

Union Calendar No. 199

118TH CONGRESS
1ST SESSION

H. R. 4510

[Report No. 118-249]

To reauthorize the National Telecommunications and Information Administration, to update the mission and functions of the agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2023

Mr. LATTA (for himself and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Energy and Commerce

OCTOBER 25, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on July 10, 2023]

A BILL

To reauthorize the National Telecommunications and Information Administration, to update the mission and functions of the agency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*
 5 *tional Telecommunications and Information Administra-*
 6 *tion Reauthorization Act of 2023” or the “NTIA Reauthor-*
 7 *ization Act of 2023”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—REAUTHORIZATION

Sec. 101. Reauthorization of the National Telecommunications and Information Administration Organization Act.

Sec. 102. NTIA Consolidated Reporting Act.

TITLE II—OFFICE OF SPECTRUM MANAGEMENT

Sec. 201. Office of Spectrum Management.

Sec. 202. Improving spectrum management.

Sec. 203. Spectrum management improvements.

Sec. 204. Institute for Telecommunication Sciences.

Sec. 205. Commerce Spectrum Management Advisory Committee.

Sec. 206. Incumbent informing capability.

Sec. 207. Voluntary criteria, standards, ratings, and other measures for certain radio receivers.

TITLE III—OFFICE OF INTERNET CONNECTIVITY AND GROWTH

Sec. 301. National Strategy to Close Digital Divide.

TITLE IV—OFFICE OF POLICY DEVELOPMENT AND CYBERSECURITY

Sec. 401. Office of Policy Development and Cybersecurity.

Sec. 402. Economic competitiveness of information and communication technology supply chain.

Sec. 403. Digital Economy and Cybersecurity Board of Advisors.

Sec. 404. Cybersecurity literacy.

Sec. 405. Understanding cybersecurity of mobile networks.

Sec. 406. Open RAN outreach.

TITLE V—OFFICE OF PUBLIC SAFETY COMMUNICATIONS

Sec. 501. Establishment of the Office of Public Safety Communications.

TITLE VI—OFFICE OF INTERNATIONAL AFFAIRS

Sec. 601. Office of International Affairs.

Sec. 602. Establishment of interagency national security review process.

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

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

5 (2) *NTIA.*—*The term “NTIA” means the Na-*
6 *tional Telecommunications and Information Admin-*
7 *istration.*

8 (3) *UNDER SECRETARY.*—*The term “Under Sec-*
9 *retary” means the Under Secretary of Commerce for*
10 *Communications and Information.*

11 **TITLE I—REAUTHORIZATION**

12 **SEC. 101. REAUTHORIZATION OF THE NATIONAL TELE-**
13 **COMMUNICATIONS AND INFORMATION AD-**
14 **MINISTRATION ORGANIZATION ACT.**

15 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*
16 *151 of the National Telecommunications and Information*
17 *Administration Organization Act is amended by striking*
18 *“\$17,600,000 for fiscal year 1992 and \$17,900,000 for fiscal*
19 *year 1993” and inserting “\$62,000,000 for fiscal year 2024*
20 *and \$62,000,000 for fiscal year 2025”.*

21 (b) *UNDER SECRETARY OF COMMERCE FOR COMMU-*
22 *NICATIONS AND INFORMATION.*—

1 (1) *UNDER SECRETARY; DEPUTY UNDER SEC-*
2 *RETARY.—*

3 (A) *UNDER SECRETARY.—The National*
4 *Telecommunications and Information Adminis-*
5 *tration Organization Act (47 U.S.C. 901 et seq)*
6 *is amended by striking “Assistant Secretary”*
7 *each place it appears and inserting “Under Sec-*
8 *retary”.*

9 (B) *DEPUTY UNDER SECRETARY.—Section*
10 *103(a) of the National Telecommunications and*
11 *Information Administration Organization Act*
12 *(47 U.S.C. 902(a)), as amended by this section,*
13 *is amended by adding at the end the following:*

14 “(3) *DEPUTY UNDER SECRETARY.—The Deputy*
15 *Under Secretary of Commerce for Communications*
16 *and Information shall—*

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

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

22 “(C) *act as Under Secretary during the ab-*
23 *sence or disability of the Under Secretary or in*
24 *the event of a vacancy in the office of the Under*
25 *Secretary.”.*

1 (2) *CONTINUATION OF CIVIL ACTIONS.*—*This sub-*
2 *section, and the amendments made by this subsection,*
3 *shall not abate any civil action commenced by or*
4 *against the Assistant Secretary of Commerce for Com-*
5 *munications and Information before the date of the*
6 *enactment of this Act, except that the Under Sec-*
7 *retary shall be substituted as a party to the action on*
8 *and after such date.*

9 (3) *CONTINUATION IN OFFICE.*—*The individual*
10 *-serving as the Assistant Secretary of Commerce for*
11 *Communications and Information and the individual*
12 *-serving as the Deputy Assistant Secretary of Com-*
13 *merce for Communications and Information on the*
14 *day before the date of the enactment of this Act may*
15 *serve as the Under Secretary and the Deputy Under*
16 *Secretary of Commerce for Communications and In-*
17 *formation, respectively, on and after that date with-*
18 *out the need for renomination or reappointment.*

19 (4) *REFERENCES.*—*Any reference in a law, regu-*
20 *lation, document, paper, or other record of the United*
21 *States to the Assistant Secretary of Commerce for*
22 *Communications and Information shall, on and after*
23 *the date of the enactment of this Act, be deemed to be*
24 *a reference to the Under Secretary.*

25 (5) *EXECUTIVE SCHEDULE.*—

1 (A) *IN GENERAL.*—Subchapter II of chapter
2 53 of title 5, United States Code, is amended—

3 (i) in section 5314, by adding at the
4 end the following:

5 “Under Secretary of Commerce for Communica-
6 tions and Information.”; and

7 (ii) in section 5315, in the item relat-
8 ing to the Assistant Secretaries of Com-
9 merce, by striking “(11)” and inserting
10 “(10)”.

11 (B) *EFFECTIVE DATE.*—The amendment
12 made by subparagraph (A) (establishing the an-
13 nual rate of the basic pay of the Under Sec-
14 retary) shall take effect on the first day of the
15 first pay period beginning after the date of the
16 enactment of this Act.

17 (c) *AUTHORITIES AND RESPONSIBILITIES.*—

18 (1) *COORDINATION OF EXECUTIVE BRANCH*
19 *VIEWS ON MATTERS BEFORE THE FEDERAL COMMU-*
20 *NICATIONS COMMISSION.*—Section 105(a)(1) of the
21 *National Telecommunications and Information Ad-*
22 *ministration Organization Act (47 U.S.C. 904(a)(1))*
23 *is amended—*

24 (A) by striking “to ensure that the conduct”
25 and inserting the following: “to ensure that—

1 “(A) the conduct”;

2 (B) in subparagraph (A), as so designated,
3 by striking the period at the end and inserting
4 “; and”; and

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

6 “(B) the views of the executive branch on
7 matters presented to the Commission are, con-
8 sistent with section 103(b)(2)(J)—

9 “(i) appropriately coordinated; and

10 “(ii) reflective of executive branch pol-
11 icy.”.

12 (2) *MODERNIZATION OF AGENCY MISSION.*—

13 (A) *POLICY.*—Section 102(c) of the National
14 Telecommunications and Information Adminis-
15 tration Organization Act (47 U.S.C. 901(c)) is
16 amended by adding at the end the following:

17 “(6) *Fostering the digital economy of the United*
18 *States in order to ensure the competitiveness, future*
19 *economic growth, and security of the United States.*

20 “(7) *Working to ensure that global communica-*
21 *tions networks remain open and innovative, including*
22 *without inappropriate barriers to entry or operation.*

23 “(8) *With respect to the United States, in coordi-*
24 *nation with the Commission, achieving the universal*
25 *availability of and access to telecommunications serv-*

1 *ice and information service (as those terms are de-*
2 *defined in section 3 of the Communications Act of 1934)*
3 *and any technology related to such service.”.*

4 (B) *ASSIGNED FUNCTIONS.—Section*
5 *103(b)(2) of the National Telecommunications*
6 *and Information Administration Organization*
7 *Act (47 U.S.C. 902(b)(2)) is amended—*

8 (i) *in the matter preceding subpara-*
9 *graph (A), by inserting “, some of which*
10 *were” before “transferred to the Secretary”;*

11 (ii) *in subparagraph (H)—*

12 (I) *by inserting “and informa-*
13 *tion” after “telecommunications”; and*

14 (II) *by striking “and emergency*
15 *readiness” and inserting “emergency*
16 *readiness, the flow of information, and*
17 *with respect to the United States, in*
18 *coordination with the Commission, the*
19 *universal availability of and access to*
20 *telecommunications service and infor-*
21 *mation service (as those terms are de-*
22 *defined in section 3 of the Communica-*
23 *tions Act of 1934) and any technology*
24 *related to such service”;*

1 (iii) in subparagraph (M), by inserting
2 “, publish reports,” after “studies”; and

3 (iv) by inserting at the end the fol-
4 lowing:

5 “(V) The authority to conduct studies, pub-
6 lish reports, and make recommendations—

7 “(i) on any Federal, State, local, or
8 private policy or practice relating to com-
9 munications, information, or the digital
10 economy of the United States; and

11 “(ii) that consider interoperability,
12 privacy, security, spectrum use, emergency
13 readiness, the flow of information, and with
14 respect to the United States, in coordination
15 with the Commission, the universal avail-
16 ability of and access to telecommunications
17 service and information service (as those
18 terms are defined in section 3 of the Com-
19 munications Act of 1934) and any tech-
20 nology related to such service.”.

21 (3) *RULE OF CONSTRUCTION.*—Nothing in the
22 amendments made by paragraphs (1) and (2) may be
23 construed to expand or contract the authority of the
24 Commission.

1 (d) *ACCEPTANCE OF GIFTS AND BEQUESTS FOR THE*
2 *UNDER SECRETARY.*—*The Under Secretary is hereby au-*
3 *thorized to accept, hold, administer, and utilize gifts and*
4 *bequests of property, both real and personal, for the purpose*
5 *of aiding or facilitating the work of the NTIA. Gifts and*
6 *bequests of money and the proceeds from sales of other prop-*
7 *erty received as gifts or bequests shall be deposited in the*
8 *Treasury in a separate fund and shall be disbursed upon*
9 *order of the Under Secretary. Property accepted pursuant*
10 *to this provision, and the proceeds thereof, shall be used as*
11 *nearly as possible in accordance with the terms of the gift*
12 *or bequest.*

13 (e) *TECHNICAL AND CONFORMING AMENDMENTS.*—

14 (1) *PUBLIC TELECOMMUNICATIONS FINANCING*
15 *ACT OF 1978.*—*Section 106(c) of the Public Tele-*
16 *communications Financing Act of 1978 (5 U.S.C.*
17 *5316 note; Public Law 95-567) is amended by strik-*
18 *ing “The position of Deputy Assistant Secretary of*
19 *Commerce for Communications and Information, es-*
20 *tablished in Department of Commerce Organization*
21 *Order Numbered 10-10 (effective March 26, 1978),”*
22 *and inserting “The position of Deputy Under Sec-*
23 *retary of Commerce for Communications and Infor-*
24 *mation, established under section 103(a) of the Na-*

1 *tional Telecommunications and Information Admin-*
2 *istration Organization Act (47 U.S.C. 902(a)),”.*

3 (2) *COMMUNICATIONS ACT OF 1934.*—Section
4 *344(d)(2) of the Communications Act of 1934 (47*
5 *U.S.C. 344(d)(2)) is amended by striking “Assistant*
6 *Secretary” and inserting “Under Secretary”.*

7 (3) *HOMELAND SECURITY ACT OF 2002.*—Section
8 *1805(d)(2) of the Homeland Security Act of 2002 (6*
9 *U.S.C. 575(d)(2)) is amended by striking “Assistant*
10 *Secretary for Communications and Information of the*
11 *Department of Commerce” and inserting “Under Sec-*
12 *retary of Commerce for Communications and Infor-*
13 *mation”.*

14 (4) *AGRICULTURE IMPROVEMENT ACT OF 2018.*—
15 *Section 6212 of the Agriculture Improvement Act of*
16 *2018 (7 U.S.C. 950bb–6) is amended—*

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

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

23 (5) *TITLE 17, UNITED STATES CODE.*—Section
24 *1201(a)(1)(C) of title 17, United States Code, is*
25 *amended by striking “Assistant Secretary for Com-*

1 *munications and Information of the Department of*
2 *Commerce” and inserting “Under Secretary of Com-*
3 *merce for Communications and Information”.*

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

12 (7) *COMMUNICATIONS SATELLITE ACT OF 1962.—*
13 *Section 625(a)(1) of the Communications Satellite*
14 *Act of 1962 (47 U.S.C. 763d(a)(1)) is amended, in the*
15 *matter preceding subparagraph (A), by striking “As-*
16 *stant Secretary” and inserting “Under Secretary of*
17 *Commerce”.*

18 (8) *SPECTRUM PIPELINE ACT OF 2015.—The*
19 *Spectrum Pipeline Act of 2015 (47 U.S.C. 921 note;*
20 *title X of Public Law 114–74) is amended—*

21 (A) *in section 1002(1), in the heading, by*
22 *striking “ASSISTANT SECRETARY” and inserting*
23 *“UNDER SECRETARY”; and*

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

4 (9) *WARNING, ALERT, AND RESPONSE NETWORK*
5 *ACT*.—Section 606 of the *Warning, Alert, and Re-*
6 *sponse Network Act (47 U.S.C. 1205)* is amended—

7 (A) by striking “Assistant Secretary” each
8 place the term appears and inserting “Under
9 Secretary”; and

10 (B) in subsection (b), in the first sentence,
11 by striking “for7Communications” and inserting
12 “for Communications”.

13 (10) *AMERICAN RECOVERY AND REINVESTMENT*
14 *ACT OF 2009*.—Section 6001 of the *American Recovery*
15 *and Reinvestment Act of 2009 (47 U.S.C. 1305)* is
16 amended by striking “Assistant Secretary” each place
17 the term appears and inserting “Under Secretary”.

18 (11) *MIDDLE CLASS TAX RELIEF AND JOB CRE-*
19 *ATION ACT OF 2012*.—Title VI of the *Middle Class Tax*
20 *Relief and Job Creation Act of 2012 (47 U.S.C. 1401*
21 *et seq.)* is amended—

22 (A) in section 6001 (47 U.S.C. 1401)—
23 (i) by striking paragraph (4);

1 (ii) by redesignating paragraphs (5)
2 through (32) as paragraphs (4) through
3 (31), respectively; and

4 (iii) by inserting after paragraph (31),
5 as so redesignated, the following:

6 “(32) *UNDER SECRETARY*.—The term ‘Under
7 Secretary’ means the Under Secretary of Commerce
8 for Communications and Information.”; and

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

12 (12) *RAY BAUM’S ACT OF 2018*.—The *RAY*
13 *BAUM’S Act of 2018* (division P of Public Law 115–
14 141; 132 Stat. 348) is amended by striking “Assistant
15 Secretary” each place the term appears and inserting
16 “Under Secretary”.

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

21 (A) in subsection (c)(1), in the heading, by
22 striking “ASSISTANT SECRETARY” and inserting
23 “UNDER SECRETARY”; and

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

4 (14) TITLE 51, UNITED STATES CODE.—Section
5 50112(3) of title 51, United States Code, is amended,
6 in the matter preceding subparagraph (A), by strik-
7 ing “Assistant Secretary” each place the term ap-
8 pears and inserting “Under Secretary”.

9 (15) CONSOLIDATED APPROPRIATIONS ACT,
10 2021.—The Consolidated Appropriations Act, 2021
11 (Public Law 116–260) is amended—

12 (A) in title IX of division N—

13 (i) in section 902(a)(2), in the head-
14 ing, by striking “ASSISTANT SECRETARY”
15 and inserting “UNDER SECRETARY”;

16 (ii) in section 905—

17 (I) in subsection (a)(1), in the
18 heading, by striking “ASSISTANT SEC-
19 RETARY” and inserting “UNDER SEC-
20 RETARY”;

21 (II) in subsection (c)(3)(B), in the
22 heading, by striking “ASSISTANT SEC-
23 RETARY” and inserting “UNDER SEC-
24 RETARY”; and

1 (III) in subsection (d)(2)(B), in
2 the heading, by striking “ASSISTANT
3 SECRETARY” and inserting “UNDER
4 SECRETARY”; and

5 (iii) by striking “Assistant Secretary”
6 each place the term appears and inserting
7 “Under Secretary”; and

8 (B) in title IX of division FF—

9 (i) in section 903(g)(2), in the heading,
10 by striking “ASSISTANT SECRETARY” and
11 inserting “UNDER SECRETARY”; and

12 (ii) by striking “Assistant Secretary”
13 each place the term appears and inserting
14 “Under Secretary”.

15 (16) *INFRASTRUCTURE INVESTMENT AND JOBS*
16 *ACT.—The Infrastructure Investment and Jobs Act*
17 *(Public Law 117–58) is amended—*

18 (A) in section 27003, by striking “Assistant
19 Secretary” each place the term appears and in-
20 serting “Under Secretary”;

21 (B) in division F—

22 (i) in section 60102—

23 (I) in subsection (a)(2)(A), by
24 striking “ASSISTANT SECRETARY” and
25 inserting “UNDER SECRETARY”;

1 (II) in subsection (d)(1), by strik-
2 ing “ASSISTANT SECRETARY” and in-
3 serting “UNDER SECRETARY”; and

4 (III) in subsection (h)—

5 (aa) in paragraph (1)(B), by
6 striking “ASSISTANT SECRETARY”
7 and inserting “UNDER SEC-
8 RETARY”; and

9 (bb) in paragraph
10 (5)(B)(iii), by striking “ASSIST-
11 ANT SECRETARY” and inserting
12 “UNDER SECRETARY”;

13 (ii) in title III—

14 (I) in section 60302(5), by strik-
15 ing “ASSISTANT SECRETARY” and in-
16 serting “UNDER SECRETARY”; and

17 (II) in section 60305(d)(2)(B)(ii),
18 by striking “ASSISTANT SECRETARY”
19 and inserting “UNDER SECRETARY”;

20 (iii) in section 60401(a)(2), by striking
21 “ASSISTANT SECRETARY” and inserting
22 “UNDER SECRETARY”; and

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

1 (C) in division J, in title I, in the matter
2 under the heading “distance learning, telemedi-
3 cine, and broadband program” under the head-
4 ing “Rural Utilities Service” under the heading
5 “RURAL DEVELOPMENT PROGRAMS”, by
6 striking “Assistant Secretary” and inserting
7 “Under Secretary”.

8 **SEC. 102. NTIA CONSOLIDATED REPORTING ACT.**

9 (a) *ELIMINATION OF CERTAIN OUTDATED OR COM-*
10 *PLETED REPORTING REQUIREMENTS.—*

11 (1) *BTOP QUARTERLY REPORT.—Section*
12 *6001(d) of the American Recovery and Reinvestment*
13 *Act of 2009 (47 U.S.C. 1305(d)) is amended—*

14 (A) in paragraph (2), by striking the semi-
15 colon at the end and inserting “; and”;

16 (B) in paragraph (3), by striking “; and”
17 and inserting a period; and

18 (C) by striking paragraph (4).

19 (2) *CERTAIN REPORTS REQUIRED BY NATIONAL*
20 *TELECOMMUNICATIONS AND INFORMATION ADMINIS-*
21 *TRATION ORGANIZATION ACT.—Sections 154, 155, and*
22 *156 of the National Telecommunications and Infor-*
23 *mation Administration Organization Act are re-*
24 *pealed.*

1 (3) *INITIAL REPORT REQUIRED BY SECTION*
2 *9202(a)(1)(G) OF THE NDAA FOR FISCAL YEAR 2021.—*
3 *Section 9202(a)(1)(G) of the William M. (Mac)*
4 *Thornberry National Defense Authorization Act for*
5 *Fiscal Year 2021 (47 U.S.C. 906(a)(1)(G)) is amend-*
6 *ed—*

7 (A) *in clause (ii), by redesignating sub-*
8 *clauses (I), (II), and (III) as clauses (i), (ii),*
9 *and (iii), respectively, and conforming the mar-*
10 *gins of such clauses accordingly; and*

11 (B) *by striking “REPORTS TO CONGRESS”*
12 *and all that follows through “For each fiscal*
13 *year” and inserting “ANNUAL REPORT TO CON-*
14 *GRESS.—For each fiscal year”.*

15 (4) *REPORT TO PRESIDENT.—Section 105(a) of*
16 *the National Telecommunications and Information*
17 *Administration Organization Act (47 U.S.C. 904(a))*
18 *is amended—*

19 (A) *by striking paragraph (2); and*

20 (B) *by redesignating paragraph (3) as*
21 *paragraph (2).*

22 (5) *EFFECT ON AUTHORITY.—Nothing in this*
23 *subsection or the amendments made by this subsection*
24 *may be construed to expand or contract the authority*

1 of the Secretary, the Under Secretary, the NTIA, or
2 the Commission.

3 (6) *OTHER REPORTS.*—Nothing in this sub-
4 section or the amendments made by this subsection
5 may be construed to prohibit or otherwise prevent the
6 Secretary, the Under Secretary, the NTIA, or the
7 Commission from producing any additional reports
8 otherwise within the authority of the Secretary, the
9 Under Secretary, the NTIA, or the Commission, re-
10 spectively.

11 (b) *CONSOLIDATED ANNUAL REPORT.*—

12 (1) *IN GENERAL.*—In the first quarter of each
13 calendar year, the Under Secretary shall publish on
14 the website of the NTIA and submit to the Committee
15 on Energy and Commerce of the House of Representa-
16 tives and the Committee on Commerce, Science, and
17 Transportation of the Senate a report that contains
18 the reports described in paragraph (2) for the fiscal
19 year ending most recently before the beginning of such
20 quarter.

21 (2) *REPORTS DESCRIBED.*—The reports described
22 in this paragraph are the following:

23 (A) The report required by section
24 903(c)(2)(C) of division FF of the Consolidated

1 *Appropriations Act, 2021 (47 U.S.C.*
2 *1307(c)(2)(C)).*

3 *(B) If amounts in the Public Wireless Sup-*
4 *ply Chain Innovation Fund established by sec-*
5 *tion 9202(a)(1)(A)(i) of the William M. (Mac)*
6 *Thornberry National Defense Authorization Act*
7 *for Fiscal Year 2021 (47 U.S.C. 906(a)(1)(A)(i))*
8 *were available for the fiscal year described in*
9 *paragraph (1) of this subsection, the report re-*
10 *quired by section 9202(a)(1)(G) of such Act (47*
11 *U.S.C. 906(a)(1)(G)).*

12 *(C) If the Under Secretary awarded grants*
13 *under section 60304(d)(1) of the Infrastructure*
14 *Investment and Jobs Act (47 U.S.C. 1723(d)(1))*
15 *in the fiscal year described in paragraph (1) of*
16 *this subsection, the report required by section*
17 *60306(a)(1)(A) of such Act (47 U.S.C.*
18 *1725(a)(1)(A)).*

19 *(D) A summary of the reports for the fiscal*
20 *year described in paragraph (1) that are re-*
21 *quired to be submitted to the Under Secretary by*
22 *executive agencies under section 107(b)(5) of the*
23 *National Telecommunications and Information*
24 *Administration Organization Act, as added by*
25 *this Act.*

1 (3) *TIMING OF UNDERLYING REPORTING RE-*
2 *QUIREMENTS.*—

3 (A) *REPORT OF OFFICE OF INTERNET*
4 *CONNECTIVITY AND GROWTH.*—Section
5 *903(c)(2)(C) of division FF of the Consolidated*
6 *Appropriations Act, 2021 (47 U.S.C.*
7 *1307(c)(2)(C)) is amended—*

8 (i) *in the matter preceding clause (i)—*

9 (I) *by striking “Not later than 1*
10 *year after the date of the enactment of*
11 *this Act, and every year thereafter,”*
12 *and inserting “In the first quarter of*
13 *each calendar year,”; and*

14 (II) *by inserting “, for the fiscal*
15 *year ending most recently before the be-*
16 *ginning of such quarter,” after “a re-*
17 *port”; and*

18 (ii) *in clause (i), by striking “for the*
19 *previous year”.*

20 (B) *REPORT ON DIGITAL EQUITY GRANT*
21 *PROGRAMS.*—Section *60306(a)(1) of the Infra-*
22 *structure Investment and Jobs Act (47 U.S.C.*
23 *1725(a)(1)) is amended—*

24 (i) *in the matter preceding subpara-*
25 *graph (A), by striking “Not later than 1*

1 *year” and all that follows through “shall—*
2 *” and inserting the following: “For the first*
3 *fiscal year in which the Under Secretary*
4 *awards grants under section 60304(d)(1),*
5 *and each fiscal year thereafter in which the*
6 *Under Secretary awards grants under such*
7 *section, the Under Secretary shall—”; and*

8 *(ii) in subparagraph (A)—*

9 *(I) by inserting “in the first quar-*
10 *ter of the first calendar year that be-*
11 *gins after the end of such fiscal year,”*
12 *before “submit”; and*

13 *(II) by striking “, for the year*
14 *covered by the report”.*

15 (4) *SATISFACTION OF UNDERLYING REPORTING*
16 *REQUIREMENTS.—*

17 *(A) IN GENERAL.—Except as provided in*
18 *subparagraph (B), the publication and submis-*
19 *sion of a report as required by paragraph (1) in*
20 *the first quarter of a calendar year shall be*
21 *treated as satisfying any requirement to publish*
22 *or otherwise make publicly available or to sub-*
23 *mit to Congress or to a committee of Congress a*
24 *report described in paragraph (2) for the fiscal*

1 *year ending most recently before the beginning of*
2 *such quarter.*

3 (B) *CERTAIN SUBMISSION REQUIRE-*
4 *MENTS.—At the time when the Under Secretary*
5 *submits a report required by paragraph (1) to*
6 *the committees described in such paragraph, the*
7 *Under Secretary shall submit any portion of*
8 *such report that relates to a report described in*
9 *paragraph (2)(C) to each committee of Congress*
10 *not described in paragraph (1) to which such re-*
11 *port would (without regard to subparagraph (A)*
12 *of this paragraph) be required to be submitted.*

13 (5) *APPLICABILITY.—Paragraph (1), and the*
14 *amendments made by paragraph (3), shall apply be-*
15 *ginning on January 1 of the first calendar year that*
16 *begins after the date of the enactment of this Act.*

17 (c) *EXTENSION OF CERTAIN AUDIT AND REPORTING*
18 *REQUIREMENTS.—Section 902(c)(4)(A) of division N of the*
19 *Consolidated Appropriations Act, 2021 (47 U.S.C.*
20 *1306(c)(4)(A)) is amended by striking “fiscal years 2021*
21 *and 2022” and inserting “fiscal years 2021, 2022, 2023,*
22 *and 2024”.*

23 (d) *DEFINITION.—In this section, the term “Sec-*
24 *retary” means the Secretary of Commerce.*

1 **TITLE II—OFFICE OF SPECTRUM**
2 **MANAGEMENT**

3 **SEC. 201. OFFICE OF SPECTRUM MANAGEMENT.**

4 *Part A of the National Telecommunications and Infor-*
5 *mation Administration Organization Act (47 U.S.C. 901*
6 *et seq.) is amended by adding at the end the following:*

7 **“SEC. 106. OFFICE OF SPECTRUM MANAGEMENT.**

8 *“(a) ESTABLISHMENT.—There is established within*
9 *the NTIA an Office of Spectrum Management (in this sec-*
10 *tion referred to as the ‘Office’).*

11 *“(b) HEAD OF OFFICE.—*

12 *“(1) IN GENERAL.—The head of the Office shall*
13 *be an Associate Administrator for Spectrum Manage-*
14 *ment (in this section referred to as the ‘Associate Ad-*
15 *ministrator’).*

16 *“(2) CAREER POSITION.—The position of Asso-*
17 *ciate Administrator shall be a career position in the*
18 *Senior Executive Service occupied by a career ap-*
19 *pointee (as that term is defined in section 3132(a)(4)*
20 *of title 5, United States Code).*

21 *“(3) REQUIREMENT TO REPORT.—The Associate*
22 *Administrator shall report to the Under Secretary (or*
23 *a designee of the Under Secretary).*

24 *“(c) DUTIES.—The Associate Administrator shall, at*
25 *the direction of the Under Secretary—*

1 “(1) carry out responsibilities under section
2 103(b)(2)(A) (relating to frequency assignments for
3 radio stations belonging to and operated by the
4 United States), make frequency allocations for fre-
5 quencies that will be used by such stations, and de-
6 velop and maintain techniques, databases, measure-
7 ments, files, and procedures necessary for such alloca-
8 tions;

9 “(2) carry out responsibilities under section
10 103(b)(2)(K) (relating to establishing policies con-
11 cerning spectrum assignments and use by radio sta-
12 tions belonging to and operated by the United States)
13 and provide Federal agencies with guidance to ensure
14 that the conduct of telecommunications activities by
15 such agencies is consistent with such policies;

16 “(3) represent the interests of Federal agencies in
17 the process through which the Commission and the
18 NTIA jointly determine the National Table of Fre-
19 quency Allocations, and coordinate with the Commis-
20 sion in the development of a comprehensive long-
21 range plan for improved management of all electro-
22 magnetic spectrum resources;

23 “(4) appoint the chairpersons of and provide sec-
24 retariat functions for the Interdepartmental Radio

1 *Advisory Committee and the PPSG (as defined in sec-*
2 *tion 107(d));*

3 “(5) *carry out responsibilities under section*
4 *103(b)(2)(B) (relating to authorizing a foreign gov-*
5 *ernment to construct and operate a radio station at*
6 *the seat of Government of the United States) and as-*
7 *sign frequencies for use by such stations;*

8 “(6) *provide advice and assistance to the Under*
9 *Secretary and coordinate with the Associate Adminis-*
10 *trator for International Affairs in carrying out spec-*
11 *trum management aspects of the international policy*
12 *responsibilities of the NTIA, including spectrum-re-*
13 *lated responsibilities under section 103(b)(2)(G);*

14 “(7) *advise and assist the Under Secretary on*
15 *spectrum-related technical and policy issues regard-*
16 *ing—*

17 “(A) *the security of telecommunications in*
18 *the United States; and*

19 “(B) *systems and means to ensure such se-*
20 *curity;*

21 “(8) *in coordination with the Associate Adminis-*
22 *trator for Policy Development and Cybersecurity,*
23 *carry out spectrum-related responsibilities under sec-*
24 *tion 103(b)(2)(H) (relating to coordination of the tele-*
25 *communications activities of the executive branch and*

1 *assistance in the formulation of policies and stand-*
2 *ards for such activities);*

3 *“(9) carry out spectrum-related responsibilities*
4 *under section 103(b)(2)(Q) (relating to certain activi-*
5 *ties with respect to telecommunications resources);*

6 *“(10) carry out responsibilities under section*
7 *107 (relating to improving spectrum management);*
8 *and*

9 *“(11) carry out any other duties of the NTIA*
10 *with respect to spectrum policy that the Under Sec-*
11 *retary may designate.”.*

12 **SEC. 202. IMPROVING SPECTRUM MANAGEMENT.**

13 *Part A of the National Telecommunications and Infor-*
14 *mation Administration Organization Act (47 U.S.C. 901*
15 *et seq.), as amended by the preceding provisions of this Act,*
16 *is further amended by adding at the end the following:*

17 **“SEC. 107. IMPROVING SPECTRUM MANAGEMENT.**

18 *“(a) FEDERAL COORDINATION PROCEDURES.—*

19 *“(1) NOTICE.—With respect to each spectrum ac-*
20 *tion, not later than the end of the period for submit-*
21 *ting comments to the Commission in the proceeding*
22 *relating to the spectrum action, the Under Secretary*
23 *shall file in the public record with respect to the pro-*
24 *ceeding information (redacted as necessary if the in-*

1 *formation is protected from disclosure for a reason de-*
2 *scribed in paragraph (3)) regarding—*

3 *“(A) when the Commission provided notice*
4 *to the Under Secretary regarding the spectrum*
5 *action, as required under the Memorandum;*

6 *“(B) the Federal entities that may be im-*
7 *pacted by the spectrum action;*

8 *“(C) when the Under Secretary provided*
9 *notice to the Federal entities described in sub-*
10 *paragraph (B) regarding the spectrum action;*

11 *“(D) a summary of any general technical or*
12 *procedural concerns raised by Federal entities to*
13 *the Under Secretary regarding the spectrum ac-*
14 *tion; and*

15 *“(E) any policy concerns of the Under Sec-*
16 *retary regarding the spectrum action.*

17 *“(2) FINAL RULE.—If the Commission promul-*
18 *gates a final rule under section 553 of title 5, United*
19 *States Code, involving a spectrum action, the Com-*
20 *mission shall prepare, make available to the public,*
21 *and publish in the Federal Register along with the*
22 *final rule an interagency coordination summary that*
23 *describes—*

1 “(A) *when the Commission provided notice*
2 *to the Under Secretary regarding the spectrum*
3 *action, as required under the Memorandum;*

4 “(B) *whether the Under Secretary raised*
5 *technical, procedural, or policy concerns regard-*
6 *ing the spectrum action; and*

7 “(C) *how any concerns described in sub-*
8 *paragraph (B) were resolved.*

9 “(3) *RULE OF CONSTRUCTION.—Nothing in this*
10 *subsection may be construed to require the disclosure*
11 *of classified information, or other information reflect-*
12 *ing technical, procedural, or policy concerns that is*
13 *exempt from disclosure under section 552 of title 5,*
14 *United States Code (commonly known as the ‘Free-*
15 *dom of Information Act’).*

16 “(4) *FCC CONSIDERATION.—The Commission*
17 *may not consider any technical, procedural, or policy*
18 *concerns of a Federal entity regarding a spectrum ac-*
19 *tion unless such concerns are filed by the Under Sec-*
20 *retary on behalf of the Federal entity in the public*
21 *record with respect to the proceeding of the Commis-*
22 *sion relating to the spectrum action.*

23 “(b) *FEDERAL SPECTRUM COORDINATION RESPON-*
24 *SIBILITIES.—*

1 “(1) *IN GENERAL.*—Not later than 180 days
2 after the date of the enactment of this section, the
3 Under Secretary shall establish a charter for the
4 *PPSG.*

5 “(2) *PPSG REPRESENTATIVE.*—

6 “(A) *IN GENERAL.*—The head of each Fed-
7 eral entity that is reflected in the membership of
8 the *PPSG*, as identified in the charter estab-
9 lished under paragraph (1), shall appoint a sen-
10 ior-level employee (or an individual occupying a
11 Senior Executive Service position, as defined in
12 section 3132(a) of title 5, United States Code)
13 who is eligible to receive a security clearance
14 that allows for access to sensitive compartmented
15 information to serve as the representative of the
16 Federal entity to the *PPSG.*

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

21 “(i) the appointment shall be invalid;

22 and

23 “(ii) the head of the Federal entity
24 making the appointment shall appoint an-
25 other individual who satisfies the require-

1 ments of that subparagraph, including the
2 requirement that the individual is eligible
3 to receive such a security clearance.

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

6 “(A) oversee the spectrum coordination poli-
7 cies and procedures of the applicable Federal en-
8 tity;

9 “(B) be responsible for timely notification
10 to the PPSG and to the Under Secretary of tech-
11 nical or procedural concerns of the applicable
12 Federal entity regarding a spectrum action; and

13 “(C) work closely with the representative of
14 the applicable Federal entity to the Interdepart-
15 mental Radio Advisory Committee.

16 “(4) *PUBLIC CONTACT.*—

17 “(A) *IN GENERAL.*—The head of each Fed-
18 eral entity described in paragraph (2) shall list,
19 on the website of the Federal entity, the name
20 and contact information of the representative of
21 the Federal entity to the PPSG, as appointed
22 under such paragraph.

23 “(B) *NTIA RESPONSIBILITY.*—The Under
24 Secretary shall publish on the public website of

1 *the NTIA a complete list of the representatives to*
2 *the PPSG appointed under paragraph (2).*

3 “(5) *ANNUAL REPORT.*—*In the last quarter of*
4 *each calendar year, each executive agency that is au-*
5 *thorized and directed to cooperate with the NTIA*
6 *under section 105(c)(2) shall submit to the Under*
7 *Secretary a report, for the fiscal year ending most re-*
8 *cently before the beginning of such quarter, describing*
9 *the steps taken in such fiscal year by the executive*
10 *agency to comply with such section.*

11 “(c) *COORDINATION BETWEEN COMMISSION AND*
12 *NTIA.*—

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

18 “(2) *NATURE OF UPDATE.*—*The updates required*
19 *by paragraph (1) shall reflect such changing techno-*
20 *logical, procedural, and policy circumstances as the*
21 *Commission and the NTIA determine necessary and*
22 *appropriate.*

23 “(d) *DEFINITIONS.*—*In this section:*

24 “(1) *MEMORANDUM.*—*The term ‘Memorandum’*
25 *means the Memorandum of Understanding between*

1 *the Commission and the NTIA (relating to increased*
2 *coordination between Federal spectrum management*
3 *agencies to promote the efficient use of the radio spec-*
4 *trum in the public interest), signed on August 1,*
5 *2022, or any successor memorandum.*

6 *“(2) PPSG.—The term ‘PPSG’ means the inter-*
7 *agency advisory body that, as of the date of the enact-*
8 *ment of this section, is known as the Policy and*
9 *Plans Steering Group.*

10 *“(3) SPECTRUM ACTION.—The term ‘spectrum*
11 *action’ means a proposed action by the Commission*
12 *to reallocate radio frequency spectrum that is antici-*
13 *ipated to result in a system of competitive bidding*
14 *conducted under section 309(j) of the Communications*
15 *Act of 1934 (47 U.S.C. 309(j)) or non-Federal use*
16 *that could potentially cause interference to the spec-*
17 *trum operations of a Federal entity.”.*

18 **SEC. 203. SPECTRUM MANAGEMENT IMPROVEMENTS.**

19 *(a) PROTOTYPING.—Consistent with subparagraphs*
20 *(F), (L), (P), and (U) of section 103(b)(2) of the National*
21 *Telecommunications and Information Administration Or-*
22 *ganization Act (47 U.S.C. 902(b)(2)), the Under Secretary,*
23 *in coordination with the Commission, shall develop, estab-*
24 *lish, prototype, and support the implementation of common*
25 *models, common methodologies, and common inputs to in-*

1 *form electromagnetic spectrum management decisions with*
2 *respect to frequencies assigned on a primary or co-primary*
3 *basis to 1 or more Federal entities, such as—*

4 (1) *technologies and techniques to control radio*
5 *frequency emissions and interference;*

6 (2) *advanced antenna arrays, and artificial in-*
7 *telligence systems and technologies capable of oper-*
8 *ating advanced antenna arrays, including multiple-*
9 *input, multiple-output antennas, beam forming and*
10 *steering technology, antenna nulling technology, and*
11 *conformal arrays;*

12 (3) *network sensing and monitoring technologies;*

13 (4) *advanced receivers that incorporate new tech-*
14 *nologies supporting new waveforms and multiple*
15 *bands;*

16 (5) *dynamic spectrum access technologies across*
17 *wireless systems and frequencies, including local-to-*
18 *the-radio and cognitive multidomain access;*

19 (6) *novel spectrum access technologies;*

20 (7) *artificial intelligence systems to enable dy-*
21 *namic spectrum access, Internet of Things networks,*
22 *and other advanced communications technologies; and*

23 (8) *optical and quantum communications tech-*
24 *nologies.*

1 **(b) SPECTRUM MANAGEMENT AND ADVANCED COMMU-**
2 **NICATIONS TECHNOLOGIES.**—*Section 104 of the National*
3 *Telecommunications and Information Administration Or-*
4 *ganization Act (47 U.S.C. 903) is amended by adding at*
5 *the end the following:*

6 **“(f) IDENTIFICATION AND IMPLEMENTATION OF SPEC-**
7 **TRUM MANAGEMENT TECHNOLOGIES.**—*The Under Sec-*
8 *retary shall identify and implement technologies that pro-*
9 *mote, with respect to frequencies assigned on a primary or*
10 *co-primary basis to 1 or more Federal entities—*

11 **“(1) dynamic spectrum access;**

12 **“(2) network sensing and monitoring; and**

13 **“(3) optical and quantum communications.**

14 **“(g) PROTOTYPING OF ADVANCED COMMUNICATIONS**
15 **TECHNOLOGIES.**—*The Under Secretary shall, with respect*
16 *to frequencies assigned on a primary or co-primary basis*
17 *to 1 or more Federal entities—*

18 **“(1) encourage the development of, and broad**
19 **participation in, a skilled workforce to conduct proto-**
20 **typing of advanced communications technologies; and**

21 **“(2) support partnerships among institutions to**
22 **develop a skilled workforce to conduct prototyping of**
23 **advanced communications technologies.”.**

1 **SEC. 204. INSTITUTE FOR TELECOMMUNICATION SCIENCES.**

2 *Part A of the National Telecommunications and Infor-*
3 *mation Administration Organization Act (47 U.S.C. 901*
4 *et seq.), as amended by the preceding provisions of this Act,*
5 *is further amended by adding at the end the following:*

6 **“SEC. 108. INSTITUTE FOR TELECOMMUNICATION**
7 **SCIENCES.**

8 *“(a) ESTABLISHMENT.—*

9 *“(1) IN GENERAL.—Under the authority pro-*
10 *vided to the Under Secretary under section 103, the*
11 *Under Secretary shall operate a test center to be*
12 *known as the Institute for Telecommunication*
13 *Sciences (in this section referred to as ‘ITS’).*

14 *“(2) FUNCTIONS.—*

15 *“(A) IN GENERAL.—In addition to any*
16 *functions delegated by the Under Secretary*
17 *under subparagraph (B), ITS shall serve as the*
18 *primary laboratory for the executive branch of*
19 *the Federal Government to—*

20 *“(i) study radio frequency emissions,*
21 *including technologies and techniques to*
22 *control such emissions and interference*
23 *caused by such emissions;*

24 *“(ii) determine spectrum propagation*
25 *characteristics;*

1 “(iii) conduct tests on technology that
2 enhances the sharing of electromagnetic
3 spectrum between Federal and non-Federal
4 users;

5 “(iv) improve the interference tolerance
6 of Federal systems operating with, or using,
7 Federal spectrum;

8 “(v) promote activities relating to ac-
9 cess to Federal spectrum by non-Federal
10 users and the sharing of Federal spectrum
11 between Federal and non-Federal users; and

12 “(vi) conduct such other activities as
13 determined necessary by the Under Sec-
14 retary.

15 “(B) *ADDITIONAL FUNCTIONS.*—*The Under*
16 *Secretary may delegate to ITS any of the func-*
17 *tions assigned to the Under Secretary under sec-*
18 *tion 103(b)(1).*

19 “(3) *AGREEMENTS AND TRANSACTIONS.*—*In car-*
20 *rying out the functions described in paragraph (2),*
21 *the Under Secretary, acting through the head of ITS,*
22 *may enter into agreements as provided under the fol-*
23 *lowing authorities:*

24 “(A) *Sections 11 and 12 of the Stevenson–*
25 *Wydler Technology Innovation Act of 1980.*

1 “(B) Section 1535 of title 31, United States
2 Code.

3 “(C) Sections 207 and 209 of title 35,
4 United States Code.

5 “(D) Section 103(b)(2) of this Act.

6 “(E) Section 113(g) of this Act.

7 “(F) The first undesignated section of Pub-
8 lic Law 91–412.

9 “(G) Authority provided under any other
10 Federal statute.

11 “(4) FEDERAL SPECTRUM DEFINED.—In this
12 subsection, the term ‘Federal spectrum’ means fre-
13 quencies assigned on a primary basis to a Federal en-
14 tity (as defined in section 113(l)).

15 “(b) EMERGENCY COMMUNICATION AND TRACKING
16 TECHNOLOGIES INITIATIVE.—

17 “(1) ESTABLISHMENT.—The Under Secretary,
18 acting through the head of ITS, shall establish an ini-
19 tiative to support the development of emergency com-
20 munication and tracking technologies for use in locat-
21 ing trapped individuals in confined spaces, such as
22 underground mines, and other shielded environments,
23 such as high-rise buildings or collapsed structures,
24 where conventional radio communication is limited.

1 “(2) *ACTIVITIES.*—*In order to carry out this*
2 *subsection, the Under Secretary, acting through the*
3 *head of ITS, shall work with private sector entities*
4 *and the heads of appropriate Federal agencies, to—*

5 “(A) *perform a needs assessment to identify*
6 *and evaluate the measurement, technical speci-*
7 *fications, and conformity assessment needs re-*
8 *quired to improve the operation and reliability*
9 *of such emergency communication and tracking*
10 *technologies; and*

11 “(B) *support the development of technical*
12 *specifications and conformance architecture to*
13 *improve the operation and reliability of such*
14 *emergency communication and tracking tech-*
15 *nologies.*

16 “(3) *REPORT.*—*Not later than 18 months after*
17 *the date of the enactment of this section, the Under*
18 *Secretary shall submit to Congress, and make pub-*
19 *licly available, a report on the assessment performed*
20 *under paragraph (2)(A).”.*

21 **SEC. 205. COMMERCE SPECTRUM MANAGEMENT ADVISORY**
22 **COMMITTEE.**

23 *Part A of the National Telecommunications and Infor-*
24 *mation Administration Organization Act (47 U.S.C. 901*

1 *et seq.*), as amended by the preceding provisions of this Act,
2 is further amended by adding at the end the following:

3 **“SEC. 109. COMMERCE SPECTRUM MANAGEMENT ADVISORY**
4 **COMMITTEE.**

5 “(a) *ESTABLISHMENT.*—

6 “(1) *IN GENERAL.*—Not later than 90 days after
7 the date of the enactment of this section, the Under
8 Secretary shall establish within the NTIA a Com-
9 merce Spectrum Management Advisory Committee
10 (referred to in this section as the ‘CSMAC’).

11 “(2) *EXISTING ADVISORY COMMITTEES.*—A Fed-
12 eral advisory committee of the NTIA that is oper-
13 ating, on the date of the enactment of this section,
14 under a charter for the purpose of carrying out duties
15 substantially similar to the duties described in sub-
16 section (b), satisfies the requirements of paragraph (1)
17 if the membership of such committee complies with
18 subsection (c) or is modified to comply with such sub-
19 section not later than 90 days after the date of the en-
20 actment of this section.

21 “(b) *DUTIES.*—The CSMAC shall advise and make rec-
22 ommendations to the Under Secretary with respect to—

23 “(1) *developing and maintaining spectrum man-*
24 *agement policies that enable the United States to*
25 *maintain or strengthen its global leadership role in*

1 *the introduction of innovative communications tech-*
2 *nologies and services, including those that enable crit-*
3 *ical missions of the Federal Government;*

4 *“(2) objectives that advance spectrum-based in-*
5 *novation, including facilitating access to—*

6 *“(A) wireless broadband internet access*
7 *service;*

8 *“(B) space-based services;*

9 *“(C) non-communications services, includ-*
10 *ing radiolocation services and sensing services;*

11 *and*

12 *“(D) other emerging technologies;*

13 *“(3) fostering increased spectrum sharing among*
14 *all users;*

15 *“(4) promoting innovation and rapid advances*
16 *in technology that support the more efficient use of*
17 *spectrum;*

18 *“(5) authorizing radio systems and frequencies*
19 *in a way that maximizes the benefits to the public;*

20 *“(6) establishing a long-range spectrum plan-*
21 *ning process and identifying international opportuni-*
22 *ties to advance the economic interests of the United*
23 *States through spectrum management;*

1 “(7) *how best to leverage radio frequency-related*
2 *research, development, and testing and evaluation ef-*
3 *forts;*

4 “(8) *ways to foster more efficient and innovative*
5 *uses of electromagnetic spectrum resources across the*
6 *Federal Government, subject to and consistent with*
7 *the needs and missions of Federal agencies;*

8 “(9) *new issues associated with spectrum sharing*
9 *on frequencies assigned on a primary or co-primary*
10 *basis to 1 or more Federal entities, including harmful*
11 *interference and associated enforcement challenges;*
12 *and*

13 “(10) *developing balanced policies that promote*
14 *licensed, unlicensed, and other forms of access to spec-*
15 *trum.*

16 “(c) *MEMBERS.—*

17 “(1) *COMPOSITION OF COMMITTEE.—To the ex-*
18 *tent practicable, the CSMAC shall be composed of not*
19 *less than 10 but not more than 30 members appointed*
20 *by the Under Secretary with the goal of providing a*
21 *balanced representation of—*

22 “(A) *non-Federal spectrum users;*

23 “(B) *State government and local govern-*
24 *ment;*

1 “(C) *technology developers and manufactur-*
2 *ers;*

3 “(D) *academia;*

4 “(E) *civil society;*

5 “(F) *providers of mobile broadband internet*
6 *access service and providers of fixed broadband*
7 *internet access service, including—*

8 “(i) *providers with customers in both*
9 *domestic and international markets;*

10 “(ii) *small providers; and*

11 “(iii) *rural providers;*

12 “(G) *providers of communications services*
13 *using satellite communications networks;*

14 “(H) *Federal spectrum users; and*

15 “(I) *Tribal organizations.*

16 “(2) *APPOINTMENTS.—*

17 “(A) *IN GENERAL.—The Under Secretary*
18 *shall appoint members to the CSMAC for up to*
19 *a two-year term, except that members may be re-*
20 *appointed for additional terms by the Under*
21 *Secretary.*

22 “(B) *REMOVAL.—Each member appointed*
23 *under subparagraph (A) shall serve on the*
24 *CSMAC at the pleasure and discretion of the*
25 *Under Secretary.*

1 “(3) *CHAIR.*—

2 “(A) *APPOINTMENT.*—*The Under Secretary*
3 *shall appoint one or more members from among*
4 *those appointed to the CSMAC to serve as Chair*
5 *or Co-Chairs of the CSMAC.*

6 “(B) *SERVICE.*—*The Chair, or Co-Chairs,*
7 *as the case may be, shall serve at the pleasure*
8 *and discretion of the Under Secretary.*

9 “(4) *VACANCY.*—*A vacancy on the CSMAC shall*
10 *be filled in the manner in which the original appoint-*
11 *ment was made and the member so appointed shall*
12 *serve for the remainder of the term.*

13 “(5) *COMPENSATION.*—*The members of the*
14 *CSMAC shall serve without compensation.*

15 “(d) *SUBCOMMITTEES.*—

16 “(1) *AUTHORITY.*—*Subject to the approval of the*
17 *Under Secretary, as the Under Secretary determines*
18 *necessary for the performance by the CSMAC of the*
19 *duties described under subsection (b), the CSMAC*
20 *may establish subcommittees, working groups, stand-*
21 *ing committees, ad hoc groups, task groups, or other*
22 *subgroups of the CSMAC.*

23 “(2) *LIMITATIONS AND ADDITIONAL PARTICIPA-*
24 *TION.*—*Any subcommittee, working group, standing*

1 *committee, ad hoc group, task group, or other sub-*
2 *group established under paragraph (1)—*

3 *“(A) shall report to the CSMAC;*

4 *“(B) may not provide any advice, rec-*
5 *ommendation, or other work product directly to*
6 *the Under Secretary; and*

7 *“(C) may seek participation by any person*
8 *who is not a member of the CSMAC to inform*
9 *the activity of such subcommittee, working*
10 *group, standing committee, ad hoc group, task*
11 *group, or other subgroup.*

12 *“(e) DURATION.—Section 1013(a)(2)(B) of title 5,*
13 *United States Code (relating to the termination of advisory*
14 *committees) shall not apply to the CSMAC.”.*

15 **SEC. 206. INCUMBENT INFORMING CAPABILITY.**

16 *Part B of the National Telecommunications and Infor-*
17 *mation Administration Organization Act (47 U.S.C. 921*
18 *et seq.) is amended by adding at the end the following:*

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

20 *“(a) IN GENERAL.—The Under Secretary shall—*

21 *“(1) not later than 120 days after the date of the*
22 *enactment of this section, begin to amend the Depart-*
23 *ment of Commerce spectrum management document*
24 *entitled ‘Manual of Regulations and Procedures for*

1 *Federal Radio Frequency Management’ so as to incor-*
2 *porate an incumbent informing capability; and*

3 *“(2) not later than the date on which amounts*
4 *appropriated to carry out this section are first made*
5 *available, begin to implement such capability, includ-*
6 *ing the development and testing of such capability.*

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

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

16 *“(2) REQUIREMENTS FOR SYSTEM.—The system*
17 *required by paragraph (1) shall contain, at a min-*
18 *imum, the following:*

19 *“(A) One or more mechanisms to allow non-*
20 *Federal use in covered spectrum, as authorized*
21 *by the rules of the Commission. Such mechanism*
22 *or mechanisms shall include interfaces to com-*
23 *mmercial sharing systems, as appropriate.*

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

4 “(C) *One or more mechanisms to prevent,*
5 *eliminate, or mitigate harmful interference to in-*
6 *cumbent Federal entities, including one or more*
7 *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 Com-*
20 *mission.*

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

24 “(A) *input into the system required by*
25 *paragraph (1) such information as the Under*

1 *Secretary may require, including the frequency,*
2 *time, and location of the use of the band by such*
3 *Federal entity; and*

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

7 “(5) *PROTECTION OF CLASSIFIED INFORMATION*
8 *AND CONTROLLED UNCLASSIFIED INFORMATION.—The*
9 *system required by paragraph (1) shall contain ap-*
10 *propriate measures to protect classified information*
11 *and controlled unclassified information, including*
12 *any such classified information or controlled unclassi-*
13 *fied information that relates to military operations.*

14 “(c) *BRIEFING.—Not later than 1 year after the date*
15 *on which amounts appropriated to carry out this section*
16 *are first made available, the Under Secretary shall provide*
17 *a briefing on the implementation of this section to the Com-*
18 *mittee on Energy and Commerce of the House of Represent-*
19 *atives and the Committee on Commerce, Science, and*
20 *Transportation of the Senate.*

21 “(d) *DEFINITIONS.—In this section:*

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

24 “(A) *electromagnetic spectrum for which*
25 *usage rights are assigned to or authorized for*

1 *(including before the date on which the incum-*
2 *bent informing capability required by subsection*
3 *(a) is implemented) a non-Federal user or class*
4 *of non-Federal users for use on a shared basis*
5 *with an incumbent Federal entity in accordance*
6 *with the rules of the Commission; and*

7 *“(B) electromagnetic spectrum allocated on*
8 *a primary or co-primary basis for Federal use*
9 *that is shared among Federal entities.*

10 *“(2) FEDERAL ENTITY.—The term ‘Federal enti-*
11 *ty’ has the meaning given such term in section 113(l).*

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

15 *“(e) RULE OF CONSTRUCTION.—Nothing in this sec-*
16 *tion may be construed to alter or expand the authority of*
17 *the NTIA as described in section 113(j)(1).”.*

18 **SEC. 207. VOLUNTARY CRITERIA, STANDARDS, RATINGS,**
19 **AND OTHER MEASURES FOR CERTAIN RADIO**
20 **RECEIVERS.**

21 *(a) ESTABLISHMENT OF WORKING GROUP.—*

22 *(1) IN GENERAL.—Not later than 90 days after*
23 *the date of the enactment of this Act, the Under Sec-*
24 *retary shall convene a working group to assist the*
25 *Under Secretary in developing, and periodically up-*

1 *dating, voluntary criteria, standards, ratings, and*
2 *other measures with respect to radio receivers oper-*
3 *ating in Federal systems in spectrum bands allocated*
4 *for exclusive Federal use.*

5 (2) *PURPOSE.—The purpose of the voluntary cri-*
6 *teria, standards, ratings, and other measures devel-*
7 *oped, and periodically updated, by the Under Sec-*
8 *retary under this section, with the assistance of the*
9 *working group, shall be to provide guidance on the*
10 *design, manufacture, and sale of radio receivers de-*
11 *signed (in whole or in part) to operate in Federal*
12 *systems in spectrum bands allocated for exclusive*
13 *Federal use—*

14 (A) *with respect to the incorporation of ap-*
15 *propriate measures to mitigate, or enhance resil-*
16 *iency to, potential harmful interference; and*

17 (B) *with the goal of ensuring that the rea-*
18 *sonable current and future use of cochannel and*
19 *non-cochannel spectrum, including use by non-*
20 *Federal systems of spectrum designated by the*
21 *Commission for commercial operations, will not*
22 *result in the operation of such receivers being se-*
23 *riously degraded or obstructed, including such*
24 *operation being repeatedly interrupted.*

1 (3) *CHAIR; MEMBERS; PARTICIPATION BY FED-*
2 *ERAL ENTITIES.—*

3 (A) *CHAIR AND MEMBERS.—The Chair of*
4 *the working group shall be the Under Secretary*
5 *and the working group shall include representa-*
6 *tives from the following:*

7 (i) *The Commission.*

8 (ii) *The communications industry.*

9 (iii) *Academia.*

10 (iv) *Entities that manufacture radio*
11 *receivers.*

12 (v) *Entities that establish technical*
13 *specifications for radio receivers.*

14 (B) *PARTICIPATION BY FEDERAL ENTI-*
15 *TIES.—The Under Secretary shall invite a rep-*
16 *resentative from each Federal entity to partici-*
17 *pate in the working group.*

18 (4) *FEDERAL ADVISORY COMMITTEE ACT EXEMP-*
19 *TION.—Chapter 10 of title 5, United States Code,*
20 *shall not apply to the working group.*

21 (b) *PUBLICATION OF VOLUNTARY CRITERIA, STAND-*
22 *ARDS, RATINGS, AND OTHER MEASURES.—Not later than*
23 *18 months after the date on which the working group is*
24 *convened, the Under Secretary shall publish, consistent with*
25 *the protection of classified information and intelligence*

1 *sources and methods, the voluntary criteria, standards, rat-*
2 *ings, and other measures developed pursuant to subsection*
3 *(a) on a publicly accessible page on the website of the NTIA*
4 *and in the Federal Register.*

5 *(c) PERIODIC REVIEW AND UPDATE.—Not less fre-*
6 *quently than every 4 years, the Under Secretary shall re-*
7 *view and update, if appropriate, the voluntary criteria,*
8 *standards, ratings, and other measures published under*
9 *subsection (b). Any such update shall be published as de-*
10 *scribed in subsection (b) not later than 14 days after the*
11 *date on which the update is completed.*

12 *(d) CONSIDERATION.—In developing, and periodically*
13 *updating, voluntary criteria, standards, ratings, and other*
14 *measures under this section, the Under Secretary shall take*
15 *into consideration the unique technical and operational*
16 *characteristics of different Federal systems.*

17 *(e) RULE OF CONSTRUCTION.—Nothing in this section*
18 *may be construed to provide authority for the establishment*
19 *of any—*

20 *(1) mandatory criteria, standards, ratings, or*
21 *other measures; or*

22 *(2) voluntary criteria, standards, ratings, or*
23 *other measures with technical parameters not deter-*
24 *mined by the Under Secretary.*

25 *(f) DEFINITIONS.—In this section:*

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

5 (2) *FEDERAL SYSTEM*.—The term “Federal sys-
6 tem” means a system of radio stations belonging to
7 and operated by the Federal Government that receives
8 radio frequency signals on spectrum that is allocated
9 exclusively for Federal use or allocated for shared
10 Federal and non-Federal use.

11 (3) *WORKING GROUP*.—The term “working
12 group” means the working group convened under sub-
13 section (a)(1).

14 **TITLE III—OFFICE OF INTERNET** 15 **CONNECTIVITY AND GROWTH**

16 **SEC. 301. NATIONAL STRATEGY TO CLOSE DIGITAL DIVIDE.**

17 (a) *NATIONAL STRATEGY*.—

18 (1) *IN GENERAL*.—Not later than 18 months
19 after the date of the enactment of this Act, the Under
20 Secretary, in consultation with the heads of the cov-
21 ered agencies, shall develop and submit to the appro-
22 priate committees of Congress a National Strategy to
23 Close the Digital Divide to—

24 (A) support better management of Federal
25 broadband programs to deliver on the goal of

1 *providing high-speed, affordable broadband*
2 *internet access service to all individuals in the*
3 *United States;*

4 *(B) synchronize interagency coordination*
5 *among covered agencies for Federal broadband*
6 *programs;*

7 *(C) synchronize interagency coordination*
8 *regarding the process for approving the grant of*
9 *an easement, right of way, or lease to, in, over,*
10 *or on a building or any other property owned by*
11 *the Federal Government for the right to install,*
12 *construct, modify, or maintain infrastructure*
13 *with respect to broadband internet access service;*
14 *and*

15 *(D) reduce barriers, lower costs, and ease*
16 *administrative burdens for State, local, and*
17 *Tribal governments to participate in Federal*
18 *broadband programs.*

19 (2) *REQUIRED CONTENTS.—The Strategy shall—*

20 *(A) list all—*

21 *(i) Federal broadband programs; and*

22 *(ii) programs known to the NTIA that*
23 *exist at the State and local levels that are*
24 *directly or indirectly intended to increase*
25 *the deployment of, access to, the afford-*

1 *ability of, or the adoption of broadband*
2 *internet access service;*

3 *(B) describe current, as of the date on which*
4 *the Strategy is submitted, Federal efforts to co-*
5 *ordinate Federal broadband programs;*

6 *(C) identify gaps, limitations, and require-*
7 *ments, including with respect to laws and data,*
8 *that hinder, or may hinder, coordination across*
9 *Federal broadband programs;*

10 *(D) establish clear roles and responsibilities*
11 *for the heads of the covered agencies, as well as*
12 *clear goals, objectives, and performance meas-*
13 *ures, for—*

14 *(i) the management of all Federal*
15 *broadband programs; and*

16 *(ii) interagency coordination efforts*
17 *with respect to Federal broadband pro-*
18 *grams;*

19 *(E) address the sources and types of re-*
20 *sources and investments needed by covered agen-*
21 *cies to carry out the Strategy, and where those*
22 *resources and investments should be targeted*
23 *based on balancing risk reductions with costs;*

24 *(F) address factors that increase the costs*
25 *and administrative burdens for State, local, and*

1 *Tribal governments with respect to participation*
2 *in Federal broadband programs;*

3 *(G) recommend incentives, legislative solu-*
4 *tions, and administrative actions to help State,*
5 *local, and Tribal governments more efficiently—*

6 *(i) distribute, and effectively admin-*
7 *ister, funding received from Federal*
8 *broadband programs; and*

9 *(ii) resolve conflicts with respect to the*
10 *funding described in clause (i);*

11 *(H) recommend incentives, legislative solu-*
12 *tions, and administrative actions to—*

13 *(i) improve the coordination and man-*
14 *agement of Federal broadband programs;*
15 *and*

16 *(ii) eliminate duplication with respect*
17 *to Federal broadband programs;*

18 *(I) describe current, as of the date on which*
19 *the Strategy is submitted, efforts by covered*
20 *agencies to streamline the process for granting*
21 *access to an easement, right of way, or lease to,*
22 *in, over, or on a building or any other property*
23 *owned by the Federal Government for the right*
24 *to install, construct, modify, or maintain infra-*

1 *structure with respect to broadband internet ac-*
2 *cess service;*

3 *(J) identify gaps and limitations with re-*
4 *spect to allowing regional, interstate, or cross-*
5 *border economic development organizations to*
6 *participate in Federal broadband programs; and*

7 *(K) address specific issues relating to clos-*
8 *ing the digital divide on Tribal lands.*

9 (3) *PUBLIC CONSULTATION.*—*In developing the*
10 *Strategy, the Under Secretary shall consult with—*

11 *(A) groups that represent consumers or the*
12 *interests of the public, including economically or*
13 *socially disadvantaged individuals;*

14 *(B) subject matter experts;*

15 *(C) providers of broadband internet access*
16 *service;*

17 *(D) Tribal entities; and*

18 *(E) State and local agencies and entities.*

19 (b) *IMPLEMENTATION PLAN.*—

20 (1) *IN GENERAL.*—*Not later than 240 days after*
21 *the date on which the Under Secretary submits the*
22 *Strategy to the appropriate committees of Congress*
23 *under subsection (a)(1), the Under Secretary, in con-*
24 *sultation with the heads of the covered agencies, shall*

1 *develop and submit to the appropriate committees of*
2 *Congress an implementation plan for the Strategy.*

3 (2) *REQUIRED CONTENTS.—The Implementation*
4 *Plan shall, at a minimum—*

5 (A) *provide a plan for implementing the*
6 *roles, responsibilities, goals, objectives, and per-*
7 *formance measures for the management of Fed-*
8 *eral broadband programs and interagency co-*
9 *ordination efforts identified in the Strategy;*

10 (B) *provide a plan for coordinating with*
11 *covered agencies on the roles, responsibilities,*
12 *goals, objectives, and performance measures iden-*
13 *tified in the Strategy;*

14 (C) *describe the roles and responsibilities of*
15 *the covered agencies, and the interagency mecha-*
16 *nisms, to coordinate the implementation of the*
17 *Strategy;*

18 (D) *provide a plan for regular meetings*
19 *among the heads of the covered agencies to co-*
20 *ordinate the implementation of the Strategy and*
21 *improve coordination among Federal broadband*
22 *programs and for permitting processes for infra-*
23 *structure with respect to broadband internet ac-*
24 *cess service;*

1 (E) provide a plan for regular engagement
2 with interested members of the public to evaluate
3 Federal broadband programs, permitting proc-
4 esses for infrastructure with respect to broadband
5 internet access service, and progress in imple-
6 menting the Strategy;

7 (F) with respect to the awarding of Federal
8 funds or subsidies to support the deployment of
9 broadband internet access service, provide a plan
10 for the adoption of—

11 (i) common data sets to use when mak-
12 ing awards, including a requirement that
13 covered agencies use the maps created under
14 title VIII of the Communications Act of
15 1934 (47 U.S.C. 641 et seq.); and

16 (ii) applications regarding those
17 awards, as described in section 903(e) of the
18 ACCESS BROADBAND Act (47 U.S.C.
19 1307(e));

20 (G) provide a plan to monitor and reduce
21 waste, fraud, and abuse in Federal broadband
22 programs, including wasteful spending resulting
23 from fragmented, overlapping, and unnecessarily
24 duplicative programs;

1 (H) require consistent obligation and ex-
2 penditure reporting by covered agencies for Fed-
3 eral broadband programs, which shall be con-
4 sistent with section 903(c)(2) of the ACCESS
5 BROADBAND Act (47 U.S.C. 1307(c)(2));

6 (I) provide a plan to—

7 (i) increase awareness of, and partici-
8 pation and enrollment in, Federal
9 broadband programs relating to the afford-
10 ability and adoption of broadband internet
11 access service;

12 (ii) adopt common data sets to evalu-
13 ate the performance of such Federal
14 broadband programs and make such data
15 sets available as open Government data as-
16 sets; and

17 (iii) address barriers to participation
18 in such Federal broadband programs for eli-
19 gible households;

20 (J) provide a plan to monitor the service of-
21 ferings, consistency, and quality of broadband
22 internet access service supported by Federal
23 broadband programs; and

1 (K) describe the administrative and legisla-
2 tive action that is necessary to carry out the
3 Strategy.

4 (3) *PUBLIC COMMENT.*—Not later than 30 days
5 after the date on which the Under Secretary submits
6 the Strategy to the appropriate committees of Con-
7 gress under subsection (a)(1), the Under Secretary
8 shall seek public comment regarding the development
9 and execution of the Implementation Plan.

10 (c) *BRIEFINGS AND IMPLEMENTATION.*—

11 (1) *BRIEFING.*—Not later than 21 days after the
12 date on which the Under Secretary submits the Imple-
13 mentation Plan to the appropriate committees of
14 Congress under subsection (b)(1), the Under Sec-
15 retary, and appropriate representatives from the cov-
16 ered agencies involved in the formulation of the Strat-
17 egy, shall provide a briefing on the implementation of
18 the Strategy to the appropriate committees of Con-
19 gress.

20 (2) *IMPLEMENTATION.*—The Under Secretary
21 shall—

22 (A) implement the Strategy in accordance
23 with the terms of the Implementation Plan; and

24 (B) not later than 90 days after the date on
25 which the Under Secretary begins to implement

1 *the Strategy, and not less frequently than once*
2 *every 90 days thereafter until the date on which*
3 *the Implementation Plan is fully implemented,*
4 *brief the appropriate committees of Congress on*
5 *the progress in implementing the Implementa-*
6 *tion Plan.*

7 (d) *GOVERNMENT ACCOUNTABILITY OFFICE STUDY*
8 *AND REPORT.—*

9 (1) *STUDY.—The Comptroller General of the*
10 *United States shall conduct a study that shall—*

11 (A) *examine the efficacy of the Strategy and*
12 *the Implementation Plan in closing the digital*
13 *divide; and*

14 (B) *make recommendations regarding how*
15 *to improve the Strategy and the Implementation*
16 *Plan.*

17 (2) *REPORT.—Not later than 1 year after the*
18 *date on which the Under Secretary submits the Imple-*
19 *mentation Plan to the appropriate committees of*
20 *Congress under subsection (b)(1), the Comptroller*
21 *General shall submit to the appropriate committees of*
22 *Congress a report on the results of the study con-*
23 *ducted under paragraph (1).*

24 (e) *RULE OF CONSTRUCTION.—Nothing in this section*
25 *may be construed to affect the authority or jurisdiction of*

1 *the Commission or confer upon the Under Secretary or any*
2 *executive agency the power to direct the actions of the Com-*
3 *mission, either directly or indirectly.*

4 (f) *DEFINITIONS.—In this section:*

5 (1) *APPROPRIATE COMMITTEES OF CONGRESS.—*

6 *The term “appropriate committees of Congress”*
7 *means—*

8 (A) *the Committee on Commerce, Science,*
9 *and Transportation of the Senate; and*

10 (B) *the Committee on Energy and Com-*
11 *merce of the House of Representatives.*

12 (2) *COVERED AGENCIES.—The term “covered*
13 *agencies” means—*

14 (A) *the Commission;*

15 (B) *the Department of Agriculture;*

16 (C) *the NTIA;*

17 (D) *the Department of Health and Human*
18 *Services;*

19 (E) *the Appalachian Regional Commission;*

20 (F) *the Delta Regional Authority;*

21 (G) *the Economic Development Administra-*
22 *tion;*

23 (H) *the Department of Education;*

24 (I) *the Department of the Treasury;*

25 (J) *the Department of Transportation;*

1 (K) *the Institute of Museum and Library*
2 *Services;*

3 (L) *the Northern Border Regional Commis-*
4 *sion;*

5 (M) *the Department of Housing and Urban*
6 *Development; and*

7 (N) *the Department of the Interior.*

8 (3) *FEDERAL BROADBAND PROGRAM.—The term*
9 *“Federal broadband program” means any program*
10 *administered by a covered agency that is directly or*
11 *indirectly intended to increase the deployment of, ac-*
12 *cess to, the affordability of, or the adoption of*
13 *broadband internet access service.*

14 (4) *IMPLEMENTATION PLAN.—The term “Imple-*
15 *mentation Plan” means the implementation plan de-*
16 *veloped under subsection (b)(1).*

17 (5) *STATE.—The term “State” means each State*
18 *of the United States, the District of Columbia, and*
19 *each commonwealth, territory, or possession of the*
20 *United States.*

21 (6) *STRATEGY.—The term “Strategy” means the*
22 *National Strategy to Close the Digital Divide devel-*
23 *oped under subsection (a)(1).*

1 **TITLE IV—OFFICE OF POLICY DE-**
2 **VELOPMENT AND CYBERSE-**
3 **CURITY**

4 **SEC. 401. OFFICE OF POLICY DEVELOPMENT AND CYBERSE-**
5 **CURITY.**

6 (a) *IN GENERAL.*—Part A of the National Tele-
7 communications and Information Administration Organi-
8 zation Act (47 U.S.C. 901 et seq.), as amended by the pre-
9 ceding provisions of this Act, is further amended by adding
10 at the end the following:

11 **“SEC. 110. OFFICE OF POLICY DEVELOPMENT AND CYBER-**
12 **SECURITY.**

13 “(a) *ESTABLISHMENT.*—There is established within
14 the NTIA an Office of Policy Development and Cybersecu-
15 rity (in this section referred to as the ‘Office’).

16 “(b) *HEAD OF OFFICE.*—

17 “(1) *IN GENERAL.*—The head of the Office shall
18 be an Associate Administrator for Policy Development
19 and Cybersecurity (in this section referred to as the
20 ‘Associate Administrator’).

21 “(2) *CAREER POSITION.*—The position of Asso-
22 ciate Administrator shall be a career position in the
23 Senior Executive Service occupied by a career ap-
24 pointee (as that term is defined in section 3132(a)(4)
25 of title 5, United States Code).

1 “(3) *REQUIREMENT TO REPORT.*—*The Associate*
2 *Administrator shall report to the Under Secretary (or*
3 *a designee of the Under Secretary).*

4 “(c) *DUTIES.*—

5 “(1) *IN GENERAL.*—*The Associate Administrator*
6 *shall, at the direction of the Under Secretary, oversee*
7 *and conduct national communications and informa-*
8 *tion policy analysis and development for the internet*
9 *and communications technologies.*

10 “(2) *PARTICULAR DUTIES.*—*In carrying out*
11 *paragraph (1), the Associate Administrator shall, at*
12 *the direction of the Under Secretary—*

13 “(A) *develop, analyze, and advocate for*
14 *market-based policies that promote innovation,*
15 *competition, consumer access, digital inclusion,*
16 *workforce development, and economic growth in*
17 *the communications, media, and technology mar-*
18 *kets;*

19 “(B) *conduct studies, as delegated by the*
20 *Under Secretary or required by Congress, on how*
21 *individuals in the United States access and use*
22 *the internet, wireline and wireless telephony,*
23 *mass media, other digital services, and video*
24 *services;*

1 “(C) coordinate transparent, consensus-
2 based, multistakeholder processes to create guid-
3 ance for and to support the development and im-
4 plementation of cybersecurity and privacy poli-
5 cies with respect to the internet and other com-
6 munications networks;

7 “(D) promote increased collaboration be-
8 tween security researchers and providers of com-
9 munications services and software system devel-
10 opers;

11 “(E) perform such duties as the Under Sec-
12 retary considers appropriate relating to the pro-
13 gram for preventing future vulnerabilities estab-
14 lished under section 8(a) of the Secure and
15 Trusted Communications Networks Act of 2019
16 (47 U.S.C. 1607(a));

17 “(F) advocate for policies that promote the
18 security and resilience to cybersecurity incidents
19 of communications networks while fostering in-
20 novation, including policies that promote secure
21 communications network supply chains;

22 “(G) present security of the digital economy
23 and infrastructure and cybersecurity policy ef-
24 forts before the Commission, Congress, and else-
25 where;

1 “(H) provide advice and assistance to the
2 Under Secretary in carrying out the policy re-
3 sponsibilities of the NTIA with respect to cyber-
4 security policy matters, including the evaluation
5 of the impact of cybersecurity matters pending
6 before the Commission, other Federal agencies,
7 and Congress;

8 “(I) in addition to the duties described in
9 subparagraph (H), perform such other duties re-
10 garding the policy responsibilities of the NTIA
11 with respect to cybersecurity policy matters as
12 the Under Secretary considers appropriate;

13 “(J) develop policies to accelerate innova-
14 tion and commercialization with respect to ad-
15 vances in technological understanding of commu-
16 nications technologies;

17 “(K) identify barriers to trust, security, in-
18 novation, and commercialization with respect to
19 communications technologies, including access to
20 capital and other resources, and ways to over-
21 come such barriers;

22 “(L) provide public access to relevant data,
23 research, and technical assistance on innovation
24 and commercialization with respect to commu-

1 *nications technologies, consistent with the protec-*
2 *tion of classified information;*

3 *“(M) strengthen collaboration on and co-*
4 *ordination of policies relating to innovation and*
5 *commercialization with respect to communica-*
6 *tions technologies, including policies focused on*
7 *the needs of small businesses and rural commu-*
8 *nities—*

9 *“(i) within the Department of Com-*
10 *merce;*

11 *“(ii) between the Department of Com-*
12 *merce and State government agencies, as*
13 *appropriate; and*

14 *“(iii) between the Department of Com-*
15 *merce and the Commission or any other*
16 *Federal agency the Under Secretary deter-*
17 *mines to be necessary; and*

18 *“(N) solicit and consider feedback from*
19 *small and rural communications service pro-*
20 *viders, as appropriate.”.*

21 *(b) REDESIGNATION OF ASSOCIATE ADMINISTRATOR;*

22 *CONTINUATION OF SERVICE.—*

23 *(1) REDESIGNATION.—The position of Associate*
24 *Administrator for Policy Analysis and Development*
25 *at the NTIA is hereby redesignated as the position of*

1 *Associate Administrator for Policy Development and*
2 *Cybersecurity.*

3 (2) *CONTINUATION OF SERVICE.*—*The individual*
4 *-serving as Associate Administrator for Policy Anal-*
5 *ysis and Development at the NTIA on the date of the*
6 *enactment of this Act shall become, as of such date,*
7 *the Associate Administrator for Policy Development*
8 *and Cybersecurity.*

9 **SEC. 402. ECONOMIC COMPETITIVENESS OF INFORMATION**
10 **AND COMMUNICATION TECHNOLOGY SUPPLY**
11 **CHAIN.**

12 (a) *REPORT.*—*Not later than 1 year after the date of*
13 *the enactment of this Act, the Secretary shall submit to the*
14 *Committee on Energy and Commerce of the House of Rep-*
15 *resentatives and the Committee on Commerce, Science, and*
16 *Transportation of the Senate a report on the information*
17 *and communication technology supply chain that—*

18 (1) *identifies—*

19 (A) *information and communication tech-*
20 *nology critical to the economic competitiveness of*
21 *the United States; and*

22 (B) *the industrial capacity of—*

23 (i) *United States vendors that produce*
24 *information and communication technology*
25 *identified under subparagraph (A); and*

1 (ii) trusted information and commu-
2 nication technology vendors that produce
3 information and communication technology
4 identified under subparagraph (A);

5 (2) assesses the economic competitiveness of ven-
6 dors described under paragraph (1)(B);

7 (3) assesses whether, and to what extent, there is
8 a dependence by providers of advanced telecommuni-
9 cations capability in the United States on informa-
10 tion and communication technology identified under
11 paragraph (1)(A) that is not trusted;

12 (4) identifies—

13 (A) what actions by the Federal Govern-
14 ment are needed to support, and bolster the eco-
15 nomic competitiveness of, trusted information
16 and communication technology vendors; and

17 (B) what Federal resources are needed to re-
18 duce dependence by providers of advanced tele-
19 communications capability in the United States
20 on companies that—

21 (i) produce information and commu-
22 nication technology; and

23 (ii) are not trusted; and

24 (5) defines lines of effort and assigns responsibil-
25 ities for a whole-of-Government response to ensuring

1 *the competitiveness of the information and commu-*
2 *nication technology supply chain in the United*
3 *States.*

4 *(b) WHOLE-OF-GOVERNMENT STRATEGY.—*

5 *(1) IN GENERAL.—The Secretary shall develop,*
6 *on the basis of the report required by subsection (a),*
7 *a whole-of-Government strategy to ensure the eco-*
8 *nomics competitiveness of trusted information and*
9 *communication technology vendors that includes—*

10 *(A) recommendations on how—*

11 *(i) to strengthen the structure, re-*
12 *sources, and authorities of the Federal Gov-*
13 *ernment to support the economic competi-*
14 *tiveness of trusted information and commu-*
15 *nication technology vendors, including*
16 *United States vendors that are trusted in-*
17 *formation and communication technology*
18 *vendors; and*

19 *(ii) the Federal Government can ad-*
20 *dress any barriers to a market-based solu-*
21 *tion for increasing the economic competi-*
22 *tiveness of such information and commu-*
23 *nication technology vendors;*

1 (B) defined lines of effort and responsibil-
2 ities for Federal agencies to implement the strat-
3 egy; and

4 (C) a description of—

5 (i) any change to a Federal program,
6 Federal law, or structure of the Federal
7 Government necessary to implement any
8 recommendation under subparagraph (A);
9 and

10 (ii) any additional Federal resource
11 necessary to implement any recommenda-
12 tion under subparagraph (A).

13 (2) *REPORT.*—Not later than 180 days after the
14 submission of the report required by subsection (a),
15 the Secretary shall submit to the Committee on En-
16 ergy and Commerce of the House of Representatives
17 and the Committee on Commerce, Science, and Trans-
18 portation of the Senate a report containing the strat-
19 egy developed under paragraph (1).

20 (c) *CONSULTATION REQUIRED.*—In carrying out sub-
21 sections (a) and (b), the Secretary shall consult with—

22 (1) a cross-section of trusted information and
23 communication technology vendors; and

24 (2) the Secretary of State, the Secretary of
25 Homeland Security, the Attorney General, the Direc-

1 *tor of National Intelligence, the Chair of the Commis-*
2 *sion, and any other head of an agency the Secretary*
3 *determines necessary.*

4 *(d) DEFINITIONS.—In this section:*

5 *(1) ADVANCED TELECOMMUNICATIONS CAPA-*
6 *BILITY.—The term “advanced telecommunications ca-*
7 *pability” has the meaning given that term in section*
8 *706(d) of the Telecommunications Act of 1996 (47*
9 *U.S.C. 1302(d)).*

10 *(2) INFORMATION AND COMMUNICATION TECH-*
11 *NOLOGY.—The term “information and communica-*
12 *tion technology” means a technology (including soft-*
13 *ware), component, or material that enables commu-*
14 *nications by radio or wire.*

15 *(3) INFORMATION AND COMMUNICATION TECH-*
16 *NOLOGY SUPPLY CHAIN.—The term “information and*
17 *communication technology supply chain” means all of*
18 *the companies that produce information and commu-*
19 *nication technology.*

20 *(4) NOT TRUSTED.—The term “not trusted”*
21 *means, with respect to a company or information and*
22 *communication technology, that the company or in-*
23 *formation and communication technology is deter-*
24 *mined by the Secretary to pose an unacceptable risk*
25 *to the national security of the United States or the se-*

1 *curity and safety of United States persons based sole-*
2 *ly on one or more determinations described under*
3 *paragraphs (1) through (4) of section 2(c) of the Se-*
4 *ecure and Trusted Communications Networks Act of*
5 *2019 (47 U.S.C. 1601(c)).*

6 (5) *SECRETARY.*—*The term “Secretary” means*
7 *the Secretary of Commerce, acting through the Under*
8 *Secretary.*

9 (6) *TRUSTED.*—*The term “trusted” means, with*
10 *respect to a company, that the Secretary has not de-*
11 *termined that the company is not trusted.*

12 (7) *TRUSTED INFORMATION AND COMMUNICATION*
13 *TECHNOLOGY VENDOR.*—*The term “trusted informa-*
14 *tion and communication technology vendor” means a*
15 *company—*

16 (A) *that produces information and commu-*
17 *nication technology; and*

18 (B) *that is trusted.*

19 **SEC. 403. DIGITAL ECONOMY AND CYBERSECURITY BOARD**
20 **OF ADVISORS.**

21 *Part A of the National Telecommunications and Infor-*
22 *mation Administration Organization Act (47 U.S.C. 901*
23 *et seq.), as amended by the preceding provisions of this Act,*
24 *is further amended by adding at the end the following:*

1 **“SEC. 110A. DIGITAL ECONOMY AND CYBERSECURITY**
2 **BOARD OF ADVISORS.**

3 “(a) *ESTABLISHMENT.*—*There is established within*
4 *the NTIA a Digital Economy and Cybersecurity Board of*
5 *Advisors (in this section referred to as the ‘Board’).*

6 “(b) *DUTIES.*—*The Board shall provide to the Under*
7 *Secretary recommendations (for implementation by the*
8 *Under Secretary or that the Under Secretary could rec-*
9 *ommend for implementation by other appropriate entities)*
10 *with respect to the following:*

11 “(1) *Technical cybersecurity best practices that*
12 *enable economic growth while securing information*
13 *and communications networks, including practices*
14 *that Federal and non-Federal entities can implement*
15 *to secure internet routing protocols, including the*
16 *Border Gateway Protocol used by Federal and non-*
17 *Federal entities.*

18 “(2) *Cybersecurity policies to support the devel-*
19 *opment and implementation of cybersecurity practices*
20 *with respect to the internet and information and com-*
21 *munications networks.*

22 “(3) *Policies that foster collaboration through*
23 *public-private partnerships to promote the security*
24 *and resilience to cybersecurity incidents of informa-*
25 *tion and communications networks while fostering in-*
26 *novation, including policies that promote secure sup-*

1 *ply chains for information and communications net-*
2 *works.*

3 “(4) *Policies to remove barriers to trust, secu-*
4 *rity, innovation, and commercialization with respect*
5 *to information and communications networks.*

6 “(c) *MEMBERS.—*

7 “(1) *COMPOSITION.—*

8 “(A) *IN GENERAL.—The Board shall be*
9 *composed of not fewer than 5, and not more than*
10 *25, members appointed by the Under Secretary.*

11 “(B) *EXPERTISE.—Each member of the*
12 *Board shall have cybersecurity or supply chain*
13 *security technical expertise, cybersecurity or sup-*
14 *ply chain security policy expertise, or expertise*
15 *in managing or overseeing the cybersecurity or*
16 *supply chain security functions of a business.*

17 “(C) *REPRESENTATION.—In appointing*
18 *members of the Board under subparagraph (A),*
19 *the Under Secretary shall ensure that the mem-*
20 *bers appointed provide a balanced representation*
21 *of the following:*

22 “(i) *Chief cybersecurity officers or*
23 *other qualified individuals employed in cy-*
24 *bersecurity positions, representing both the*
25 *public and private sectors.*

1 “(ii) *Persons who operate or maintain*
2 *information and communications networks,*
3 *including persons who operate or maintain*
4 *small or rural information and communica-*
5 *tions networks.*

6 “(iii) *Vendors that produce or provide*
7 *equipment used in information and commu-*
8 *nications networks.*

9 “(iv) *Vendors that produce or provide*
10 *software used in information and commu-*
11 *nications networks.*

12 “(v) *Persons who operate or maintain*
13 *internet applications.*

14 “(2) *TERMS.—*

15 “(A) *IN GENERAL.—Except as provided in*
16 *subparagraphs (C) and (D), each member of the*
17 *Board shall be appointed for a term of a length*
18 *not to exceed 2 years, to be determined by the*
19 *Under Secretary.*

20 “(B) *REAPPOINTMENT.—A member of the*
21 *Board, including a member appointed to fill a*
22 *vacancy as provided in subparagraph (D), may*
23 *be reappointed for 1 or more additional terms by*
24 *the Under Secretary.*

1 “(C) *REMOVAL.*—*The Under Secretary may*
2 *remove a member of the Board at the discretion*
3 *of the Under Secretary.*

4 “(D) *VACANCY.*—*Any member of the Board*
5 *appointed to fill a vacancy occurring before the*
6 *expiration of the term for which the predecessor*
7 *of the member was appointed shall be appointed*
8 *only for the remainder of such term. A vacancy*
9 *in the Board shall be filled in the manner in*
10 *which the original appointment was made.*

11 “(3) *CHAIR.*—*The Chair of the Board shall be*
12 *the Associate Administrator of the NTIA for Policy*
13 *Development and Cybersecurity.*

14 “(4) *COMPENSATION.*—*The members of the*
15 *Board shall serve without compensation.*

16 “(d) *SUBCOMMITTEES.*—

17 “(1) *AUTHORITY.*—*Subject to the approval of the*
18 *Under Secretary, as the Under Secretary determines*
19 *necessary for the performance by the Board of the du-*
20 *ties described in subsection (b), the Board may estab-*
21 *lish subcommittees, working groups, standing commit-*
22 *tees, ad hoc groups, task groups, or other subgroups*
23 *of the Board.*

24 “(2) *LIMITATION.*—*Any subcommittee, working*
25 *group, standing committee, ad hoc group, task group,*

1 or other subgroup of the Board established under
2 paragraph (1)—

3 “(A) shall report to the Board; and

4 “(B) may not provide any advice, rec-
5 ommendation, or other work product directly to
6 the Under Secretary.

7 “(e) *TERMINATION*.—Notwithstanding section 1013 of
8 title 5, United States Code, the Board shall terminate on
9 the date that is 4 years after the date of the enactment of
10 this section.

11 “(f) *DEFINITIONS*.—In this section:

12 “(1) *BORDER GATEWAY PROTOCOL*.—The term
13 ‘Border Gateway Protocol’ means the routing protocol
14 used to exchange network reachability information
15 among independently managed networks on the inter-
16 net.

17 “(2) *INFORMATION AND COMMUNICATIONS NET-*
18 *WORK*.—The term ‘information and communications
19 network’ means a network that provides advanced
20 telecommunications capability (as defined in section
21 706(d) of the Telecommunications Act of 1996 (47
22 U.S.C. 1302(d))).”.

23 **SEC. 404. CYBERSECURITY LITERACY.**

24 (a) *SENSE OF CONGRESS*.—It is the sense of Congress
25 that the United States has a national security and economic

1 *interest in promoting cybersecurity literacy amongst the*
2 *general public.*

3 **(b) IN GENERAL.**—*The Under Secretary shall develop*
4 *and conduct a cybersecurity literacy campaign (which shall*
5 *be available in multiple languages and formats, if prac-*
6 *ticable) to increase the knowledge and awareness of individ-*
7 *uals in the United States with respect to best practices to*
8 *reduce cybersecurity risks.*

9 **(c) CAMPAIGN REQUIREMENTS.**—*In carrying out sub-*
10 *section (b), the Under Secretary shall—*

11 **(1)** *educate individuals in the United States on*
12 *how to prevent and mitigate cyberattacks and cyberse-*
13 *curity risks, including by—*

14 **(A)** *instructing such individuals on how to*
15 *identify—*

16 **(i)** *phishing emails and messages; and*

17 **(ii)** *secure websites;*

18 **(B)** *instructing such individuals about the*
19 *benefits of changing default passwords on hard-*
20 *ware and software technology;*

21 **(C)** *encouraging the use of cybersecurity*
22 *tools, including—*

23 **(i)** *multi-factor authentication;*

24 **(ii)** *complex passwords;*

25 **(iii)** *anti-virus software;*

1 (iv) patching and updating software
2 and applications; and

3 (v) virtual private networks;

4 (D) identifying the devices that could pose
5 possible cybersecurity risks, including—

6 (i) personal computers;

7 (ii) smartphones;

8 (iii) tablets;

9 (iv) Wi-Fi routers;

10 (v) smart home appliances;

11 (vi) webcams;

12 (vii) internet-connected monitors; and

13 (viii) any other device that can be con-
14 nected to the internet, including mobile de-

15 vices other than smartphones and tablets;

16 (E) encouraging such individuals to—

17 (i) regularly review mobile application
18 permissions;

19 (ii) decline privilege requests from mo-
20 bile applications that are unnecessary;

21 (iii) download applications only from
22 trusted vendors or sources; and

23 (iv) consider a product's life cycle and
24 the developer or manufacturer's commit-
25 ment to providing security updates during

1 *a connected device’s expected period of use;*

2 *and*

3 *(F) identifying the potential cybersecurity*

4 *risks of using publicly available Wi-Fi networks*

5 *and the methods a user may utilize to limit such*

6 *risks; and*

7 *(2) encourage individuals in the United States to*

8 *use resources to help mitigate the cybersecurity risks*

9 *identified in this subsection.*

10 **SEC. 405. UNDERSTANDING CYBERSECURITY OF MOBILE**

11 **NETWORKS.**

12 *(a) IN GENERAL.—Not later than 1 year after the date*

13 *of the enactment of this Act, the Under Secretary, in con-*

14 *sultation with the Department of Homeland Security, shall*

15 *submit to the Committee on Energy and Commerce of the*

16 *House of Representatives and the Committee on Commerce,*

17 *Science, and Transportation of the Senate a report exam-*

18 *ining the cybersecurity of mobile service networks and the*

19 *vulnerability of such networks and mobile devices to*

20 *cyberattacks and surveillance conducted by adversaries.*

21 *(b) MATTERS TO BE INCLUDED.—The report required*

22 *by subsection (a) shall include the following:*

23 *(1) An assessment of the degree to which pro-*

24 *viders of mobile service have addressed, are address-*

25 *ing, or have not addressed cybersecurity*

1 *vulnerabilities (including vulnerabilities the exploi-*
2 *tation of which could lead to surveillance conducted*
3 *by adversaries) identified by academic and inde-*
4 *pendent researchers, multistakeholder standards and*
5 *technical organizations, industry experts, and Federal*
6 *agencies, including in relevant reports of—*

7 *(A) the NTIA;*

8 *(B) the National Institute of Standards and*
9 *Technology; and*

10 *(C) the Department of Homeland Security,*
11 *including—*

12 *(i) the Cybersecurity and Infrastruc-*
13 *ture Security Agency; and*

14 *(ii) the Science and Technology Direc-*
15 *torate.*

16 *(2) A discussion of—*

17 *(A) the degree to which customers (includ-*
18 *ing consumers, companies, and government agen-*
19 *cies) consider cybersecurity as a factor when con-*
20 *sidering the purchase of mobile service and mo-*
21 *bile devices; and*

22 *(B) the commercial availability of tools,*
23 *frameworks, best practices, and other resources*
24 *for enabling such customers to evaluate cyberse-*
25 *curity risk and price tradeoffs.*

1 (3) *A discussion of the degree to which providers*
2 *of mobile service have implemented cybersecurity best*
3 *practices and risk assessment frameworks.*

4 (4) *An estimate and discussion of the prevalence*
5 *and efficacy of encryption and authentication algo-*
6 *rithms and techniques used in each of the following:*

7 (A) *Mobile service.*

8 (B) *Mobile communications equipment or*
9 *services.*

10 (C) *Commonly used mobile phones and*
11 *other mobile devices.*

12 (D) *Commonly used mobile operating sys-*
13 *tems and communications software and applica-*
14 *tions.*

15 (5) *A discussion of the barriers for providers of*
16 *mobile service to adopt more efficacious encryption*
17 *and authentication algorithms and techniques and to*
18 *prohibit the use of older encryption and authentica-*
19 *tion algorithms and techniques with established*
20 *vulnerabilities in mobile service, mobile communica-*
21 *tions equipment or services, and mobile phones and*
22 *other mobile devices.*

23 (6) *An estimate and discussion of the prevalence,*
24 *usage, and availability of technologies that authen-*
25 *ticate legitimate mobile service and mobile commu-*

1 *nications equipment or services to which mobile*
2 *phones and other mobile devices are connected.*

3 *(7) An estimate and discussion of the prevalence,*
4 *costs, commercial availability, and usage by adver-*
5 *saries in the United States of cell site simulators*
6 *(often known as international mobile subscriber iden-*
7 *tity catchers) and other mobile service surveillance*
8 *and interception technologies.*

9 *(c) CONSULTATION.—In preparing the report required*
10 *by subsection (a), the Under Secretary shall, to the degree*
11 *practicable, consult with—*

12 *(1) the Commission;*

13 *(2) the National Institute of Standards and*
14 *Technology;*

15 *(3) the intelligence community;*

16 *(4) the Cybersecurity and Infrastructure Secu-*
17 *rity Agency of the Department of Homeland Security;*

18 *(5) the Science and Technology Directorate of the*
19 *Department of Homeland Security;*

20 *(6) academic and independent researchers with*
21 *expertise in privacy, encryption, cybersecurity, and*
22 *network threats;*

23 *(7) participants in multistakeholder standards*
24 *and technical organizations (including the 3rd Gen-*

1 *eration Partnership Project and the Internet Engi-*
2 *neering Task Force);*

3 *(8) international stakeholders, in coordination*
4 *with the Department of State as appropriate;*

5 *(9) providers of mobile service, including small*
6 *providers (or the representatives of such providers)*
7 *and rural providers (or the representatives of such*
8 *providers);*

9 *(10) manufacturers, operators, and providers of*
10 *mobile communications equipment or services and*
11 *mobile phones and other mobile devices;*

12 *(11) developers of mobile operating systems and*
13 *communications software and applications; and*

14 *(12) other experts that the Under Secretary con-*
15 *siders appropriate.*

16 *(d) SCOPE OF REPORT.—The Under Secretary shall—*

17 *(1) limit the report required by subsection (a) to*
18 *mobile service networks;*

19 *(2) exclude consideration of 5G protocols and*
20 *networks in the report required by subsection (a);*

21 *(3) limit the assessment required by subsection*
22 *(b)(1) to vulnerabilities that have been shown to be—*

23 *(A) exploited in non-laboratory settings; or*

24 *(B) feasibly and practicably exploitable in*
25 *real-world conditions; and*

1 (4) *consider in the report required by subsection*
2 *(a) vulnerabilities that have been effectively mitigated*
3 *by manufacturers of mobile phones and other mobile*
4 *devices.*

5 *(e) FORM OF REPORT.—*

6 (1) *CLASSIFIED INFORMATION.—The report re-*
7 *quired by subsection (a) shall be produced in unclas-*
8 *sified form but may contain a classified annex.*

9 (2) *POTENTIALLY EXPLOITABLE UNCLASSIFIED*
10 *INFORMATION.—The Under Secretary shall redact po-*
11 *tentially exploitable unclassified information from the*
12 *report required by subsection (a) but shall provide an*
13 *unredacted form of the report to the committees de-*
14 *scribed in such subsection.*

15 *(f) DEFINITIONS.—In this section:*

16 (1) *ADVERSARY.—The term “adversary” in-*
17 *cludes—*

18 *(A) any unauthorized hacker or other in-*
19 *truder into a mobile service network; and*

20 *(B) any foreign government or foreign non-*
21 *government person engaged in a long-term pat-*
22 *tern or serious instances of conduct significantly*
23 *adverse to the national security of the United*
24 *States or security and safety of United States*
25 *persons.*

1 (2) *ENTITY.*—*The term “entity” means a part-*
2 *nership, association, trust, joint venture, corporation,*
3 *group, subgroup, or other organization.*

4 (3) *INTELLIGENCE COMMUNITY.*—*The term “in-*
5 *telligence community” has the meaning given that*
6 *term in section 3 of the National Security Act of 1947*
7 *(50 U.S.C. 3003).*

8 (4) *MOBILE COMMUNICATIONS EQUIPMENT OR*
9 *SERVICE.*—*The term “mobile communications equip-*
10 *ment or service” means any equipment or service that*
11 *is essential to the provision of mobile service.*

12 (5) *MOBILE SERVICE.*—*The term “mobile serv-*
13 *ice” means, to the extent provided to United States*
14 *customers, either or both of the following services:*

15 (A) *Commercial mobile service (as defined*
16 *in section 332(d) of the Communications Act of*
17 *1934 (47 U.S.C. 332(d))).*

18 (B) *Commercial mobile data service (as de-*
19 *finied in section 6001 of the Middle Class Tax*
20 *Relief and Job Creation Act of 2012 (47 U.S.C.*
21 *1401)).*

22 (6) *PERSON.*—*The term “person” means an in-*
23 *dividual or entity.*

24 (7) *UNITED STATES PERSON.*—*The term “United*
25 *States person” means—*

1 (A) *an individual who is a United States*
2 *citizen or an alien lawfully admitted for perma-*
3 *nent residence to the United States;*

4 (B) *an entity organized under the laws of*
5 *the United States or any jurisdiction within the*
6 *United States, including a foreign branch of*
7 *such an entity; or*

8 (C) *any person in the United States.*

9 **SEC. 406. OPEN RAN OUTREACH.**

10 (a) *IN GENERAL.*—*The Under Secretary shall conduct*
11 *outreach and provide technical assistance to small commu-*
12 *nications network providers—*

13 (1) *to raise awareness regarding the uses, bene-*
14 *fits, and challenges of Open RAN networks and other*
15 *open network architectures; and*

16 (2) *regarding participation in the grant pro-*
17 *gram established under section 9202(a)(1) of the Wil-*
18 *liam M. (Mac) Thornberry National Defense Author-*
19 *ization Act for Fiscal Year 2021 (47 U.S.C.*
20 *906(a)(1)).*

21 (b) *DEFINITIONS.*—*In this section:*

22 (1) *UNDER SECRETARY.*—*The term “Under Sec-*
23 *retary” means the Under Secretary, acting through*
24 *the head of the Office of Internet Connectivity and*
25 *Growth.*

1 (2) *OPEN NETWORK ARCHITECTURE.*—*The term*
2 “*open network architecture*” *means Open RAN net-*
3 *works and other network elements that follow a set of*
4 *published open standards for multi-vendor network*
5 *equipment interoperability, including open core and*
6 *open transport.*

7 (3) *OPEN RAN NETWORK.*—*The term “Open RAN*
8 *network” means a wireless network that follows the*
9 *Open Radio Access Network approach to standardiza-*
10 *tion adopted by the O-RAN Alliance, Telecom Infra*
11 *Project, or Third Generation Partnership Project*
12 *(3GPP), or any similar set of published open stand-*
13 *ards for multi-vendor network equipment interoper-*
14 *ability.*

15 **TITLE V—OFFICE OF PUBLIC**
16 **SAFETY COMMUNICATIONS**

17 **SEC. 501. ESTABLISHMENT OF THE OFFICE OF PUBLIC**
18 **SAFETY COMMUNICATIONS.**

19 *Part A of the National Telecommunications and Infor-*
20 *mation Administration Organization Act (47 U.S.C. 901*
21 *et seq.), as amended by the preceding provisions of this Act,*
22 *is further amended by adding at the end the following:*

1 **“SEC. 110B. ESTABLISHMENT OF THE OFFICE OF PUBLIC**
2 **SAFETY COMMUNICATIONS.**

3 “(a) *ESTABLISHMENT.*—*There is established within*
4 *the NTLA an Office of Public Safety Communications (in*
5 *this section referred to as the ‘Office’).*

6 “(b) *HEAD OF OFFICE.*—

7 “(1) *IN GENERAL.*—*The head of the Office shall*
8 *be an Associate Administrator for Public Safety Com-*
9 *munications (in this section referred to as the ‘Asso-*
10 *ciate Administrator’).*

11 “(2) *CAREER POSITION.*—*The position of Asso-*
12 *ciate Administrator shall be a career position in the*
13 *Senior Executive Service occupied by a career ap-*
14 *pointee (as that term is defined in section 3132(a)(4)*
15 *of title 5, United States Code).*

16 “(3) *REQUIREMENT TO REPORT.*—*The Associate*
17 *Administrator shall report to the Under Secretary (or*
18 *a designee of the Under Secretary).*

19 “(c) *DUTIES.*—*The Associate Administrator shall, at*
20 *the direction of the Under Secretary—*

21 “(1) *administer any grant program of the Fed-*
22 *eral Government related to Next Generation 9–1–1 on*
23 *behalf of the Under Secretary;*

24 “(2) *analyze public safety policy communica-*
25 *tions issues, including by obtaining such analysis;*

1 “(3) provide to the Under Secretary advice and
2 assistance with respect to the Under Secretary—

3 “(A) carrying out the responsibilities of the
4 NTIA related to public safety communications
5 policy; and

6 “(B) evaluating the domestic impact of pub-
7 lic safety communications matters pending be-
8 fore the Commission, Congress, or other entities
9 of the executive branch of the Federal Govern-
10 ment;

11 “(4) carry out any duties established under sec-
12 tion 10 of Department Organizational Order 25–7 of
13 the Department of Commerce titled ‘National Tele-
14 communications and Information Administration’, ef-
15 fective September 17, 2012;

16 “(5) be responsible for the oversight of the studies
17 carried out by the Federal Government relating to en-
18 hancing public safety communications;

19 “(6) coordinate with the head of the Institute of
20 Telecommunication Sciences with respect to the ini-
21 tiative established under section 108(b);

22 “(7) communicate public safety communications
23 policies to public entities, including the Commission
24 and Congress, or private entities; and

1 “(8) carry out any duties regarding the respon-
2 sibilities of the NTIA with respect to public safety
3 communications policy as the Under Secretary may
4 designate.

5 “(d) COORDINATION.—The Associate Administrator
6 shall, as the Under Secretary determines applicable, coordi-
7 nate with Federal, State, local, and tribal government enti-
8 ties that are engaged in public safety communications in
9 carrying out the duties of the Office.”.

10 **TITLE VI—OFFICE OF**
11 **INTERNATIONAL AFFAIRS**

12 **SEC. 601. OFFICE OF INTERNATIONAL AFFAIRS.**

13 *Part A of the National Telecommunications and Infor-*
14 *mation Administration Organization Act (47 U.S.C. 901*
15 *et seq.), as amended by the preceding provisions of this Act,*
16 *is further amended by adding at the end the following:*

17 **“SEC. 110C. OFFICE OF INTERNATIONAL AFFAIRS.**

18 “(a) ESTABLISHMENT.—There is established within
19 the NTIA an Office of International Affairs (in this section
20 referred to as the ‘Office’).

21 “(b) HEAD OF OFFICE.—

22 “(1) IN GENERAL.—The head of the Office shall
23 be an Associate Administrator for International Af-
24 fairs (in this section referred to as the ‘Associate Ad-
25 ministrato

1 “(2) *CAREER POSITION.*—*The position of Asso-*
2 *ciate Administrator shall be a career position in the*
3 *Senior Executive Service occupied by a career ap-*
4 *pointee (as that term is defined in section 3132(a)(4)*
5 *of title 5, United States Code).*

6 “(3) *REQUIREMENT TO REPORT.*—*The Associate*
7 *Administrator shall report to the Under Secretary (or*
8 *a designee of the Under Secretary).*

9 “(c) *DUTIES.*—*The Associate Administrator shall, at*
10 *the direction of the Under Secretary—*

11 “(1) *conduct analysis of, review, and formulate*
12 *international telecommunications and information*
13 *policy;*

14 “(2) *present on international telecommuni-*
15 *cations and information policy before the Commis-*
16 *sion, Congress, international telecommunications bod-*
17 *ies, including the International Telecommunication*
18 *Union, and others;*

19 “(3) *conduct or obtain analysis on economic and*
20 *other aspects of international telecommunications and*
21 *information policy;*

22 “(4) *formulate, and recommend to the Under*
23 *Secretary, polices and plans with respect to prepara-*
24 *tion for and participation in international tele-*
25 *communications and information policy activities;*

1 “(5) coordinate NTIA and interdepartmental
2 economic, technical, operational, and other prepara-
3 tions related to participation by the United States in
4 international telecommunications and information
5 policy conferences and negotiations;

6 “(6) ensure NTIA representation with respect to
7 international telecommunications and information
8 policy meetings and the activities related to prepara-
9 tion for such meetings;

10 “(7) coordinate with Federal agencies and pri-
11 vate organizations engaged in activities involving
12 international telecommunications and information
13 policy matters and maintain cognizance of the activi-
14 ties of United States signatories with respect to re-
15 lated treaties, agreements, and other instruments;

16 “(8) provide advice and assistance related to
17 international telecommunications and information
18 policy to other Federal agencies charged with respon-
19 sibility for international negotiations, to strengthen
20 the position and serve the best interests of the United
21 States in the conduct of negotiations with foreign na-
22 tions;

23 “(9) provide advice and assistance to the Under
24 Secretary with respect to evaluating the international

1 *impact of matters pending before the Commission,*
2 *other Federal agencies, and Congress;*

3 “(10) carry out, at the request of the Secretary,
4 *the responsibilities of the Secretary under the Com-*
5 *munications Satellite Act of 1962 (47 U.S.C. 701 et*
6 *seq.) and other Federal laws related to international*
7 *telecommunications and information policy; and*

8 “(11) carry out any other duties of the NTIA
9 *with respect to international telecommunications and*
10 *information policy that the Under Secretary may des-*
11 *ignate.”.*

12 **SEC. 602. ESTABLISHMENT OF INTERAGENCY NATIONAL SE-**
13 **CURITY REVIEW PROCESS.**

14 (a) *IN GENERAL.*—Part A of the National Tele-
15 *communications and Information Administration Organi-*
16 *zation Act (47 U.S.C. 901 et seq.), as amended by the pre-*
17 *ceding provisions of this Act, is further amended by adding*
18 *at the end the following:*

19 **“SEC. 110D. ESTABLISHMENT OF INTERAGENCY NATIONAL**
20 **SECURITY REVIEW PROCESS.**

21 “(a) *ESTABLISHMENT AND TRANSITION.*—

22 “(1) *ESTABLISHMENT.*—Not later than 180 days
23 *after the date of the enactment of this section, the*
24 *Under Secretary, in coordination with the head of*
25 *each appropriate Federal entity, shall develop and*

1 *issue procedures for, and establish, an interagency re-*
2 *view process (which shall include each appropriate*
3 *Federal entity) that considers the law enforcement*
4 *and national security policy implications of the ap-*
5 *proval of a covered application that may arise from*
6 *the foreign ownership interests held in the covered ap-*
7 *plicant that submitted the covered application.*

8 *“(2) TRANSITION.—Upon establishment of the re-*
9 *view process under paragraph (1), the Committee for*
10 *the Assessment of Foreign Participation in the United*
11 *States Telecommunications Services Sector, estab-*
12 *lished by Executive Order 13913 (85 Fed. Reg.*
13 *19643), shall terminate.*

14 *“(b) APPLICABILITY.—Any covered application pend-*
15 *ing before the Commission that was submitted by a covered*
16 *applicant that meets or exceeds the threshold foreign owner-*
17 *ship limit is subject to review under the review process es-*
18 *tablished pursuant to subsection (a).*

19 *“(c) PROCESS AND PROCEDURAL REQUIREMENTS.—*

20 *“(1) REFERRAL FOR REVIEW.—*

21 *“(A) REQUIREMENT FOR FCC TO REFER*
22 *COMPLETE APPLICATION.—The Commission shall*
23 *refer any covered application subject to the re-*
24 *view process established pursuant to subsection*
25 *(a) to the Under Secretary promptly after the*

1 *Commission determines that the covered applica-*
2 *tion, under the rules and regulations of the Com-*
3 *mission, is complete.*

4 “(B) *REFERRAL OF OTHER REQUESTS.—*
5 *The Commission may refer for review under the*
6 *review process established pursuant to subsection*
7 *(a) any other request for action by the Commis-*
8 *sion for which the Commission determines review*
9 *is necessary under such process.*

10 “(2) *INTERAGENCY REVIEW DEADLINE; DETER-*
11 *MINATION.—*

12 “(A) *IN GENERAL.—Not later than 120*
13 *days after the date on which the Under Secretary*
14 *receives a referral from the Commission pursu-*
15 *ant to paragraph (1)—*

16 “(i) *the review of the covered applica-*
17 *tion or other request under the review proc-*
18 *ess established pursuant to subsection (a)*
19 *shall be completed; and*

20 “(ii) *the Under Secretary, in coordina-*
21 *tion with the head of each appropriate Fed-*
22 *eral entity, shall make a determination—*

23 “(I) *to recommend to the Commis-*
24 *sion that the Commission grant, grant*

1 *conditioned on mitigation, or deny the*
2 *covered application or other request; or*

3 “*(II) that the Under Secretary*
4 *cannot make a recommendation with*
5 *respect to the covered application or*
6 *other request.*

7 “*(B) PRESIDENTIAL DETERMINATION.—If*
8 *the Under Secretary determines under subpara-*
9 *graph (A)(ii)(II) that the Under Secretary can-*
10 *not make a recommendation with respect to the*
11 *covered application or other request, the Presi-*
12 *dent, not later than 15 days after the Under Sec-*
13 *retary makes such determination, shall make a*
14 *determination to recommend to the Commission*
15 *that the Commission grant, grant conditioned on*
16 *mitigation, or deny the covered application or*
17 *other request.*

18 “*(C) EXTENSION.—The Under Secretary, in*
19 *coordination with the head of each appropriate*
20 *Federal entity, may extend the deadline de-*
21 *scribed in subparagraph (A) an additional 45*
22 *days.*

23 “*(D) NOTIFICATION OF EXTENSION.—If the*
24 *Under Secretary, in coordination with the head*
25 *of each appropriate Federal entity, extends a*

1 *deadline pursuant to subparagraph (C), the*
2 *Under Secretary shall provide notice of the ex-*
3 *ension to the covered applicant or other request-*
4 *ing party, the Commission, Congress, and any*
5 *executive agency the Under Secretary determines*
6 *appropriate.*

7 “(3) *NOTIFICATION OF DETERMINATION.—Not*
8 *later than 7 days (excepting Saturdays, Sundays,*
9 *and legal holidays) after the Under Secretary or the*
10 *President (as the case may be) makes a determination*
11 *under paragraph (2) to recommend that the Commis-*
12 *sion grant, grant conditioned on mitigation, or deny*
13 *the application or other request, the Under Secretary*
14 *shall notify, in writing, the Commission and the cov-*
15 *ered applicant or other requesting party of the deter-*
16 *mination.*

17 “(4) *DISCLOSURE OF STATUS OF REVIEW.—Not*
18 *later than 5 days (excepting Saturdays, Sundays,*
19 *and legal holidays) after receiving an inquiry from a*
20 *covered applicant or other requesting party, the Com-*
21 *mission, Congress, or an appropriate executive agency*
22 *(as determined by the Under Secretary) for an update*
23 *with respect to the status of the review of a relevant*
24 *covered application or other request that was referred*
25 *by the Commission for review under the review proc-*

1 *ess established pursuant to subsection (a), the Under*
2 *Secretary, in coordination with the head of each ap-*
3 *propriate Federal entity, shall provide, consistent*
4 *with the protection of classified information and in-*
5 *telligence sources and methods, a complete and accu-*
6 *rate written response to such inquiry.*

7 “(5) *STANDARDIZATION OF INFORMATION RE-*
8 *QUIRED.—With respect to the review process estab-*
9 *lished pursuant to subsection (a), the Under Sec-*
10 *retary, in coordination with the Commission and the*
11 *head of each appropriate Federal entity, shall estab-*
12 *lish a list of questions requesting written information*
13 *from a covered applicant or other requesting party*
14 *that shall be made publicly available and posted on*
15 *the internet website of the NTIA. Such questions shall,*
16 *to the maximum extent possible, be standardized for*
17 *any potential covered applicant or other requesting*
18 *party.*

19 “(6) *DEADLINE FOR PROVISION OF INFORMATION*
20 *REQUESTED.—Not later than 10 days (excepting Sat-*
21 *urdays, Sundays, and legal holidays) after the date*
22 *on which the Under Secretary, in coordination with*
23 *the head of each appropriate Federal entity, requests*
24 *information from a covered applicant or other re-*
25 *questing party, the covered applicant or other request-*

1 *ing party shall submit, in writing, to the NTIA com-*
2 *plete and accurate responses.*

3 *“(d) CONFIDENTIALITY OF INFORMATION.—*

4 *“(1) IN GENERAL.—Except as provided in para-*
5 *graph (2), any information or documentary material*
6 *provided to the Under Secretary under the review*
7 *process established pursuant to subsection (a) shall be*
8 *exempt from disclosure under section 552 of title 5,*
9 *United States Code, and no such information or docu-*
10 *mentary material may be made public.*

11 *“(2) EXCEPTIONS.—Paragraph (1) does not pro-*
12 *hibit disclosure of the following:*

13 *“(A) Information disclosed for purposes of*
14 *an administrative or judicial action or pro-*
15 *ceeding, subject to appropriate confidentiality*
16 *and classification requirements.*

17 *“(B) Information disclosed to Congress or a*
18 *duly authorized committee or subcommittee of*
19 *Congress, subject to appropriate confidentiality*
20 *and classification requirements.*

21 *“(C) Information disclosed to a domestic*
22 *governmental entity, or to a foreign govern-*
23 *mental entity of a United States ally or partner,*
24 *under the exclusive direction and authorization*
25 *of the Under Secretary, only to the extent nec-*

1 *essary for national security purposes and subject*
2 *to appropriate confidentiality and classification*
3 *requirements, including that confidential infor-*
4 *mation disclosed shall remain confidential.*

5 “(D) *Information disclosed to a third party*
6 *by mutual agreement of each relevant covered*
7 *applicant and the Under Secretary, in consulta-*
8 *tion with appropriate Federal entities.*

9 “(e) *RULE OF CONSTRUCTION.—Except as provided in*
10 *subsection (d), nothing in this section may be construed as*
11 *limiting, superseding, or preventing the invocation of any*
12 *privileges or defenses that are otherwise available at law*
13 *or in equity to protect against the disclosure of information.*

14 “(f) *DEFINITIONS.—In this section:*

15 “(1) *APPROPRIATE CONGRESSIONAL COMMIT-*
16 *TEES.—The term ‘appropriate congressional commit-*
17 *tees’ means the Committee on Energy and Commerce*
18 *of the House of Representatives and the Committee on*
19 *Commerce, Science, and Transportation of the Senate.*

20 “(2) *APPROPRIATE FEDERAL ENTITIES.—The*
21 *term ‘appropriate Federal entities’ means the fol-*
22 *lowing:*

23 “(A) *The Department of Commerce.*

24 “(B) *The Department of Defense.*

1 “(C) *The Department of Homeland Security.*
2

3 “(D) *The Department of Justice.*

4 “(E) *The Department of the Treasury.*

5 “(F) *The Department of State.*

6 “(G) *The United States Trade Representa-*
7 *tive.*

8 “(H) *The Executive Office of the President.*

9 “(I) *The Office of the Director of National*
10 *Intelligence.*

11 “(3) *CLASSIFIED INFORMATION.—The term ‘clas-*
12 *sified information’ means any information or mate-*
13 *rial that has been determined by the Federal Govern-*
14 *ment pursuant to an Executive order, statute, or reg-*
15 *ulation, to require protection against unauthorized*
16 *disclosure for reasons of national security.*

17 “(4) *COVERED APPLICANT.—The term ‘covered*
18 *applicant’ means an entity seeking approval of a cov-*
19 *ered application from the Commission.*

20 “(5) *COVERED APPLICATION.—*

21 “(A) *IN GENERAL.—The term ‘covered ap-*
22 *plication’ means—*

23 “(i) *an application under section*
24 *214(a) of the Communications Act of 1934*
25 *(47 U.S.C. 214(a)) for authorization to un-*

1 *dertake the construction of a new line or of*
2 *an extension of any line, or to acquire or*
3 *operate any line, or extension thereof, or to*
4 *engage in transmission over or by means of*
5 *such additional or extended line;*

6 “(ii) *an application under the Act ti-*
7 *tled ‘An Act relating to the landing and op-*
8 *eration of submarine cables in the United*
9 *States,’ approved May 27, 1921 (47 U.S.C.*
10 *34 et seq.; 42 Stat. 8) for—*

11 “(I) *a submarine cable landing li-*
12 *cence; or*

13 “(II) *an assignment, modifica-*
14 *tion, or transfer of control of a sub-*
15 *marine cable landing license; or*

16 “(iii) *an application for a new license,*
17 *or for the transfer, assignment, or disposal*
18 *of an existing license under section 310(d)*
19 *of the Communications Act of 1934 (47*
20 *U.S.C. 310(d)), that is—*

21 “(I) *subject to approval by the*
22 *Commission under section 310(b)(4) of*
23 *such Act (47 U.S.C. 310(b)(4)); or*

24 “(II) *eligible, under the rules of*
25 *the Commission, for forbearance under*

1 *section 10 of such Act (47 U.S.C. 160)*
2 *from the application of paragraph (3)*
3 *of section 310(b) of such Act (47*
4 *U.S.C. 310(b)).*

5 *“(B) LIMITATION.—The term ‘covered ap-*
6 *plication’ does not include the following:*

7 *“(i) An application described in sub-*
8 *paragraph (A) with respect to which the ap-*
9 *plicant seeks to transfer, assign, or other-*
10 *wise dispose of an authorization or license*
11 *to an entity that—*

12 *“(I) is owned or controlled by*
13 *such applicant;*

14 *“(II) owns or controls such appli-*
15 *cant; or*

16 *“(III) is under common owner-*
17 *ship or control with such applicant.*

18 *“(ii) An application described in sub-*
19 *paragraph (A) with respect to which the ap-*
20 *plicant—*

21 *“(I) is an applicant that has been*
22 *previously approved under the review*
23 *process established pursuant to sub-*
24 *section (a); and*

1 “(II) at the time of such applica-
2 tion does not have a level of foreign
3 ownership that is more than 10 percent
4 greater than the level of foreign owner-
5 ship of such applicant—

6 “(aa) except as provided in
7 item (bb), at any time such appli-
8 cant was previously approved
9 under the review process estab-
10 lished pursuant to subsection (a);
11 or

12 “(bb) if such applicant has
13 been subjected to the review proc-
14 ess established pursuant to sub-
15 section (a) as a result of exceeding
16 a level of foreign ownership pur-
17 suant to this clause, at the time
18 such applicant was most recently
19 approved under such review proc-
20 ess after having been subjected to
21 such review process as a result of
22 exceeding a level of foreign owner-
23 ship pursuant to this clause.

24 “(iii) An application described in sub-
25 paragraph (A)(i) that is domestic.

1 “(iv) *An application described in sub-*
2 *paragraph (A) with respect to which the*
3 *foreign ownership interests of the applicant*
4 *are held by wholly owned intermediate hold-*
5 *ing companies that are controlled by—*

6 “(I) *a citizen of the United States;*

7 *or*

8 “(II) *an entity organized under*
9 *the laws of the United States.*

10 “(6) *THRESHOLD FOREIGN OWNERSHIP LIMIT.—*

11 *The term ‘threshold foreign ownership limit’ means*
12 *foreign ownership of, as applicable—*

13 “(A) *at least the amount determined by the*
14 *Commission under section 214(a) of the Commu-*
15 *nications Act of 1934 (47 U.S.C. 214(a)), in the*
16 *case of an application described in paragraph*
17 *(5)(A)(i) of this subsection;*

18 “(B) *any amount, in the case of an appli-*
19 *cation described in paragraph (5)(A)(ii) of this*
20 *subsection;*

21 “(C) *at least an amount sufficient for para-*
22 *graph (3) or (4) of section 310(b) of such Act (47*
23 *U.S.C. 310(b)) to apply, in the case of an appli-*
24 *cation described in paragraph (5)(A)(iii) of this*
25 *subsection; or*

1 “(D) any amount, in the case of any appli-
2 cation described in paragraph (5)(A) of this sub-
3 section if the foreign ownership is held by a for-
4 eign adversary (as specified in section 7.4 of title
5 15, Code of Federal Regulations (or a successor
6 regulation)).”.

7 (b) *APPLICABILITY*.—This section, and the amendment
8 made by this section, shall apply to any covered application
9 (as such term is defined in section 110D of the National
10 Telecommunications and Information Administration Or-
11 ganization Act, as added by subsection (a)) filed on or after
12 the date on which the review process is established pursuant
13 to such section 110D.

Union Calendar No. 199

118TH CONGRESS
1ST Session

H. R. 4510

[Report No. 118-249]

A BILL

To reauthorize the National Telecommunications and Information Administration, to update the mission and functions of the agency, and for other purposes.

OCTOBER 25, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed