

**§ 905. Omitted****Editorial Notes**

## CODIFICATION

Section, Pub. L. 95-567, title IV, §402, Nov. 2, 1978, 92 Stat. 2424, which required the National Telecommunications and Information Administration to submit an annual report to Congress on activities of the Administration with respect to domestic communications, international communications, Federal Government communications, spectrum plans and policies, and other matters, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, 1st item on page 55 of House Document No. 103-7.

**§ 906. Wireless supply chain innovation and multilateral security****(a) Communications technology security funds****(1) Public Wireless Supply Chain Innovation Fund****(A) Establishment****(i) In general**

There is established in the Treasury of the United States a trust fund to be known as the “Public Wireless Supply Chain Innovation Fund” (referred to in this paragraph as the “Innovation Fund”).

**(ii) Availability****(I) In general**

Amounts appropriated to the Innovation Fund shall remain available through the end of the tenth fiscal year beginning after the date on which funds are appropriated to the Fund.

**(II) Remainder to Treasury**

Any amounts remaining in the Innovation Fund after the end of the tenth fiscal year beginning after the date of appropriation shall be deposited in the general fund of the Treasury.

**(B) Use of Fund****(i) In general**

Amounts appropriated to the Innovation Fund shall be available to the Secretary, acting through the NTIA Administrator, to make grants on a competitive basis under this paragraph in such amounts as the Secretary, acting through the NTIA Administrator, determines appropriate, subject to clause (ii).

**(ii) Limitation on grant amounts**

The amount of a grant awarded under this paragraph to a recipient for a specific research focus area may not exceed \$50,000,000.

**(C) Administration of Fund**

The Secretary, acting through the NTIA Administrator, in consultation with the Commission, the Under Secretary of Commerce for Standards and Technology, the Secretary of Homeland Security, the Secretary of Defense, and the Director of the Intelligence Advanced Research Projects Activity of the Office of the Director of Na-

tional Intelligence, shall establish criteria for grants awarded under this paragraph, by the NTIA Administrator and administer the Innovation Fund, to support the following:

(i) Promoting and deploying technology, including software, hardware, and micro-processing technology, that will enhance competitiveness in the fifth-generation (commonly known as “5G”) and successor wireless technology supply chains that use open and interoperable interface radio access networks.

(ii) Accelerating commercial deployments of open interface standards-based compatible, interoperable equipment, such as equipment developed pursuant to the standards set forth by organizations such as the O-RAN Alliance, the Telecom Infra Project, 3GPP, the Open-RAN Software Community, or any successor organizations.

(iii) Promoting and deploying compatibility of new 5G equipment with future open standards-based, interoperable equipment.

(iv) Managing integration of multi-vendor network environments.

(v) Identifying objective criteria to define equipment as compliant with open standards for multi-vendor network equipment interoperability.

(vi) Promoting and deploying security features enhancing the integrity and availability of equipment in multi-vendor networks.

(vii) Promoting and deploying network function virtualization to facilitate multi-vendor interoperability and a more diverse vendor market.

**(D) Nonduplication**

To the greatest extent practicable, the Secretary, acting through the NTIA Administrator, shall ensure that any research funded by a grant awarded under this paragraph avoids duplication of other Federal or private sector research.

**(E) Timing**

Not later than one year after the date on which funds are appropriated to the Innovation Fund, the Secretary, acting through the NTIA Administrator, shall begin awarding grants under this paragraph.

**(F) Federal advisory body****(i) Establishment**

The Secretary, acting through the NTIA Administrator, and in consultation with the Under Secretary of Commerce for Standards and Technology, shall establish a Federal advisory committee, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), composed of government and private sector experts, to advise the Secretary and the NTIA Administrator on the administration of the Innovation Fund.

**(ii) Composition**

The advisory committee established under clause (i) shall be composed of—

- (I) representatives from—
  - (aa) the Commission;
  - (bb) the Department of Defense;
  - (cc) the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence;
  - (dd) the National Institute of Standards and Technology;
  - (ee) the Department of State;
  - (ff) the National Science Foundation;
  - (gg) the Department of Homeland Security; and
  - (hh) the National Telecommunications and Information Administration; and

(II) other representatives from the private and public sectors, at the discretion of the NTIA Administrator.

**(iii) Duties**

The advisory committee established under clause (i) shall advise the Secretary and the NTIA Administrator on technology developments to help inform—

- (I) the strategic direction of the Innovation Fund; and
- (II) efforts of the Federal Government to promote a more secure, diverse, sustainable, and competitive supply chain.

**(G) Reports to Congress**

**(i) Initial report**

Not later than 180 days after January 1, 2021, the Secretary, acting through the NTIA Administrator, shall submit to the relevant committees of Congress a report with—

- (I) additional recommendations on promoting the competitiveness and sustainability of trusted suppliers in the wireless supply chain; and
- (II) any additional authorities needed to facilitate the timely adoption of open standards-based equipment, including authority to provide loans, loan guarantees, and other forms of credit extension that would maximize the use of funds.

**(ii) Annual report**

For each fiscal year for which amounts in the Innovation Fund are available under this paragraph, the Secretary, acting through the NTIA Administrator, shall submit to Congress a report that—

- (I) describes how, and to whom, amounts in the Innovation Fund have been deployed;
- (II) details the progress of the Secretary and the NTIA Administrator in meeting the objectives described in subparagraph (C); and
- (III) includes any additional information that the Secretary and the NTIA Administrator determine appropriate.

**(2) Multilateral Telecommunications Security Fund**

**(A) Establishment of Fund**

**(i) In general**

There is established in the Treasury of the United States a trust fund to be known

as the “Multilateral Telecommunications Security Fund”.

**(ii) Use of Fund**

Amounts appropriated to the Multilateral Telecommunications Security Fund shall be available to the Secretary of State to make expenditures under this paragraph in such amounts as the Secretary of State determines appropriate.

**(iii) Availability**

**(I) In general**

Amounts appropriated to the Multilateral Telecommunications Security Fund—

(aa) shall remain available through the end of the tenth fiscal year beginning after the date of appropriation; and

(bb) may only be allocated upon the Secretary of State reaching an arrangement or agreement with foreign government partners to participate in the common funding mechanism described in subparagraph (B).

**(II) Remainder to Treasury**

Any amounts remaining in the Multilateral Telecommunications Security Fund after the end of the tenth fiscal year beginning after January 1, 2021 shall be deposited in the general fund of the Treasury.

**(B) Administration of Fund**

The Secretary of State, in consultation with the NTIA Administrator, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of the Treasury, the Director of National Intelligence, and the Commission, is authorized to establish a common funding mechanism, in coordination with foreign partners, that uses amounts from the Multilateral Telecommunications Security Fund to support the development and adoption of secure and trusted telecommunications technologies. In creating and sustaining a common funding mechanism, the Secretary of State should leverage United States funding in order to secure commitments and contributions from trusted foreign partners such as the United Kingdom, Canada, Australia, New Zealand, and Japan, and should prioritize the following objectives:

- (i) Advancing research and development of secure and trusted communications technologies.
- (ii) Strengthening supply chains.
- (iii) Promoting the use of trusted vendors.

**(C) Annual report to Congress**

Not later than 1 year after January 1, 2021, and annually thereafter for each fiscal year during which amounts in the Multilateral Telecommunications Security Fund are available, the Secretary of State shall submit to the relevant committees of Congress a report on the status and progress of the funding mechanism established under subparagraph (B), including—

(i) any funding commitments from foreign partners, including each specific amount committed;

(ii) governing criteria for use of the Multilateral Telecommunications Security Fund;

(iii) an account of—

(I) how, and to whom, funds have been deployed;

(II) amounts remaining in the Multilateral Telecommunications Security Fund; and

(III) the progress of the Secretary of State in meeting the objective described in subparagraph (B); and

(iv) additional authorities needed to enhance the effectiveness of the Multilateral Telecommunications Security Fund in achieving the security goals of the United States.

**(D) Notifications to be provided by the Fund**

**(i) In general**

Not later than 15 days prior to the Fund making a financial commitment associated with the provision of expenditures under subparagraph (A)(i) in an amount in excess of \$1,000,000, the Secretary of State shall submit to the appropriate congressional committees a report in writing that contains the information required by clause (ii).

**(ii) Information required**

The information required by this clause includes—

(I) the amount of each such expenditure;

(II) an identification of the recipient or beneficiary; and

(III) a description of the project or activity and the purpose to be achieved of an expenditure by the Fund.

**(iii) Arrangements or agreements**

The Secretary of State shall notify the appropriate congressional committees not later than 30 days after entering into a new bilateral or multilateral arrangement or agreement described in subparagraph (A)(iii)(I)(bb).

**(iv) Appropriate congressional committees defined**

In this subparagraph, the term “appropriate congressional committees” means—

(I) the Committee on Foreign Relations of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Foreign Affairs of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

**(b) Promoting United States leadership in international organizations and communications standards-setting bodies**

**(1) In general**

The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission, or their designees, shall consider how to

enhance representation of the United States at international forums that set standards for 5G networks and for future generations of wireless communications networks, including—

(A) the International Telecommunication Union (commonly known as “ITU”);

(B) the International Organization for Standardization (commonly known as “ISO”);

(C) the Inter-American Telecommunication Commission (commonly known as “CITEL”); and

(D) the voluntary standards organizations that develop protocols for wireless devices and other equipment, such as the 3GPP and the Institute of Electrical and Electronics Engineers (commonly known as “IEEE”).

**(2) Annual report**

The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission shall jointly submit to the relevant committees of Congress an annual report on the progress made under paragraph (1).

**(c) Definitions**

In this section:

(1) The term “3GPP” means the Third Generation Partnership Project.

(2) The term “5G network” means a radio network as described by 3GPP Release 15 or higher.

(3) The term “Commission” means the Federal Communications Commission.

(4) The term “NTIA Administrator” means the Assistant Secretary of Commerce for Communications and Information.

(5) The term “Open-RAN” means the Open Radio Access Network approach to standardization adopted by the O-RAN Alliance, Telecom Infra Project, or 3GPP, or any similar set of open standards for multi-vendor network equipment interoperability.

(6) The term “relevant committees of Congress” means—

(A) the Select Committee on Intelligence of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

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

(E) the Committee on Commerce, Science, and Transportation of the Senate;

(F) the Committee on Appropriations of the Senate;

(G) the Permanent Select Committee on Intelligence of the House of Representatives;

(H) the Committee on Foreign Affairs of the House of Representatives;

(I) the Committee on Homeland Security of the House of Representatives;

(J) the Committee on Armed Services of the House of Representatives;

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

(L) the Committee on Appropriations of the House of Representatives.

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

(Pub. L. 116-283, div. H, title XCII, §9202, Jan. 1, 2021, 134 Stat. 4788.)

### Editorial Notes

#### REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (a)(1)(F)(i), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### CODIFICATION

Section was enacted as part of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 and not as part of the National Telecommunications and Information Administration Organization Act which comprises this chapter.

## SUBCHAPTER II—TRANSFER OF AUCTIONABLE FREQUENCIES

### § 921. Definitions

As used in this subchapter:

(1) The term “allocation” means an entry in the National Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more radiocommunication services.

(2) The term “assignment” means an authorization given to a station licensee to use specific frequencies or channels.

(3) The term “the 1934 Act” means the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(Pub. L. 102-538, title I, §111, as added Pub. L. 103-66, title VI, §6001(a)(3), Aug. 10, 1993, 107 Stat. 379.)

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#### REFERENCES IN TEXT

The Communications Act of 1934, referred to in par. (3), is act June 19, 1934, ch. 652, 48 Stat. 1064, as amended, which is classified principally to chapter 5 (§151 et seq.) of this title. For complete classification of this Act to the Code, see section 609 of this title and Tables.

### Statutory Notes and Related Subsidiaries

#### SPECTRUM AUCTIONS

Pub. L. 117-58, div. I, §90008(a), (b), Nov. 15, 2021, 135 Stat. 1348, 1349, provided that:

“(a) DEFINITIONS.—In this section:

“(1) COMMISSION.—The term ‘Commission’ means the Federal Communications Commission.

“(2) COVERED BAND.—The term ‘covered band’ means the band of frequencies between 3100 and 3450 megahertz.

“(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term ‘relevant congressional committees’ means—

“(A) the Committee on Armed Services of the Senate;

“(B) the Committee on Armed Services of the House of Representatives;

“(C) the Committee on Commerce, Science, and Transportation of the Senate; and

“(D) the Committee on Energy and Commerce of the House of Representatives.

“(b) 3.1-3.45 GHZ BAND.—

“(1) PRE-AUCTION FUNDING.—

“(A) IN GENERAL.—On the date of enactment of this Act [Nov. 15, 2021], the Director of the Office of Management and Budget shall transfer \$50,000,000 from the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Act (47

U.S.C. 928) to the Department of Defense for the purpose of research and development, engineering studies, economic analyses, activities with respect to systems, or other planning activities to improve efficiency and effectiveness of the spectrum use of the Department of Defense in order to make available electromagnetic spectrum in the covered band—

“(i) for reallocation for shared Federal and non-Federal commercial licensed use; and

“(ii) for auction under paragraph (3) of this subsection.

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

“(C) REPORT TO SECRETARY OF COMMERCE.—For purposes of paragraph (2)(A), the Secretary of Defense shall report to the Secretary of Commerce the findings of the planning activities described in subparagraph (A) of this paragraph.

“(2) IDENTIFICATION.—

“(A) IN GENERAL.—Not later than 21 months after the date of enactment of this Act, in accordance with the findings of the planning activities described in paragraph (1)(A) and subject to the determination of the Secretary of Defense under subparagraph (B) of this paragraph, the Secretary of Commerce, in coordination with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and relevant congressional committees, shall—

“(i) determine which frequencies of electromagnetic spectrum in the covered band could be made available on a shared basis between Federal use and non-Federal commercial licensed use, subject to flexible-use service rules; and

“(ii) submit to the President and the Commission a report that identifies the frequencies determined appropriate under clause (i).

“(B) REQUIRED DETERMINATION.—The Secretary of Commerce may identify frequencies under subparagraph (A)(ii) only if the Secretary of Defense has determined that sharing those frequencies with non-Federal users would not impact the primary mission of military spectrum users in the covered band.

“(3) AUCTION.—Not earlier than November 30, 2024, the Commission, in consultation with the Assistant Secretary of Commerce for Communications and Information, shall begin a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant new licenses for the spectrum identified under paragraph (2)(A)(ii) of this subsection.

“(4) SHARING OF SPECTRUM.—Not earlier than May 31, 2025, the President shall modify any assignment to a Federal Government station of the frequencies identified under clause (ii) of paragraph (2)(A) in order to accommodate shared Federal and non-Federal commercial licensed use in accordance with that paragraph.

“(5) AUCTION PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in this subsection shall be construed to relieve the Commission from the requirements under section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).”

#### REALLOCATION AND AUCTION OF 3450-3550 MHZ SPECTRUM BAND

Pub. L. 116-260, div. FF, title IX, §905, Dec. 27, 2020, 134 Stat. 3215, provided that:

“(a) SHORT TITLE.—This section may be cited as the ‘Beat China by Harnessing Important, National Airwaves for 5G Act of 2020’ or the ‘Beat CHINA for 5G Act of 2020’.

“(b) DEFINITIONS.—In this Act [probably means “this section”]—