clause
8 (i); and

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

12 “(7) EMERGENCY COMMUNICATIONS CENTER.—

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

15 “(i) a facility that—

16 “(I) is designated to receive a 9-
17 1-1 request for emergency assistance;
18 and

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

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

1 “(B) FUNCTIONS DESCRIBED.—The func-
2 tions described in this subparagraph are the fol-
3 lowing:

4 “(i) Processing and analyzing 9–1–1
5 requests for emergency assistance and in-
6 formation and data related to such re-
7 quests.

8 “(ii) Dispatching appropriate emer-
9 gency response providers.

10 “(iii) Transferring or exchanging 9–
11 1–1 requests for emergency assistance and
12 information and data related to such re-
13 quests with one or more other emergency
14 communications centers and emergency re-
15 sponse providers.

16 “(iv) Analyzing any communications
17 received from emergency response pro-
18 viders.

19 “(v) Supporting incident command
20 functions.

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

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

6 “(10) INTEROPERABILITY.—The term ‘inter-
7 operability’ means the capability of emergency com-
8 munications centers to receive 9–1–1 requests for
9 emergency assistance and information and data re-
10 lated to such requests, such as location information
11 and callback numbers from a person initiating the
12 request, then process and share the 9–1–1 requests
13 for emergency assistance and information and data
14 related to such requests with other emergency com-
15 munications centers and emergency response pro-
16 viders without the need for proprietary interfaces
17 and regardless of jurisdiction, equipment, device,
18 software, service provider, or other relevant factors.

19 “(11) NATIONWIDE PUBLIC SAFETY
20 BROADBAND NETWORK.—The term ‘nationwide pub-
21 lic safety broadband network’ has the meaning given
22 the term in section 6001 of the Middle Class Tax
23 Relief and Job Creation Act of 2012 (47 U.S.C.
24 1401).

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

4 “(A) ensures interoperability;

5 “(B) is secure;

6 “(C) employs commonly accepted stand-
7 ards;

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

11 “(E) acquires and integrates additional in-
12 formation useful to handling 9–1–1 requests for
13 emergency assistance; and

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

18 “(13) RELIABILITY.—The term ‘reliability’
19 means the employment of sufficient measures to en-
20 sure the ongoing operation of Next Generation 9–1–
21 1 including through the use of geo-diverse, device-
22 and network-agnostic elements that provide more
23 than one route between end points with no common
24 points where a single failure at that point would
25 cause all to fail.

1 “(14) STATE.—The term ‘State’ means any
2 State of the United States, the District of Columbia,
3 Puerto Rico, American Samoa, Guam, the United
4 States Virgin Islands, the Northern Mariana Is-
5 lands, and any other territory or possession of the
6 United States.

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

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

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

18 “The Assistant Secretary, after consulting with the
19 Administrator and the Director of the Cybersecurity and
20 Infrastructure Security Agency of the Department of
21 Homeland Security, shall establish a Next Generation 9-
22 1-1 Cybersecurity Center to coordinate with State, local,
23 and regional governments on the sharing of cybersecurity
24 information about, the analysis of cybersecurity threats to,

1 and guidelines for strategies to detect and prevent cyberse-
2 curity intrusions relating to Next Generation 9–1–1.

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

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

5 “(1) ESTABLISHMENT.—The Assistant Sec-
6 retary shall establish a ‘Public Safety Next Genera-
7 tion 9–1–1 Advisory Board’ (in this section referred
8 to as the ‘Board’) to provide recommendations to
9 the Assistant Secretary—

10 “(A) with respect to carrying out the du-
11 ties and responsibilities of the Assistant Sec-
12 retary in issuing the rules required under sec-
13 tion 159(c)(4);

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

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

16 “(2) MEMBERSHIP.—

17 “(A) VOTING MEMBERS.—Not later than
18 150 days after the date of the enactment of this
19 section, the Assistant Secretary shall appoint
20 16 public safety members to the Board, of
21 which—

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

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

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

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

5 “(B) DIVERSITY OF MEMBERSHIP.—Mem-
6 bers shall be representatives of State or Tribes
7 and local governments, chosen to reflect geo-
8 graphic and population density differences as
9 well as public safety organizations at the na-
10 tional level across the United States.

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

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

1 “(3) PERIOD OF APPOINTMENT.—

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

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

8 “(4) VACANCIES.—Any vacancy in the Board
9 shall be filled in the same manner as the original ap-
10 pointment.

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

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

17 “(7) DUTY OF BOARD TO SUBMIT REC-
18 COMMENDATIONS.—Not later than 120 days after all
19 members of the Board are appointed under para-
20 graph (2), the Board shall submit to the Assistant
21 Secretary recommendations for—

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

1 “(B) ensuring flexibility in guidance, rules,
2 and grant funding to allow for technology im-
3 provements;

4 “(C) creating efficiencies related to Next
5 Generation 9–1–1, including cybersecurity and
6 the virtualization and sharing of core infra-
7 structure;

8 “(D) enabling effective coordination among
9 State, local, Tribal, and territorial government
10 entities to ensure that the needs of emergency
11 communications centers in both rural and
12 urban areas are taken into account in each im-
13 plementation plan required under section
14 159(c)(3)(A)(iii); and

15 “(E) incorporating existing cybersecurity
16 resources to Next Generation 9–1–1 procure-
17 ment and deployment.

18 “(8) AUTHORITY TO PROVIDE ADDITIONAL REC-
19 COMMENDATIONS.—Except as provided in paragraphs
20 (1) and (7), the Board may provide recommenda-
21 tions to the Assistant Secretary only upon request of
22 the Assistant Secretary.

23 “(9) DURATION OF AUTHORITY.—The Board
24 shall terminate on the date on which funds made

1 available to make grants under section 159(e) are no
2 longer available to be expended.

3 “(b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion may be construed as limiting the authority of the As-
5 sistant Secretary to seek comment from stakeholders and
6 the public.”.

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

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

10 (a) **IN GENERAL.**—Part B of the National Tele-
11 communications and Information Administration Organi-
12 zation Act is amended by adding at the end the following:

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

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

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

22 “(2) not later than 90 days after the date of
23 the enactment of this section, begin to implement
24 such capability, including the development and test-
25 ing of such capability.

1 “(b) ESTABLISHMENT OF THE INCUMBENT INFORM-
2 ING CAPABILITY.—

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

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

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

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

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

1 “(i) Sensing.

2 “(ii) Identification.

3 “(iii) Reporting.

4 “(iv) Analysis.

5 “(v) Resolution.

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

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

14 “(4) INPUT OF INFORMATION.—Each incum-
15 bent Federal entity sharing a band of covered spec-
16 trum shall—

17 “(A) input into the system required by
18 paragraph (1) such information as the Assist-
19 ant Secretary may require, including the fre-
20 quency, time, and location of the use of the
21 band by such Federal entity; and

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

1 “(5) PROTECTION OF CLASSIFIED INFORMA-
2 TION AND CONTROLLED UNCLASSIFIED INFORMA-
3 TION.—

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

11 “(B) MECHANISM.—The Assistant Sec-
12 retary shall develop a mechanism—

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

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

17 “(6) CONSULTATION.—

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

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

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

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

10 “(iii) a process for incumbent Federal
11 users to share complaints or report harm-
12 ful mission impact, including how the im-
13 pact to Federal missions would be as-
14 sessed.

15 “(c) BRIEFING.—Not later than 120 days after the
16 date of the enactment of this section, and annually there-
17 after, the Assistant Secretary shall provide a briefing on
18 the implementation and operation of the incumbent in-
19 forming capability to—

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

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

24 “(d) DEFINITIONS.—In this section:

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

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

11 “(B) electromagnetic spectrum allocated
12 on a primary or co-primary basis for Federal
13 use that is shared among Federal entities.

14 “(2) FEDERAL ENTITY.—The term ‘Federal en-
15 tity’ has the meaning given such term in section
16 113(l).

17 “(3) INCUMBENT INFORMING CAPABILITY.—
18 The term ‘incumbent informing capability’ means a
19 capability to facilitate the sharing of covered spec-
20 trum.

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

24 (b) FUNDING.—On the date of the enactment of this
25 Act, the Director of the Office of Management and Budget

1 shall transfer \$120,000,000 from the Spectrum Relocation
2 Fund established under section 118 of the National Tele-
3 communications and Information Administration Organi-
4 zation Act (47 U.S.C. 928) to the National Telecommuni-
5 cations and Information Administration for the purpose
6 of establishing the incumbent informing capability under
7 section 120 of such Act, as added by subsection (a).

8 **TITLE V—REAUTHORIZATION OF**
9 **FCC AUCTION AUTHORITY**

10 **SEC. 501. REAUTHORIZATION OF FCC AUCTION AUTHOR-**
11 **ITY.**

12 Section 309(j)(11) of the Communications Act of
13 1934 (47 U.S.C. 309(j)(11)) is amended by striking
14 “March 9, 2023” and inserting “September 30, 2026”.

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

17 **SEC. 601. DEPOSIT OF PROCEEDS.**

18 (a) COVERED AUCTION DEFINED.—In this title, the
19 term “covered auction” means a system of competitive
20 bidding—

21 (1) conducted under section 309(j) of the Com-
22 munications Act of 1934 (47 U.S.C. 309(j)), as
23 amended by this Act, that commences during the pe-
24 riod beginning on the date of the enactment of this
25 Act and ending on September 30, 2026;

1 (2) conducted under section 309(j) of the Com-
2 munications Act of 1934 (47 U.S.C. 309(j)), as
3 amended by this Act, for the band of frequencies be-
4 tween 3100 megahertz and 3450 megahertz, inclu-
5 sive; or

6 (3)(A) that involves a band of frequencies de-
7 scribed in section 113(g)(2) of the National Tele-
8 communications and Information Administration Or-
9 ganization Act (47 U.S.C. 923(g)(2)); or

10 (B) with respect to which the Federal Commu-
11 nications Commission shares with a licensee a por-
12 tion of the proceeds, as described in paragraph
13 (8)(G) of such section 309(j).

14 (b) DEPOSIT OF PROCEEDS.—Notwithstanding sub-
15 paragraphs (A), (C)(i), (D), and (G)(iii) of section
16 309(j)(8) of the Communications Act of 1934 (47 U.S.C.
17 309(j)(8)) and except as provided in subparagraph (B) of
18 such section, the proceeds (including deposits and upfront
19 payments from successful bidders) from any covered auc-
20 tion shall be deposited or available as follows:

21 (1) In the case of proceeds attributable to eligi-
22 ble frequencies described in subsection (g)(2) of sec-
23 tion 113 of the National Telecommunications and
24 Information Administration Organization Act (47
25 U.S.C. 923), such amount of such proceeds as is

1 necessary to cover 110 percent of the relocation or
2 sharing costs (as defined in subsection (g)(3) of such
3 section) of Federal entities (as defined in subsection
4 (l) of such section) relocated from or sharing such
5 eligible frequencies shall be deposited in the Spec-
6 trum Relocation Fund established under section 118
7 of such Act (47 U.S.C. 928). Any remaining pro-
8 ceeds after making the deposit described in this
9 paragraph shall be deposited in accordance with sec-
10 tion 602 of this Act.

11 (2) In the case of proceeds attributable to spec-
12 trum usage rights made available through an incen-
13 tive auction under subparagraph (G) of section
14 309(j)(8) of the Communications Act of 1934 (47
15 U.S.C. 309(j)(8)), such amount of such proceeds as
16 the Federal Communications Commission has agreed
17 to share with licensees under such subparagraph
18 shall be shared with such licensees. Any remaining
19 proceeds after making the deposit described in this
20 paragraph shall be deposited in accordance with sec-
21 tion 602 of this Act.

22 (3) Any remaining proceeds after carrying out
23 paragraphs (1) and (2) shall be deposited in accord-
24 ance with section 602 of this Act.

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

2 (a) ESTABLISHMENT.—There is established in the
3 Treasury of the United States a fund to be known as the
4 “Spectrum Auction Trust Fund” (in this section referred
5 to as the “Fund”) for the purposes described in subpara-
6 graphs (A) through (D) of subsection (c)(1). Amounts de-
7 posited in the Fund shall remain available until expended.

8 (b) DEFICIT REDUCTION.—

9 (1) PROCEEDS OF REQUIRED AUCTION OF 3.1-
10 3.45 GHZ BAND.—Except as provided in section
11 309(j)(8)(B) of the Communications Act of 1934
12 (47 U.S.C. 309(j)(8)(B)), and notwithstanding any
13 other provision of law—

14 (A) the first \$17,300,000,000 of the pro-
15 ceeds of systems of competitive bidding required
16 under section 90008 of the Infrastructure In-
17 vestment and Jobs Act (47 U.S.C. 921 note)
18 shall be deposited in the general fund of the
19 Treasury, where such proceeds shall be dedi-
20 cated for the sole purpose of deficit reduction;
21 and

22 (B) the remainder of the proceeds of the
23 systems of competitive bidding described in sub-
24 paragraph (A) shall be deposited in accordance
25 with subsection (c).

1 (2) PROCEEDS OF SPECTRUM PIPELINE ACT OF
2 2015 AUCTION.—Except as provided in section
3 309(j)(8)(B) of the Communications Act of 1934
4 (47 U.S.C. 309(j)(8)(B)), and notwithstanding any
5 other provision of law—

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

13 (B) the remainder of the proceeds of the
14 system of competitive bidding described in sub-
15 paragraph (A) shall be deposited in accordance
16 with subsection (c).

17 (3) REMAINING PROCEEDS OF COVERED AUC-
18 TIONS.—Except as provided in section 309(j)(8)(B)
19 of the Communications Act of 1934 (47 U.S.C.
20 309(j)(8)(B)), and notwithstanding any other provi-
21 sion of law, any proceeds from covered auctions con-
22 ducted under section 309(j) of the Communications
23 Act of 1934 (47 U.S.C. 309(j)), shall be deposited
24 as follows (unless the covered auction is a system of
25 competitive bidding described in paragraph (1) or

1 (2) of this subsection, in which case those proceeds
2 shall be deposited in accordance with paragraph (1)
3 or (2) of this subsection, as applicable):

4 (A) The first \$2,000,000,000 of those pro-
5 ceeds shall be deposited in the general fund of
6 the Treasury, where such amounts shall be
7 dedicated for the sole purpose of deficit reduc-
8 tion.

9 (B) Any remaining proceeds after carrying
10 out subparagraph (A) shall be deposited in ac-
11 cordance with subsection (c).

12 (c) DEPOSIT OF FUNDS.—

13 (1) IN GENERAL.—Except as provided in sub-
14 section (b) and paragraph (2), and notwithstanding
15 any other provision of law (except for that sub-
16 section), an aggregate total amount of
17 \$23,080,000,000 from covered auctions shall be de-
18 posited in the Fund as follows:

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

24 (B) 30 percent of any such amounts, but
25 no more than \$14,800,000,000 cumulatively,

1 shall be made available to the Assistant Sec-
2 retary of Commerce for Communications and
3 Information until expended to carry out sec-
4 tions 159, 160, and 161 of the National Tele-
5 communications and Information Administra-
6 tion Organization Act, as added by section 301
7 of this Act, except that not more than 4 percent
8 of the amount made available by this subpara-
9 graph may be used for administrative purposes
10 (including carrying out such sections 160 and
11 161).

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

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

24 (2) DISTRIBUTION.—If the maximum amount
25 permitted under a subparagraph of paragraph (1) is

1 met, whether through covered auction proceeds or
2 appropriations to the program specified in such sub-
3 paragraph, any remaining proceeds shall be depos-
4 ited pro rata based on the original distribution to all
5 subparagraphs of paragraph (1) for which the max-
6 imum amount permitted has not been met.

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

13 (d) FCC BORROWING AUTHORITY.—The Federal
14 Communications Commission may borrow from the Treas-
15 ury of the United States, not later than 90 days after the
16 date of the enactment of this Act, an amount not to exceed
17 \$3,080,000,000 to carry out the Secure and Trusted Com-
18 munications Networks Act of 2019 (47 U.S.C. 1601 et
19 seq.), provided that the Commission shall not use any
20 funds borrowed under this subsection in a manner that
21 may result in outlays on or after December 31, 2032.

22 (e) NTIA BORROWING AUTHORITY.—The Assistant
23 Secretary of Commerce for Communications and Informa-
24 tion may borrow from the Treasury of the United States,
25 not later than 90 days after the date of the enactment

1 of this Act, an amount not to exceed \$200,000,000 to
2 carry out the Minority Serving Institutions Program cre-
3 ated under title IX of this Act, provided that the Assistant
4 Secretary shall not use any funds borrowed under this
5 subsection in a manner that may result in outlays on or
6 after December 31, 2032.

7 (f) REPORTING REQUIREMENT.—Not later than 2
8 years after the date of the enactment of this Act, and
9 every year thereafter until funds are fully expended, the
10 agencies to which the funds are made available shall sub-
11 mit to the Committee on Energy and Commerce of the
12 House of Representatives and the Committee on Com-
13 merce, Science, and Transportation of the Senate a report
14 on the amount transferred or made available under each
15 subparagraph of subsection (e)(1).

16 **TITLE VII—CREATION OF A** 17 **SPECTRUM PIPELINE**

18 **SEC. 701. CREATION OF A SPECTRUM PIPELINE.**

19 (a) FEASIBILITY ASSESSMENT.—

20 (1) IN GENERAL.—The Assistant Secretary
21 shall complete, not later than June 15, 2025, a fea-
22 sibility assessment of making available electro-
23 magnetic spectrum for non-Federal use, shared Fed-
24 eral and non-Federal use, or a combination thereof,
25 in the bands of frequencies—

1 (A) between 4400 and 4940 megahertz, in-
2 elusive; and

3 (B) between 7125 and 8500 megahertz, in-
4 elusive.

5 (2) OTHER REQUIREMENTS.—In conducting the
6 feasibility assessment under paragraph (1), the As-
7 sistant Secretary shall—

8 (A) coordinate directly with covered agen-
9 cies with respect to frequencies assigned to, and
10 used by, those agencies in the bands described
11 in paragraph (1) and in affected adjacent or
12 near adjacent bands; and

13 (B) conduct each analysis in accordance
14 with section 113(j) of the National Tele-
15 communications and Information Administra-
16 tion Organization Act (47 U.S.C. 923(j)).

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

18 (1) IN GENERAL.—Not later than 30 days after
19 the date on which the Assistant Secretary completes
20 the feasibility assessment required under subsection
21 (a)(1), the Assistant Secretary shall submit to the
22 Commission and Congress a report regarding that
23 analysis, including an identification of the fre-
24 quencies to be reallocated from Federal use to non-

1 Federal use, and from Federal use to shared Federal
2 and non-Federal use.

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

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

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

13 (i) the technical requirements nec-
14 essary to make available bands in the fre-
15 quencies considered under subsection
16 (a)(1) for—

17 (I) exclusive non-Federal use;

18 and

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

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

1 (I) exclusive non-Federal use;

2 and

3 (II) shared Federal and non-Fed-

4 eral use;

5 (C) an assessment of the likelihood that

6 authorizing mobile or fixed terrestrial oper-

7 ations in any of the frequencies considered

8 under subsection (a)(1) would result in harmful

9 interference to an affected Federal entity; and

10 (D) an assessment of the potential impact

11 that authorizing mobile or fixed terrestrial wire-

12 less operations, including advanced mobile serv-

13 ices operations, in any of the frequencies con-

14 sidered under subsection (a)(1) could have on

15 the mission of an affected Federal entity.

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

17 retary shall make the report submitted under this

18 subsection publicly available.

19 (4) CLASSIFIED INFORMATION.—To the extent

20 that there is classified material in the report re-

21 quired to be submitted under paragraph (1), the As-

22 sistant Secretary shall provide the Committee on

23 Energy and Commerce of the House of Representa-

24 tives and the Committee on Commerce, Science and

25 Transportation of the Senate a briefing on the clas-

1 sified components of the report submitted under this
2 subsection.

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

10 (c) DEFINITIONS.—In this section:

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

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

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

19 **TITLE VIII—IMPROVING**
20 **SPECTRUM MANAGEMENT**

21 **SEC. 801. IMPROVING SPECTRUM MANAGEMENT.**

22 Part A of the National Telecommunications and In-
23 formation Administration Organization Act (47 U.S.C.
24 901 et seq.) is amended by adding at the end the fol-
25 lowing:

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

2 “(a) DEFINITIONS.—In this section:

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

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

7 “(3) MEMORANDUM.—The term ‘Memorandum’
8 means the Memorandum of Understanding between
9 the Commission and the NTIA (relating to increased
10 coordination between Federal spectrum management
11 agencies to promote the efficient use of the radio
12 spectrum in the public interest), signed on August 1,
13 2022, or any successor memorandum.

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

18 “(5) SPECTRUM ACTION.—The term ‘spectrum
19 action’ means any proposed action by the Commis-
20 sion to reallocate radio frequency spectrum that is
21 anticipated to result in a system of competitive bid-
22 ding conducted under section 309(j) of the Commu-
23 nications Act of 1934 (47 U.S.C. 309(j)) or licens-
24 ing that could potentially impact the spectrum oper-
25 ations of a Federal entity.

1 “(6) ASSISTANT SECRETARY.—The term ‘As-
2 sistant Secretary’ means the Assistant Secretary of
3 Commerce for Communications and Information.

4 “(b) FEDERAL COORDINATION PROCEDURES.—

5 “(1) NOTICE.—With respect to each spectrum
6 action, the Assistant Secretary shall file in the pub-
7 lic record with respect to the spectrum action infor-
8 mation (redacted as necessary if the information is
9 protected from disclosure for a reason described in
10 paragraph (3)) not later than the end of the period
11 for submitting comments to the Commission in such
12 proceeding regarding—

13 “(A) when the Commission provided notice
14 to the Assistant Secretary regarding the spec-
15 trum action, as required under the Memo-
16 randum;

17 “(B) the Federal entities that may be im-
18 pacted by the spectrum action;

19 “(C) when the Assistant Secretary pro-
20 vided notice to the Federal entities described in
21 subparagraph (B) regarding the spectrum ac-
22 tion; and

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

1 “(2) FINAL RULE.—If the Commission promul-
2 gates a final rule under section 553 of title 5,
3 United States Code, involving a spectrum action, the
4 Commission shall prepare, make available to the
5 public, and publish in the Federal Register along
6 with the final rule an interagency coordination sum-
7 mary that describes—

8 “(A) when the Commission provided notice
9 to the Assistant Secretary regarding the spec-
10 trum action, as required under the Memo-
11 randum;

12 “(B) whether the Assistant Secretary
13 raised technical, procedural, or policy concerns
14 of Federal entities regarding the spectrum ac-
15 tion; and

16 “(C) how any concerns described in sub-
17 paragraph (B) were resolved.

18 “(3) RULE OF CONSTRUCTION.—Nothing in
19 this subsection may be construed to require the dis-
20 closure of classified information, or other informa-
21 tion reflecting technical, procedural, or policy con-
22 cerns that are exempt from disclosure under section
23 552 of title 5, United States Code (commonly known
24 as the ‘Freedom of Information Act’).

1 “(c) FEDERAL SPECTRUM COORDINATION RESPON-
2 SIBILITIES.—

3 “(1) IN GENERAL.—Not later than 180 days
4 after the date of the enactment of this Act, the As-
5 sistant Secretary shall establish a charter for the
6 PPSG.

7 “(2) PPSG REPRESENTATIVE.—

8 “(A) IN GENERAL.—The head of each
9 Federal entity that is reflected in the member-
10 ship of the PPSG, as identified in the charter
11 established under paragraph (1), shall appoint
12 a senior-level employee (or an individual occu-
13 pying a Senior Executive Service position, as
14 defined in section 3132(a) of title 5, United
15 States Code) who is eligible to receive a security
16 clearance that allows for access to sensitive
17 compartmented information to serve as the rep-
18 resentative of the Federal entity to the PPSG.

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

23 “(i) the appointment shall be invalid;
24 and

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

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

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

12 “(B) be responsible for timely notification
13 of technical or procedural concerns of the appli-
14 cable Federal entity to the PPSG; and

15 “(C) work closely with the representative
16 of the applicable Federal entity to the Inter-
17 department Radio Advisory Committee.

18 “(4) PUBLIC CONTACT.—

19 “(A) IN GENERAL.—Each Federal entity
20 shall list, on the website of the Federal entity,
21 the name and contact information of the rep-
22 resentative of the Federal entity to the PPSG,
23 as appointed under paragraph (2).

24 “(B) NTIA RESPONSIBILITY.—The Assist-
25 ant Secretary shall publish on the public

1 website of the NTIA a complete list of the rep-
2 resentatives to the PPSG appointed under
3 paragraph (2).

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

6 “(1) UPDATES.—Not later than 3 years after
7 the date of the enactment of this section, and every
8 4 years thereafter or more frequently as appropriate,
9 the Commission and the NTIA shall update the
10 Memorandum.

11 “(2) NATURE OF UPDATE.—In updating the
12 Memorandum as required in paragraph (1), such up-
13 dates shall reflect changing technological, proce-
14 dural, and policy circumstances as determined are
15 necessary and appropriate by the Commission and
16 NTIA.”.

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

19 **SEC. 901. DEFINITIONS.**

20 In this title:

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

23 (A) having—

24 (i) a speed of not less than—

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

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

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

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

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

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

25 (B) an eligible entity—

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

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

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

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

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

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

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

7 (i) on campus at such institutions;

8 and

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

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

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

21 (A) is located—

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

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

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

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

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

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

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

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

13 (9) IMPROPER PAYMENT.—The term “improper
14 payment” has the meaning given such term in sec-
15 tion 3351 of title 31, United States Code.

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

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

21 (12) ASSISTANT SECRETARY.—The term “As-
22 sistant Secretary” means the Assistant Secretary of
23 Commerce for Communications and Information.

1 **SEC. 902. PROGRAM.**

2 (a) ESTABLISHMENT.—The Assistant Secretary, act-
3 ing through the head of the Office of Minority Broadband
4 Initiatives, shall use the amounts made available under
5 section 602(e) of this Act to establish within the National
6 Telecommunications and Information Administration a
7 program for the purposes described in subsection (c), pro-
8 vided that not more than 6 percent of the amounts used
9 to establish the program may be used for salary, expenses,
10 administration, and oversight with respect to the program.

11 (b) AUTHORITY.—The Assistant Secretary may use
12 funding mechanisms, including grants, cooperative agree-
13 ments, and contracts, for the effective implementation of
14 the program.

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

20 (1) identify barriers to broadband deployment
21 and adoption in order to expand the availability and
22 adoption of broadband at the eligible community an-
23 chor institution and within each such eligible com-
24 munity;

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

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

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

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

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

16 (1) be developed in coordination with stake-
17 holder representatives; and

18 (2) with respect to support for infrastructure
19 funding—

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

23 (B) include—

1 (i) a description of the demographic
2 profile of each applicable eligible commu-
3 nity;

4 (ii) an assessment of the needs of
5 each applicable eligible community, includ-
6 ing with respect to digital literacy, work-
7 force development, and device access needs;

8 (iii) a summary of current (as of the
9 date of the most current data published by
10 the Federal Communications Commission)
11 service providers operating in each applica-
12 ble eligible community and the broadband
13 offerings and related services in each appli-
14 cable eligible community;

15 (iv) an estimate of capital and oper-
16 ational expenditures for the course of ac-
17 tion recommended in the local broadband
18 plan;

19 (v) a preliminary implementation
20 schedule for the deployment of broadband
21 required under the local broadband plan;
22 and

23 (vi) a summary of the potential em-
24 ployment, development, and revenue cre-
25 ation opportunities for the eligible commu-

1 nity anchor institution and each applicable
2 eligible community.

3 (e) APPLICATION.—

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

9 (A) the name and mailing address of the
10 eligible applicant;

11 (B) the name and email address of the
12 point of contact for the eligible applicant;

13 (C) documentation providing evidence that
14 the applicant is an eligible applicant;

15 (D) a summary description of the proposed
16 approach that the eligible applicant will take to
17 expand the availability and adoption of
18 broadband;

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

21 (F) a draft proposal for carrying out the
22 local broadband plan with respect to the funds,
23 describing with specificity how funds will be
24 used;

1 (G) a summary of past performance in
2 which the eligible applicant created plans simi-
3 lar to the local broadband plan for communities
4 similar to each applicable eligible community;

5 (H) a description of the approach the eligi-
6 ble applicant will take to engage each applicable
7 eligible community and the applicable eligible
8 community anchor institution and report out-
9 comes relating to that engagement;

10 (I) a description of how the eligible appli-
11 cant will meet the short term and long-term
12 goals described in subsection (h)(2)(A); and

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

15 (2) DEADLINES.—The Assistant Secretary, act-
16 ing through the head of the Office of Minority
17 Broadband Initiatives, shall publish a notice for the
18 program not later than 60 days after the date of the
19 enactment of this Act.

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

1 (g) REPORT.—

2 (1) IN GENERAL.—Not later than 540 days
3 after the date of the enactment of this Act, the As-
4 sistant Secretary, acting through the head of the Of-
5 fice of Minority Broadband Initiatives, shall submit
6 to the Committee on Commerce, Science, and Trans-
7 portation of the Senate and the Committee on En-
8 ergy and Commerce of the House of Representatives
9 a report, which the Assistant Secretary, acting
10 through the head of the Office of Minority
11 Broadband Initiatives, shall make available to the
12 public.

13 (2) CONTENTS.—The report described in para-
14 graph (1) shall include, for the period covered by the
15 report—

16 (A) the number of eligible applicants that
17 submitted applications under the program;

18 (B) the number of eligible applicants that
19 received funding under the program;

20 (C) a summary of the funding amounts
21 made available to eligible applicants under the
22 program and the list of eligible community an-
23 chor institutions the eligible applicants propose
24 to serve;

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

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

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

17 (h) PUBLIC NOTICE; REQUIREMENTS.—

18 (1) PUBLIC NOTICE.—Not later than 90 days
19 after the date on which the Assistant Secretary pro-
20 vides public notice of the program, the Assistant
21 Secretary, in consultation with the head of the Of-
22 fice of Minority Broadband Initiatives, shall issue
23 the Notice of Funding Opportunity governing the
24 program.

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

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

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

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

15 (i) OVERSIGHT.—

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

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

23 (i) the requirements of this title; and

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

1 (B) prevent waste, fraud, abuse, and im-
2 proper payments.

3 (2) REVOCATION OF FUNDS.—The Assistant
4 Secretary shall revoke funds awarded to an eligible
5 applicant that is not in compliance with the require-
6 ments of this section or the purposes of the pro-
7 gram, as described in subsection (c).

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

12 (A) The name of the eligible applicant.

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

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

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

1 and Commerce of the House of Representatives of
2 the information described in that paragraph.

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

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

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

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

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

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

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

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

1 (H) consider the benefits and costs of con-
2 trols to prevent and detect potential fraud, and
3 develop a fraud response plan; and

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

