

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R.

To reauthorize the National Telecommunications and Information Administration Organization Act of 2023, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M introduced the following bill; which was referred to the Committee on

A BILL

To reauthorize the National Telecommunications and Information Administration Organization Act of 2023, 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.**

4 This Act may be cited as the “National Tele-
5 communications and Information Administration Reau-
6 thorization Act of 2023” or the “NTIA Reauthorization
7 Act of 2023”.

1 **SEC. 2. REAUTHORIZATION OF THE NATIONAL TELE-**
2 **COMMUNICATIONS AND INFORMATION AD-**
3 **MINISTRATION ORGANIZATION ACT.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
5 151 of the National Telecommunications and Information
6 Administration Organization Act is amended by striking
7 “\$17,600,000 for fiscal year 1992 and \$17,900,000 for
8 fiscal year 1993” and inserting “\$62,000,000 for fiscal
9 year 2024 and 62,000,000 for fiscal year 2025”.

10 (b) UNDERSECRETARY OF COMMERCE FOR COMMU-
11 NICATIONS AND INFORMATION.—

12 (1) UNDER SECRETARY; DEPUTY UNDER SEC-
13 RETARY.—

14 (A) UNDER SECRETARY.—The National
15 Telecommunications and Information Adminis-
16 tration Organization Act (47 U.S.C. 901 et seq)
17 is amended by striking “Assistant Secretary”
18 each place it appears and inserting “Under Sec-
19 retary”.

20 (B) DEPUTY UNDER SECRETARY.—Section
21 103(a) of the National Telecommunications and
22 Information Administration Organization Act
23 (47 U.S.C. 902(A)), as amended by this sec-
24 tion, is amended by adding at the end the fol-
25 lowing:

1 “(3) DEPUTY UNDER SECRETARY.—The Dep-
2 puty Under Secretary of Commerce for Communica-
3 tions and Information shall—

4 “(A) be the principal policy advisor of the
5 Under Secretary;

6 “(B) perform such other functions as the
7 Under Secretary shall from time to time assign
8 or delegate; and

9 “(C) act as Under Secretary during the
10 absence or disability of the Under Secretary or
11 in the event of a vacancy in the office of the
12 Under Secretary.”.

13 (2) CONTINUATION OF CIVIL ACTIONS.—This
14 section, and the amendments made by this section,
15 shall not abate any civil action commenced by or
16 against the Assistant Secretary before the date of
17 the enactment of this Act, except that the Under
18 Secretary shall be substituted as a party to the ac-
19 tion on and after such date.

20 (3) CONTINUATION IN OFFICE.—The individual
21 serving as Assistant Secretary of Commerce for
22 Communications and Information and the individual
23 serving as the Deputy Assistant Secretary of Com-
24 merce for Communications and Information on the
25 day before the date of the enactment of this Act may

1 serve as the Under Secretary of Commerce for Com-
2 munications and Information and the Deputy Under
3 Secretary of Commerce for Communications and In-
4 formation, respectively, on and after that date with-
5 out the need for renomination or reappointment.

6 (4) REFERENCES.—Any reference in a law, reg-
7 ulation, document, paper, or other record of the
8 United States to the Assistant Secretary shall, on
9 and after the date of the enactment of this Act, be
10 deemed to be a reference to the Under Secretary.

11 (5) EXECUTIVE SCHEDULE.—

12 (A) IN GENERAL.—Subchapter II of chap-
13 ter 53 of title 5, United States Code, is amend-
14 ed—

15 (i) in section 5314, by adding at the
16 end the following:

17 “Under Secretary of Commerce for Commu-
18 nications and Information.”; and

19 (ii) in section 5315, in the item relat-
20 ing to the Assistant Secretaries of Com-
21 merce, by striking “(11)” and inserting
22 “(10)”.

23 (B) EFFECTIVE DATE.—The amendment
24 made by subparagraph (A) (establishing the an-
25 nual rate of the basic pay of the Under Sec-

1 retary) shall take effect on the first day of the
2 first pay period beginning after the effective
3 date of this Act.

4 (c) MODERNIZATION OF AGENCY MISSION.—

5 (1) COORDINATION OF EXECUTIVE BRANCH
6 VIEWS ON MATTERS BEFORE THE FEDERAL COMMU-
7 NICATIONS COMMISSION.—Section 105(a)(1) of the
8 National Telecommunications and Information Ad-
9 ministration Organization Act (47 U.S.C. 904(a)(1))
10 is amended—

11 (A) by striking “to ensure that the con-
12 duct” and inserting the following: “to ensure
13 that—

14 “(A) the conduct”; and

15 (B) in subparagraph (A), as so redesign-
16 ated, by striking the period at the end and in-
17 serting “; and”; and

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

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

22 “(i) appropriately coordinated; and

23 “(ii) reflective of executive branch pol-
24 icy.”.

25 (2) MODERNIZATION OF AGENCY MISSION.—

1 (A) POLICY.—Section 102(c) of the Na-
2 tional Telecommunications and Information Ad-
3 ministration Organization Act (47 U.S.C.
4 901(c)) is amended by adding at the end the
5 following:

6 “(6) Fostering the digital economy of the
7 United States in order to ensure the competitive-
8 ness, future economic growth, and security of the
9 United States.

10 “(7) Working to ensure that global communica-
11 tions networks remain open and innovative, includ-
12 ing without inappropriate barriers to entry or oper-
13 ation.

14 “(8) With respect to the United States, achiev-
15 ing the universal availability of and access to tele-
16 communications service and information service (as
17 those terms are defined in section 3 of the Commu-
18 nications Act of 1934) and any technology related to
19 such service.”.

20 (B) ASSIGNED FUNCTIONS.—Section
21 103(b)(2) of the National Telecommunications
22 and Information Administration Organization
23 Act (47 U.S.C. 902(b)(2)) is amended—

24 (i) in the matter preceding subpara-
25 graph (A), by inserting “, some of which

1 were” before “transferred to the Sec-
2 retary”;

3 (ii) in subparagraph (H)—

4 (I) by inserting “and informa-
5 tion” after “telecommunications,”;
6 and

7 (II) by striking “and emergency
8 readiness” and inserting “emergency
9 readiness, the flow of information,
10 and with respect to the United States,
11 the universal availability of and access
12 to telecommunications service and in-
13 formation service (as those terms are
14 defined in section 3 of the Commu-
15 nications Act of 1934), and any tech-
16 nology related to such service”;

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

19 (iv) by inserting at the end the fol-
20 lowing:

21 “(V) The authority to conduct studies,
22 publish reports, and make recommendations—

23 “(i) on any Federal, State, local, or
24 private policy or practice relating to com-

1 munications, information, or the digital
2 economy of the United States; and
3 “(ii) that consider interoperability,
4 privacy, security, spectrum use, emergency
5 readiness, the flow of information, and
6 with respect to the United States, the uni-
7 versal availability of and access to tele-
8 communications service and information
9 service (as those terms are defined in sec-
10 tion 3 of the Communications Act of
11 1934), and any technology related to such
12 service.”.

13 (d) ACCEPTANCE OF GIFTS AND BEQUESTS FOR THE
14 UNDER SECRETARY.—The Under Secretary is hereby au-
15 thorized to accept, hold, administer, and utilize gifts and
16 bequests of property, both real and personal, for the pur-
17 pose of aiding or facilitating the work of the National
18 Telecommunications and Information Administration.
19 Gifts and bequests of money and the proceeds from sales
20 of other property received as gifts or bequests shall be de-
21 posited in the Treasury in a separate fund and shall be
22 disbursed upon order of the Under Secretary. Property ac-
23 cepted pursuant to this provision, and the proceeds there-
24 of, shall be used as nearly as possible in accordance with
25 the terms of the gift or bequest.

1 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

2 (1) PUBLIC TELECOMMUNICATIONS FINANCING
3 ACT OF 1978.—Section 106(c) of the Public Tele-
4 communications Financing Act of 1978 (5 U.S.C.
5 5316 note; Public Law 95–567) is amended by strik-
6 ing “The position of Deputy Assistant Secretary of
7 Commerce for Communications and Information es-
8 tablished in Department of Commerce Organization
9 Order Numbered 10–10 (effective March 26,
10 1978),” and inserting “The position of Deputy
11 Under Secretary of Commerce for Communications
12 and Information, established under section 103(a) of
13 the National Telecommunications and Information
14 Administration Organization Act (47 U.S.C.
15 902(a)),”.

16 (2) COMMUNICATIONS ACT OF 1934.—Section
17 344(d)(2) of the Communications Act of 1934 (47
18 U.S.C. 344(d)(2)) is amended by striking “Assistant
19 Secretary” and inserting “Under Secretary”.

20 (3) HOMELAND SECURITY ACT OF 2002.—Sec-
21 tion 1805(d)(2) of the Homeland Security Act of
22 2002 (6 U.S.C. 575(d)(2)) is amended by striking
23 “Assistant Secretary for Communications and Infor-
24 mation of the Department of Commerce” and insert-

1 ing “Under Secretary of Commerce for Communica-
2 tions and Information”.

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

6 (A) in subsection (d)(1), in the heading, by
7 striking “ASSISTANT SECRETARY” and inserting
8 “UNDER SECRETARY”; and

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

12 (5) TITLE 17, UNITED STATES CODE.—Section
13 1201(a)(1)(C) of title 17, United States Code, is
14 amended by striking “Assistant Secretary for Com-
15 munications and Information of the Department of
16 Commerce” and inserting “Under Secretary of Com-
17 merce for Communications and Information”.

18 (6) UNLOCKING CONSUMER CHOICE AND WIRE-
19 LESS COMPETITION ACT.—Section 2(b) of the
20 Unlocking Consumer Choice and Wireless Competi-
21 tion Act (17 U.S.C. 1201 note; Public Law 113–
22 144) is amended by striking “Assistant Secretary
23 for Communications and Information of the Depart-
24 ment of Commerce” and inserting “Under Secretary
25 of Commerce for Communications and Information”.

1 (7) COMMUNICATIONS SATELLITE ACT OF
2 1962.—Section 625(a)(1) of the Communications
3 Satellite Act of 1962 (47 U.S.C. 763d(a)(1)) is
4 amended, in the matter preceding subparagraph (A),
5 by striking “Assistant Secretary” and inserting
6 “Under Secretary of Commerce”.

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

10 (A) in section 1002(1), in the heading, by
11 striking “ASSISTANT SECRETARY” and inserting
12 “UNDER SECRETARY”; and

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

16 (9) WARNING, ALERT, AND RESPONSE NET-
17 WORK ACT.—Section 606 of the Warning, Alert, and
18 Response Network Act (47 U.S.C. 1205) is amend-
19 ed—

20 (A) by striking “Assistant Secretary” each
21 place the term appears and inserting “Under
22 Secretary”; and

23 (B) in subsection (b), in the first sentence,
24 by striking “for7Communications” and insert-
25 ing “for Communications”.

1 (10) AMERICAN RECOVERY AND REINVESTMENT
2 ACT OF 2009.—Section 6001 of the American Recov-
3 ery and Reinvestment Act of 2009 (47 U.S.C. 1305)
4 is amended—

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

8 (B) in subsection (d), in the heading, by
9 striking “ASSISTANT SECRETARY” and insert-
10 ing “UNDER SECRETARY”.

11 (11) MIDDLE CLASS TAX RELIEF AND JOB CRE-
12 ATION ACT OF 2012.—Title VI of the Middle Class
13 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
14 1401 et seq.) is amended—

15 (A) in section 6001 (47 U.S.C. 1401)—

16 (i) by striking paragraph (4);

17 (ii) by redesignating paragraphs (5)
18 through (31) as paragraphs (4) through
19 (30), respectively; and

20 (iii) by inserting after paragraph (30),
21 as so redesignated, the following:

22 “(31) UNDER SECRETARY.—The term ‘Under
23 Secretary’ means the Under Secretary of Commerce
24 for Communications and Information.”; and

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

4 (12) RAY BAUM’S ACT OF 2018.—The RAY
5 BAUM’S Act of 2018 (division P of Public Law
6 115–141; 132 Stat. 348) is amended by striking
7 “Assistant Secretary” each place the term appears
8 and inserting “Under Secretary”.

9 (13) SECURE AND TRUSTED COMMUNICATIONS
10 NETWORKS ACT OF 2019.—Section 8 of the Secure
11 and Trusted Communications Networks Act of 2019
12 (47 U.S.C. 1607) is amended—

13 (A) in subsection (c)(1), in the heading, by
14 striking “ASSISTANT SECRETARY” and inserting
15 “UNDER SECRETARY”; and

16 (B) by striking “Assistant Secretary” each
17 place the term appears and inserting “Under
18 Secretary”.

19 (14) TITLE 51, UNITED STATES CODE.—Section
20 50112(3) of title 51, United States Code, is amend-
21 ed, in the matter preceding subparagraph (A), by
22 striking “Assistant Secretary” each place the term
23 appears and inserting “Under Secretary”.

1 (15) CONSOLIDATED APPROPRIATIONS ACT,
2 2021.—The Consolidated Appropriations Act, 2021
3 (Public Law 116–260) is amended—

4 (A) in title IX of division N—

5 (i) in section 902(a)(2), in the head-
6 ing, by striking “ASSISTANT SECRETARY”
7 and inserting “UNDER SECRETARY”;

8 (ii) in section 905—

9 (I) in subsection (a)(1), in the
10 heading, by striking “ASSISTANT SEC-
11 RETARY” and inserting “UNDER SEC-
12 RETARY”;

13 (II) in subsection (c)(3)(B), in
14 the heading, by striking “ASSISTANT
15 SECRETARY” and inserting “UNDER
16 SECRETARY”; and

17 (III) in subsection (d)(2)(B), in
18 the heading, by striking “ASSISTANT
19 SECRETARY” and inserting “UNDER
20 SECRETARY”; and

21 (iii) by striking “Assistant Secretary”
22 each place the term appears and inserting
23 “Under Secretary”; and

24 (B) in title IX of division FF—

1 (i) in section 903(g)(2), in the head-
2 ing, by striking “ASSISTANT SECRETARY”
3 and inserting “UNDER SECRETARY”; and

4 (ii) by striking “Assistant Secretary”
5 each place the term appears and inserting
6 “Under Secretary”.

7 (16) INFRASTRUCTURE INVESTMENT AND JOBS
8 ACT.—The Infrastructure Investment and Jobs Act
9 (Public Law 117–58) is amended—

10 (A) in section 27003, by striking “Assist-
11 ant Secretary” each place the term appears and
12 inserting “Under Secretary”;

13 (B) in division F—

14 (i) in section 60102—

15 (I) in subsection (a)(2)(A), by
16 striking “ASSISTANT SECRETARY” and
17 inserting “UNDER SECRETARY”;

18 (II) in subsection (d)(1), by
19 striking “ASSISTANT SECRETARY” and
20 inserting “UNDER SECRETARY”; and

21 (III) in subsection (h)—

22 (aa) in paragraph (1)(B), by
23 striking “ASSISTANT SEC-
24 RETARY” and inserting “UNDER
25 SECRETARY”; and

1 (bb) in paragraph
2 (5)(B)(iii), by striking “ASSIST-
3 ANT SECRETARY” and inserting
4 “UNDER SECRETARY”;
5 (ii) in title III—
6 (I) in section 60302(5), by strik-
7 ing “ASSISTANT SECRETARY” and in-
8 serting “UNDER SECRETARY”; and
9 (II) in section
10 60305(d)(2)(B)(ii), by striking “AS-
11 SISTANT SECRETARY” and inserting
12 “UNDER SECRETARY”;
13 (iii) in section 60401(a)(2), by strik-
14 ing “ASSISTANT SECRETARY” and inserting
15 “UNDER SECRETARY”; and
16 (iv) by striking “Assistant Secretary”
17 each place the term appears and inserting
18 “Under Secretary”;
19 (C) in division J, in title I, in the matter
20 under the heading “distance learning, telemedi-
21 cine, and broadband program” under the head-
22 ing “Rural Utilities Service” under the heading
23 “RURAL DEVELOPMENT PROGRAMS”, by
24 striking “Assistant Secretary” and inserting
25 “Under Secretary”.

1 (f) UNDER SECRETARY DEFINED.—In this Act, the
2 term “Under Secretary” means the Under Secretary of
3 Commerce for Communications and Information.