

[DISCUSSION DRAFT]**1 TITLE VI—PUBLIC SAFETY COM-
2 MUNICATIONS AND ELECTRO-
3 MAGNETIC SPECTRUM AUC-
4 TIONS****5 SEC. 6001. DEFINITIONS.**

6 In this title:

7 (1) 700 MHZ BAND.—The term “700 MHz
8 band” means the portion of the electromagnetic
9 spectrum between the frequencies from 698 mega-
10 hertz to 806 megahertz.

11 (2) 700 MHZ D BLOCK SPECTRUM.—The term
12 “700 MHz D block spectrum” means the portion of
13 the electromagnetic spectrum between the fre-
14 quencies from 758 megahertz to 763 megahertz and
15 between the frequencies from 788 megahertz to 793
16 megahertz.

17 (3) 700 MHZ PUBLIC SAFETY GUARD BAND
18 SPECTRUM.—The term “700 MHz public safety
19 guard band spectrum” means the portion of the
20 electromagnetic spectrum between the frequencies
21 from 768 megahertz to 769 megahertz and between

1 the frequencies from 798 megahertz to 799 mega-
2 hertz.

3 (4) 700 MHZ PUBLIC SAFETY NARROWBAND
4 SPECTRUM.—The term “700 MHz public safety
5 narrowband spectrum” means the portion of the
6 electromagnetic spectrum between the frequencies
7 from 769 megahertz to 775 megahertz and between
8 the frequencies from 799 megahertz to 805 mega-
9 hertz.

10 (5) APPROPRIATE COMMITTEES OF CON-
11 GRESS.—Except as otherwise specifically provided,
12 the term “appropriate committees of Congress”
13 means—

14 (A) the Committee on Commerce, Science,
15 and Transportation of the Senate; and

16 (B) the Committee on Energy and Com-
17 merce of the House of Representatives.

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

21 (7) BOARD.—The term “Board” means the
22 Board of the First Responder Network Authority es-
23 tablished under section 6204(b).

1 (8) BROADCAST TELEVISION LICENSEE.—The
2 term “broadcast television licensee” means the li-
3 censee of—

4 (A) a full-power television station; or

5 (B) a low-power television station that has
6 been accorded primary status as a Class A tele-
7 vision licensee under section 73.6001(a) of title
8 47, Code of Federal Regulations.

9 (9) BROADCAST TELEVISION SPECTRUM.—The
10 term “broadcast television spectrum” means the por-
11 tions of the electromagnetic spectrum between the
12 frequencies from 54 megahertz to 72 megahertz,
13 from 76 megahertz to 88 megahertz, from 174
14 megahertz to 216 megahertz, and from 470 mega-
15 hertz to 698 megahertz.

16 (10) COMMERCIAL MOBILE DATA SERVICE.—
17 The term “commercial mobile data service” means
18 any mobile service (as defined in section 3 of the
19 Communications Act of 1934 (47 U.S.C. 153)) that
20 is—

21 (A) a data service;

22 (B) provided for profit; and

23 (C) available to the public or such classes
24 of eligible users as to be effectively available to

1 a substantial portion of the public, as specified
2 by regulation by the Commission.

3 (11) COMMERCIAL MOBILE SERVICE.—The
4 term “commercial mobile service” has the meaning
5 given such term in section 332 of the Communica-
6 tions Act of 1934 (47 U.S.C. 332).

7 (12) COMMERCIAL STANDARDS.—The term
8 “commercial standards” means the technical stand-
9 ards followed by the commercial mobile service and
10 commercial mobile data service industries for net-
11 work, device, and Internet Protocol connectivity.
12 Such term includes standards developed by the
13 Third Generation Partnership Project (3GPP), the
14 Institute of Electrical and Electronics Engineers
15 (IEEE), the Alliance for Telecommunications Indus-
16 try Solutions (ATIS), the Internet Engineering Task
17 Force (IETF), and the International Telecommuni-
18 cation Union (ITU).

19 (13) COMMISSION.—The term “Commission”
20 means the Federal Communications Commission.

21 (14) CORE NETWORK.—The term “core net-
22 work” means the core network described in section
23 6202(b)(1).

24 (15) EMERGENCY CALL.—The term “emergency
25 call” means any real-time communication with a

1 public safety answering point or other emergency
2 management or response agency, including—

3 (A) through voice, text, or video and re-
4 lated data; and

5 (B) nonhuman-initiated automatic event
6 alerts, such as alarms, telematics, or sensor
7 data, which may also include real-time voice,
8 text, or video communications.

9 (16) EXISTING PUBLIC SAFETY BROADBAND
10 SPECTRUM.—The term “existing public safety
11 broadband spectrum” means the portion of the elec-
12 tromagnetic spectrum between the frequencies—

13 (A) from 763 megahertz to 768 megahertz;

14 (B) from 793 megahertz to 798 mega-
15 hertz;

16 (C) from 768 megahertz to 769 megahertz;

17 and

18 (D) from 798 megahertz to 799 mega-
19 hertz.

20 (17) FIRST RESPONDER NETWORK AUTHOR-
21 ITY.—The term “First Responder Network Author-
22 ity” means the First Responder Network Authority
23 established under section 6204.

24 (18) FORWARD AUCTION.—The term “forward
25 auction” means the portion of an incentive auction

1 of broadcast television spectrum under section
2 6403(e).

3 (19) INCENTIVE AUCTION.—The term “incen-
4 tive auction” means a system of competitive bidding
5 under subparagraph (G) of section 309(j)(8) of the
6 Communications Act of 1934, as added by section
7 6402.

8 (20) INTEROPERABILITY BOARD.—The term
9 “Interoperability Board” means the Technical Advi-
10 sory Board for First Responder Interoperability es-
11 tablished under section 6203.

12 (21) MULTICHANNEL VIDEO PROGRAMMING
13 DISTRIBUTOR.—The term “multichannel video pro-
14 gramming distributor” has the meaning given such
15 term in section 602 of the Communications Act of
16 1934 (47 U.S.C. 522).

17 (22) NARROWBAND SPECTRUM.—The term
18 “narrowband spectrum” means the portion of the
19 electromagnetic spectrum between the frequencies
20 from 769 megahertz to 775 megahertz and between
21 the frequencies from 799 megahertz to 805 mega-
22 hertz.

23 (23) NATIONWIDE PUBLIC SAFETY BROADBAND
24 NETWORK.—The term “nationwide public safety
25 broadband network” means the nationwide, inter-

1 operable public safety broadband network described
2 in section 6202.

3 (24) NEXT GENERATION 9–1–1 SERVICES.—The
4 term “Next Generation 9–1–1 services” means an
5 IP-based system comprised of hardware, software,
6 data, and operational policies and procedures that—

7 (A) provides standardized interfaces from
8 emergency call and message services to support
9 emergency communications;

10 (B) processes all types of emergency calls,
11 including voice, text, data, and multimedia in-
12 formation;

13 (C) acquires and integrates additional
14 emergency call data useful to call routing and
15 handling;

16 (D) delivers the emergency calls, messages,
17 and data to the appropriate public safety an-
18 swering point and other appropriate emergency
19 entities;

20 (E) supports data or video communications
21 needs for coordinated incident response and
22 management; and

23 (F) provides broadband service to public
24 safety answering points or other first responder
25 entities.

1 (25) NIST.—The term “NIST” means the Na-
2 tional Institute of Standards and Technology.

3 (26) NTIA.—The term “NTIA” means the Na-
4 tional Telecommunications and Information Admin-
5 istration.

6 (27) PUBLIC SAFETY ANSWERING POINT.—The
7 term “public safety answering point” has the mean-
8 ing given such term in section 222 of the Commu-
9 nications Act of 1934 (47 U.S.C. 222).

10 (28) PUBLIC SAFETY BROADBAND SPEC-
11 TRUM.—The term “public safety broadband spec-
12 trum” means the portion of the electromagnetic
13 spectrum between the frequencies from 763 mega-
14 hertz to 768 megahertz and between the frequencies
15 from 793 megahertz to 798 megahertz.

16 (29) PUBLIC SAFETY COMMUNICATIONS.—The
17 term “public safety communications” means commu-
18 nications by providers of public safety services.

19 (30) PUBLIC SAFETY ENTITY.—The term “pub-
20 lic safety entity” means an entity that provides pub-
21 lic safety services.

22 (31) PUBLIC SAFETY SERVICES.—The term
23 “public safety services”—

1 (A) has the meaning given the term in sec-
2 tion 337(f) of the Communications Act of 1934
3 (47 U.S.C. 337(f)); and

4 (B) includes services provided by emer-
5 gency response providers, as that term is de-
6 fined in section 2 of the Homeland Security Act
7 of 2002 (6 U.S.C. 101).

8 (32) PUBLIC SAFETY TRUST FUND.—The term
9 “Public Safety Trust Fund” means the trust fund
10 established under section 6413(a)(1).

11 (33) RADIO ACCESS NETWORK.—The term
12 “radio access network” means the radio access net-
13 work described in section 6202(b)(2).

14 (34) REVERSE AUCTION.—The term “reverse
15 auction” means the portion of an incentive auction
16 of broadcast television spectrum under section
17 6403(a), in which a broadcast television licensee may
18 submit bids stating the amount it would accept for
19 voluntarily relinquishing some or all of its broadcast
20 television spectrum usage rights.

21 (35) STATE.—The term “State” has the mean-
22 ing given such term in section 3 of the Communica-
23 tions Act of 1934 (47 U.S.C. 153).

24 (36) ULTRA HIGH FREQUENCY.—The term
25 “ultra high frequency” means, with respect to a tele-

1 vision channel, that the channel is located in the
2 portion of the electromagnetic spectrum between the
3 frequencies from 470 megahertz to 698 megahertz.

4 (37) VERY HIGH FREQUENCY.—The term “very
5 high frequency” means, with respect to a television
6 channel, that the channel is located in the portion of
7 the electromagnetic spectrum between the fre-
8 quencies from 54 megahertz to 72 megahertz, from
9 76 megahertz to 88 megahertz, or from 174 mega-
10 hertz to 216 megahertz.

11 **SEC. 6002. RULE OF CONSTRUCTION.**

12 Each range of frequencies described in this title shall
13 be construed to be inclusive of the upper and lower fre-
14 quencies in the range.

15 **SEC. 6003. ENFORCEMENT.**

16 (a) IN GENERAL.—The Commission shall implement
17 and enforce this title as if this title is a part of the Com-
18 munications Act of 1934 (47 U.S.C. 151 et seq.). A viola-
19 tion of this title, or a regulation promulgated under this
20 title, shall be considered to be a violation of the Commu-
21 nications Act of 1934, or a regulation promulgated under
22 such Act, respectively.

23 (b) EXCEPTIONS.—

24 (1) OTHER AGENCIES.—Subsection (a) does not
25 apply in the case of a provision of this title that is

1 expressly required to be carried out by an agency (as
2 defined in section 551 of title 5, United States
3 Code) other than the Commission.

4 (2) NTIA REGULATIONS.—The Assistant Sec-
5 retary may promulgate such regulations as are nec-
6 essary to implement and enforce any provision of
7 this title that is expressly required to be carried out
8 by the Assistant Secretary.

9 **SEC. 6004. NATIONAL SECURITY RESTRICTIONS ON USE OF**
10 **FUNDS AND AUCTION PARTICIPATION.**

11 (a) USE OF FUNDS.—No funds made available by
12 subtitle B or C may be used to make payments under a
13 contract to a person described in subsection (c).

14 (b) AUCTION PARTICIPATION.—A person described in
15 subsection (c) may not participate in a system of competi-
16 tive bidding under section 309(j) of the Communications
17 Act of 1934 (47 U.S.C. 309(j))—

18 (1) that is required to be conducted by this
19 title; or

20 (2) in which any spectrum usage rights for
21 which licenses are being assigned were made avail-
22 able under clause (i) of subparagraph (G) of para-
23 graph (8) of such section, as added by section 6402.

24 (c) PERSON DESCRIBED.—A person described in this
25 subsection is a person who has been, for reasons of na-

1 tional security, barred by any agency of the Federal Gov-
2 ernment from bidding on a contract, participating in an
3 auction, or receiving a grant.

4 **Subtitle A—Reallocation of Public** 5 **Safety Spectrum**

6 **SEC. 6101. REALLOCATION OF D BLOCK TO PUBLIC SAFETY.**

7 (a) IN GENERAL.—The Commission shall reallocate
8 the 700 MHz D block spectrum for use by public safety
9 entities in accordance with the provisions of this Act.

10 (b) SPECTRUM ALLOCATION.—Section 337(a) of the
11 Communications Act of 1934 (47 U.S.C. 337(a)) is
12 amended—

13 (1) by striking “24” in paragraph (1) and in-
14 serting “34”; and

15 (2) by striking “36” in paragraph (2) and in-
16 serting “26”.

17 **SEC. 6102. FLEXIBLE USE OF NARROWBAND SPECTRUM.**

18 The Commission may allow the narrowband spectrum
19 to be used in a flexible manner, including usage for public
20 safety broadband communications, subject to such tech-
21 nical and interference protection measures as the Commis-
22 sion may require.

23 **SEC. 6103. 470–512 MHZ PUBLIC SAFETY SPECTRUM.**

24 (a) IN GENERAL.—Not later than 9 years after the
25 date of enactment of this title, the Commission shall—

1 (1) reallocate the spectrum in the 470–512
2 MHz band (referred to in this section as the “T-
3 Band spectrum”) currently used by public safety eli-
4 gibles as identified in section 90.303 of title 47,
5 Code of Federal Regulations; and

6 (2) begin a system of competitive bidding under
7 section 309(j) of the Communications Act of 1934
8 (47 U.S.C. 309(j)) to grant new initial licenses for
9 the use of the spectrum described in paragraph (1).

10 (b) AUCTION PROCEEDS.—Proceeds (including de-
11 posits and upfront payments from successful bidders)
12 from the competitive bidding system described in sub-
13 section (a)(2) shall be available to the Assistant Secretary
14 to make grants in such sums as necessary to cover reloca-
15 tion costs for the relocation of public safety entities from
16 the T-Band spectrum.

17 (c) RELOCATION.—Relocation shall be completed not
18 later than 2 years after the date on which the system of
19 competitive bidding described in subsection (a)(2) is com-
20 pleted.

1 **Subtitle B—Governance of Public**
2 **Safety Spectrum**

3 **SEC. 6201. SINGLE PUBLIC SAFETY WIRELESS NETWORK LI-**
4 **CENSEE.**

5 (a) REALLOCATION AND GRANT OF LICENSE.—Not-
6 withstanding any other provision of law, and subject to
7 the provisions of this Act, the Commission shall reallocate
8 and grant a license to the First Responder Network Au-
9 thority for the use of the 700 MHz D block spectrum and
10 existing public safety broadband spectrum.

11 (b) TERM OF LICENSE.—

12 (1) INITIAL LICENSE.—The license granted
13 under subsection (a) shall be for an initial term of
14 10 years from the date of the initial issuance of the
15 license.

16 (2) RENEWAL OF LICENSE.—Prior to expiration
17 of the term of the initial license granted under sub-
18 section (a) or the expiration of any subsequent re-
19 newal of such license, the First Responder Network
20 Authority shall submit to the Commission an appli-
21 cation for the renewal of such license. Such renewal
22 application shall demonstrate that, during the pre-
23 ceding license term, the First Responder Network
24 Authority has met the duties and obligations set
25 forth under this Act. A renewal license granted

1 under this paragraph shall be for a term of not to
2 exceed 10 years.

3 (c) FACILITATION OF TRANSITION.—The Commis-
4 sion shall take all actions necessary to facilitate the transi-
5 tion of the existing public safety broadband spectrum to
6 the First Responder Network Authority.

7 **SEC. 6202. PUBLIC SAFETY BROADBAND NETWORK.**

8 (a) ESTABLISHMENT.—The First Responder Net-
9 work Authority shall ensure the establishment of a nation-
10 wide, interoperable public safety broadband network.

11 (b) NETWORK COMPONENTS.—The nationwide public
12 safety broadband network shall be based on a single, na-
13 tional network architecture that evolves with technological
14 advancements and initially consists of —

15 (1) a core network that—

16 (A) consists of national and regional data
17 centers, and other elements and functions that
18 may be distributed geographically, all of which
19 shall be based on commercial standards; and

20 (B) provides the connectivity between—

21 (i) the radio access network; and

22 (ii) the public Internet or the public
23 switched network, or both; and

24 (2) a radio access network that—

1 (A) consists of all cell site equipment, an-
2 tennas, and backhaul equipment, based on com-
3 mercial standards, that are required to enable
4 wireless communications with devices using the
5 public safety broadband spectrum; and

6 (B) shall be developed, constructed, man-
7 aged, maintained, and operated taking into ac-
8 count the plans developed in the State, local,
9 and tribal planning and implementation grant
10 program under section 6302(a).

11 **SEC. 6203. PUBLIC SAFETY INTEROPERABILITY BOARD.**

12 (a) ESTABLISHMENT.—There is established within
13 the Commission an advisory board to be known as the
14 “Technical Advisory Board for First Responder Interoper-
15 ability”.

16 (b) MEMBERSHIP.—

17 (1) IN GENERAL.—

18 (A) VOTING MEMBERS.—Not later than 30
19 days after the date of enactment of this title,
20 the Chairman of the Commission shall appoint
21 14 voting members to the Interoperability
22 Board, of which—

23 (i) 4 members shall be representatives
24 of wireless providers, of which—

1 (I) 2 members shall be represent-
2 atives of national wireless providers;

3 (II) 1 member shall be a rep-
4 resentative of regional wireless pro-
5 viders; and

6 (III) 1 member shall be a rep-
7 resentative of rural wireless providers;

8 (ii) 3 members shall be representa-
9 tives of equipment manufacturers;

10 (iii) 4 members shall be representa-
11 tives of public safety entities, of which—

12 (I) not less than 1 member shall
13 be a representative of management
14 level employees of public safety enti-
15 ties; and

16 (II) not less than 1 member shall
17 be a representative of employees of
18 public safety entities; and

19 (iv) all members shall have specific ex-
20 pertise necessary to developing technical
21 requirements under this section, such as
22 technical expertise, public safety commu-
23 nications expertise, and commercial net-
24 work experience.

1 (B) NON-VOTING MEMBER.—The Assistant
2 Secretary shall appoint 1 non-voting member to
3 the Interoperability Board.

4 (2) PERIOD OF APPOINTMENT.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), members of the Interoper-
7 ability Board shall be appointed for the life of
8 the Interoperability Board.

9 (B) REMOVAL FOR CAUSE.—A member of
10 the Interoperability Board may be removed for
11 cause upon the determination of the Chairman
12 of the Commission.

13 (3) VACANCIES.—Any vacancy in the Interoper-
14 ability Board shall not affect the powers of the
15 Interoperability Board, and shall be filled in the
16 same manner as the original appointment.

17 (4) CHAIRPERSON AND VICE CHAIRPERSON.—
18 The Interoperability Board shall select a Chair-
19 person and Vice Chairperson from among the mem-
20 bers of the Interoperability Board.

21 (5) QUORUM.—A majority of the members of
22 the Interoperability Board shall constitute a
23 quorum.

24 (c) DUTIES OF THE INTEROPERABILITY BOARD.—

1 (1) DEVELOPMENT OF TECHNICAL REQUIRE-
2 MENTS.—Not later than 90 days after the date of
3 enactment of this Act, the Interoperability Board, in
4 consultation with the NTIA, NIST, and the Office
5 of Emergency Communications of the Department of
6 Homeland Security, shall—

7 (A) develop recommended minimum tech-
8 nical requirements to ensure a nationwide level
9 of interoperability for the nationwide public
10 safety broadband network; and

11 (B) submit to the Commission for review
12 in accordance with paragraph (3) recommended
13 minimum technical requirements described in
14 subparagraph (A).

15 (2) CONSIDERATION.—In developing rec-
16 ommended minimum technical requirements under
17 paragraph (1), the Interoperability Board shall base
18 the recommended minimum technical requirements
19 on the commercial standards for Long Term Evo-
20 lution (LTE) service.

21 (3) APPROVAL OF RECOMMENDATIONS.—

22 (A) IN GENERAL.—Not later than 30 days
23 after the date on which the Interoperability
24 Board submits recommended minimum tech-
25 nical requirements under paragraph (1)(A), the

1 Commission shall approve the recommenda-
2 tions, with any revisions it deems necessary,
3 and transmit such recommendations to the
4 First Responder Network Authority.

5 (B) REVIEW.—Any actions taken under
6 subparagraph (A) shall not be reviewable as a
7 final agency action.

8 (d) TRAVEL EXPENSES.—The members of the Inter-
9 operability Board shall be allowed travel expenses, includ-
10 ing per diem in lieu of subsistence, at rates authorized
11 for employees of agencies under subchapter I of chapter
12 57 of title 5, United States Code, while away from their
13 homes or regular places of business in the performance
14 of services for the Interoperability Board.

15 (e) EXEMPTION FROM FACCA.—The Federal Advi-
16 sory Committee Act (5 U.S.C. App.) shall not apply to
17 the Interoperability Board.

18 (f) TERMINATION OF AUTHORITY.—The Interoper-
19 ability Board shall terminate 15 days after the date on
20 which the Commission transmits the recommendations to
21 the First Responder Network Authority under paragraph
22 (3)(A).

1 **SEC. 6204. ESTABLISHMENT OF THE FIRST RESPONDER**
2 **NETWORK AUTHORITY.**

3 (a) ESTABLISHMENT.—There is established as an
4 independent authority within the NTLA the “First Re-
5 sponder Network Authority” or “FirstNet”.

6 (b) BOARD.—

7 (1) IN GENERAL.—The First Responder Net-
8 work Authority shall be headed by a Board, which
9 shall consist of—

10 (A) the Secretary of Homeland Security;

11 (B) the Attorney General of the United
12 States;

13 (C) the Director of the Office of Manage-
14 ment and Budget; and

15 (D) 12 individuals appointed by the Sec-
16 retary of Commerce in accordance with para-
17 graph (2).

18 (2) APPOINTMENTS.—

19 (A) IN GENERAL.—In making appoint-
20 ments under paragraph (1)(D), the Secretary of
21 Commerce shall—

22 (i) appoint not fewer than 3 individ-
23 uals to represent the collective interests of
24 the States, localities, tribes, and territories;

1 (ii) seek to ensure geographic and re-
2 gional representation of the United States
3 in such appointments;

4 (iii) seek to ensure rural and urban
5 representation in such appointments; and

6 (iv) appoint not fewer than 3 individ-
7 uals who have served as public safety pro-
8 fessionals.

9 (B) REQUIRED QUALIFICATIONS.—

10 (i) IN GENERAL.—Each member ap-
11 pointed under paragraph (1)(D) should
12 meet not less than 1 of the following cri-
13 teria:

14 (I) PUBLIC SAFETY EXPERI-
15 ENCE.—Knowledge and experience in
16 the use of Federal, State, local, or
17 tribal public safety or emergency re-
18 sponse.

19 (II) TECHNICAL EXPERTISE.—
20 Technical expertise and fluency re-
21 garding broadband communications,
22 including public safety communica-
23 tions.

24 (III) NETWORK EXPERTISE.—
25 Expertise in building, deploying, and

1 operating commercial telecommuni-
2 cations networks.

3 (IV) FINANCIAL EXPERTISE.—
4 Expertise in financing and funding
5 telecommunications networks.

6 (ii) EXPERTISE TO BE REP-
7 RESENTED.—In making appointments
8 under paragraph (1)(D), the Secretary of
9 Commerce shall appoint—

10 (I) not fewer than 1 individual
11 who satisfies the requirement under
12 subclause (II) of clause (i);

13 (II) not fewer than 1 individual
14 who satisfies the requirement under
15 subclause (III) of clause (i); and

16 (III) not fewer than 1 individual
17 who satisfies the requirement under
18 subclause (IV) of clause (i).

19 (C) CITIZENSHIP.—No individual other
20 than a citizen of the United States may serve
21 as a member of the Board.

22 (c) TERMS OF APPOINTMENT.—

23 (1) INITIAL APPOINTMENT DEADLINE.—Mem-
24 bers of the Board shall be appointed not later than

1 180 days after the date of the enactment of this
2 title.

3 (2) TERMS.—

4 (A) LENGTH.—

5 (i) IN GENERAL.—Each member of
6 the Board described in subparagraphs (A)
7 through (C) of subsection (b)(1) shall serve
8 as a member of the Board for the life of
9 the First Responder Network Authority.

10 (ii) APPOINTED INDIVIDUALS.—The
11 term of office of each individual appointed
12 to be a member of the Board under sub-
13 section (b)(1)(D) shall be 3 years. No
14 member described in this clause may serve
15 more than 2 consecutive full 3-year terms.

16 (B) EXPIRATION OF TERM.—Any member
17 whose term has expired may serve until such
18 member's successor has taken office, or until
19 the end of the calendar year in which such
20 member's term has expired, whichever is earlier.

21 (C) APPOINTMENT TO FILL VACANCY.—
22 Any member appointed to fill a vacancy occur-
23 ring prior to the expiration of the term for
24 which that member's predecessor was appointed

1 shall be appointed for the remainder of the
2 predecessor's term.

3 (D) STAGGERED TERMS.—With respect to
4 the initial members of the Board appointed
5 under subsection (b)(1)(D)—

6 (i) 4 members shall serve for a term
7 of 3 years;

8 (ii) 4 members shall serve for a term
9 of 2 years; and

10 (iii) 4 members shall serve for a term
11 of 1 year.

12 (3) VACANCIES.—A vacancy in the membership
13 of the Board shall not affect the Board's powers,
14 and shall be filled in the same manner as the origi-
15 nal member was appointed.

16 (d) CHAIR.—

17 (1) SELECTION.—The Secretary of Commerce
18 shall select, from among the members of the Board
19 appointed under subsection (b)(1)(D), an individual
20 to serve for a 2-year term as Chair of the Board.

21 (2) CONSECUTIVE TERMS.—An individual may
22 not serve for more than 2 consecutive terms as
23 Chair of the Board.

24 (e) MEETINGS.—

25 (1) FREQUENCY.—The Board shall meet—

1 (A) at the call of the Chairperson; and

2 (B) not less frequently than once each
3 quarter.

4 (2) TRANSPARENCY.—Meetings of the Board,
5 including any committee of the Board, shall be open
6 to the public. The Board may, by majority vote,
7 close any such meeting only for the time necessary
8 to preserve the confidentiality of commercial or fi-
9 nancial information that is privileged or confidential,
10 to discuss personnel matters, or to discuss legal mat-
11 ters affecting the First Responder Network Author-
12 ity, including pending or potential litigation.

13 (f) QUORUM.—Eight members of the Board shall
14 constitute a quorum, including at least 6 of the members
15 appointed under subsection (b)(1)(D).

16 (g) COMPENSATION.—

17 (1) IN GENERAL.—The members of the Board
18 appointed under subsection (b)(1)(D) shall be com-
19 pensated at level IV of the Executive Schedule under
20 section 5315 of title 5, United States Code.

21 (2) AMENDMENT TO EXECUTIVE SCHEDULE.—
22 Section 5315 of title 5, United States Code, is
23 amended by adding at the end the following:
24 “Member, First Responder Network Authority
25 (12)”.

1 (3) PROHIBITION ON COMPENSATION.—A mem-
2 ber of the Board appointed under subparagraphs (A)
3 through (C) of subsection (b)(1) shall serve without
4 additional pay, and shall not otherwise benefit, di-
5 rectly or indirectly, as a result of their service to the
6 First Responder Network Authority, but shall be al-
7 lowed a per diem allowance for travel expenses, at
8 rates authorized for an employee of an agency under
9 subchapter I of chapter 57 of title 5, United States
10 Code, while away from the home or regular place of
11 business of the member in the performance of the
12 duties of the First Responder Network Authority.

13 **SEC. 6205. ADVISORY COMMITTEES OF THE FIRST RE-**
14 **SPONDER NETWORK AUTHORITY.**

15 (a) ADVISORY COMMITTEES.—The First Responder
16 Network Authority—

17 (1) shall establish a standing public safety advi-
18 sory committee to assist the First Responder Net-
19 work Authority in carrying out its duties and re-
20 sponsibilities under this subtitle; and

21 (2) may establish additional standing or ad hoc
22 committees, panels, or councils as the First Re-
23 sponder Network Authority determines are nec-
24 essary.

1 (b) SELECTION OF AGENTS, CONSULTANTS, AND EX-
2 PERTS.—

3 (1) IN GENERAL.—The First Responder Net-
4 work Authority shall select parties to serve as its
5 agents, consultants, or experts in a fair, transparent,
6 and objective manner, and such agents may include
7 a program manager to carry out certain of the du-
8 ties and responsibilities of deploying and operating
9 the nationwide public safety broadband network de-
10 scribed in subsections (b) and (c) of section 6206.

11 (2) BINDING AND FINAL.—If the selection of an
12 agent, consultant, or expert satisfies the require-
13 ments under paragraph (1), the selection of that
14 agent, consultant, or expert shall be final and bind-
15 ing.

16 **SEC. 6206. POWERS, DUTIES, AND RESPONSIBILITIES OF**
17 **THE FIRST RESPONDER NETWORK AUTHOR-**
18 **ITY.**

19 (a) GENERAL POWERS.—The First Responder Net-
20 work Authority shall have the authority to do the fol-
21 lowing:

22 (1) To exercise, through the actions of its
23 Board, all powers specifically granted by the provi-
24 sions of this subtitle, and such incidental powers as
25 shall be necessary.

1 (2) To hold such hearings, sit and act at such
2 times and places, take such testimony, and receive
3 such evidence as the First Responder Network Au-
4 thority considers necessary to carry out its respon-
5 sibilities and duties.

6 (3) To obtain grants and funds from and make
7 contracts with individuals, private companies, orga-
8 nizations, institutions, and Federal, State, regional,
9 and local agencies.

10 (4) To accept, hold, administer, and utilize
11 gifts, donations, and bequests of property, both real
12 and personal, for the purposes of aiding or facili-
13 tating the work of the First Responder Network Au-
14 thority.

15 (5) To spend funds under paragraph (3) in a
16 manner authorized by the Board, but only for pur-
17 poses that will advance or enhance public safety
18 communications consistent with this title.

19 (6) To take such other actions as the First Re-
20 sponder Network Authority (through the Board)
21 may from time to time determine necessary, appro-
22 priate, or advisable to accomplish the purposes of
23 this title.

1 (b) DUTY AND RESPONSIBILITY TO DEPLOY AND OP-
2 ERATE A NATIONWIDE PUBLIC SAFETY BROADBAND
3 NETWORK.—

4 (1) IN GENERAL.—The First Responder Net-
5 work Authority shall hold the single public safety
6 wireless license granted under section 6201 and take
7 all actions necessary to ensure the building, deploy-
8 ment, and operation of the nationwide public safety
9 broadband network, in consultation with Federal,
10 State, tribal, and local public safety entities, the Di-
11 rector of NIST, the Commission, and the public
12 safety advisory committee established in section
13 6205(a), including by, at a minimum—

14 (A) ensuring nationwide standards for use
15 and access of the network;

16 (B) issuing open, transparent, and com-
17 petitive requests for proposals to private sector
18 entities for the purposes of building, operating,
19 and maintaining the network that use, without
20 materially changing, the minimum technical re-
21 quirements developed under section 6203;

22 (C) encouraging that such requests lever-
23 age, to the maximum extent economically desir-
24 able, existing commercial wireless infrastructure
25 to speed deployment of the network; and

1 (D) managing and overseeing the imple-
2 mentation and execution of contracts or agree-
3 ments with non-Federal entities to build, oper-
4 ate, and maintain the network.

5 (2) REQUIREMENTS.—In carrying out the du-
6 ties and responsibilities of this subsection, including
7 issuing requests for proposals, the First Responder
8 Network Authority shall—

9 (A) ensure the safety, security, and resil-
10 iency of the network, including requirements for
11 protecting and monitoring the network to pro-
12 tect against cyberattack;

13 (B) promote competition in the equipment
14 market, including devices for public safety com-
15 munications, by requiring that equipment for
16 use on the network be—

17 (i) built to open, non-proprietary,
18 commercially available standards;

19 (ii) capable of being used by any pub-
20 lic safety entity and by multiple vendors
21 across all public safety broadband net-
22 works operating in the 700 MHz band;
23 and

24 (iii) backward-compatible with exist-
25 ing commercial networks to the extent that

1 such capabilities are necessary and tech-
2 nically and economically reasonable;

3 (C) promote integration of the network
4 with public safety answering points or their
5 equivalent; and

6 (D) addresses special considerations for
7 areas or regions with unique homeland security
8 or national security needs.

9 (3) **RURAL COVERAGE.**—In carrying out the du-
10 ties and responsibilities of this subsection, including
11 issuing requests for proposals, the nationwide, inter-
12 operable safety broadband network, consistent with
13 the license granted under section 6201, shall require
14 deployment phases with substantial rural coverage
15 milestones as part of each phase of the construction
16 and deployment of the network. To the maximum
17 extent economically desirable, such proposals shall
18 include partnerships with existing commercial mobile
19 providers to utilize cost-effective opportunities to
20 speed deployment in rural areas.

21 (4) **EXECUTION OF AUTHORITY.**—In carrying
22 out the duties and responsibilities of this subsection,
23 the First Responder Network Authority may—

1 (A) obtain grants from and make contracts
2 with individuals, private companies, and Fed-
3 eral, State, regional, and local agencies;

4 (B) hire or accept voluntary services of
5 consultants, experts, advisory boards, and pan-
6 els to aid the First Responder Network Author-
7 ity in carrying out such duties and responsibil-
8 ities;

9 (C) receive payment for use of—

10 (i) network capacity licensed to the
11 First Responder Network Authority; and

12 (ii) network infrastructure con-
13 structed, owned, or operated by the First
14 Responder Network Authority; and

15 (D) take such other actions as may be nec-
16 essary to accomplish the purposes set forth in
17 this subsection.

18 (c) OTHER SPECIFIC DUTIES AND RESPONSIBIL-
19 ITIES.—

20 (1) ESTABLISHMENT OF NETWORK POLICIES.—

21 In carrying out the requirements under subsection
22 (b), the First Responder Network Authority shall
23 develop—

24 (A) requests for proposals with appro-
25 priate—

1 (i) timetables for construction, includ-
2 ing by taking into consideration the time
3 needed to build out to rural areas and the
4 advantages offered through partnerships
5 with existing commercial providers under
6 paragraph (3);

7 (ii) coverage areas, including coverage
8 in rural and nonurban areas;

9 (iii) service levels;

10 (iv) performance criteria; and

11 (v) other similar matters for the con-
12 struction and deployment of such network;

13 (B) the technical and operational require-
14 ments of the network;

15 (C) practices, procedures, and standards
16 for the management and operation of such net-
17 work;

18 (D) terms of service for the use of such
19 network, including billing practices; and

20 (E) ongoing compliance review and moni-
21 toring of the—

22 (i) management and operation of such
23 network;

1 (ii) practices and procedures of the
2 entities operating on and the personnel
3 using such network; and

4 (iii) necessary training needs of net-
5 work operators and users.

6 (2) STATE AND LOCAL PLANNING.—

7 (A) REQUIRED CONSULTATION.—In devel-
8 oping requests for proposals and otherwise car-
9 rying out its responsibilities under this Act, the
10 First Responder Network Authority shall con-
11 sult with regional, State, tribal, and local juris-
12 dictions regarding the distribution and expendi-
13 ture of any amounts required to carry out the
14 policies established under paragraph (1), includ-
15 ing with regard to the—

16 (i) construction of a core network and
17 any radio access network build out;

18 (ii) placement of towers;

19 (iii) coverage areas of the network,
20 whether at the regional, State, tribal, or
21 local level;

22 (iv) adequacy of hardening, security,
23 reliability, and resiliency requirements;

24 (v) assignment of priority to local
25 users;

1 (vi) assignment of priority and selec-
2 tion of entities seeking access to or use of
3 the nationwide public safety interoperable
4 broadband network established under sub-
5 section (b); and

6 (vii) training needs of local users.

7 (B) METHOD OF CONSULTATION.—The
8 consultation required under subparagraph (A)
9 shall occur between the First Responder Net-
10 work Authority and the single officer or govern-
11 mental body designated under section 6302(d).

12 (3) LEVERAGING EXISTING INFRASTRUC-
13 TURE.—In carrying out the requirement under sub-
14 section (b), the First Responder Network Authority
15 shall enter into agreements to utilize, to the max-
16 imum extent economically desirable, existing—

17 (A) commercial or other communications
18 infrastructure; and

19 (B) Federal, State, tribal, or local infra-
20 structure.

21 (4) MAINTENANCE AND UPGRADES.—The First
22 Responder Network Authority shall ensure the main-
23 tenance, operation, and improvement of the nation-
24 wide public safety broadband network, including by
25 ensuring that the First Responder Network Author-

1 ity updates and revises any policies established
2 under paragraph (1) to take into account new and
3 evolving technologies.

4 (5) ROAMING AGREEMENTS.—The First Re-
5 sponder Network Authority shall negotiate and enter
6 into, as it determines appropriate, roaming agree-
7 ments with commercial network providers to allow
8 the nationwide public safety broadband network to
9 roam onto commercial networks and gain
10 prioritization of public safety communications over
11 such networks in times of an emergency.

12 (6) NETWORK INFRASTRUCTURE AND DEVICE
13 CRITERIA.—The Director of NIST, in consultation
14 with the First Responder Network Authority and the
15 Commission, shall ensure the development of a list
16 of certified devices and components meeting appro-
17 priate protocols and standards for public safety enti-
18 ties and commercial vendors to adhere to, if such en-
19 tities or vendors seek to have access to, use of, or
20 compatibility with the nationwide public safety
21 broadband network.

22 (7) REPRESENTATION BEFORE STANDARD SET-
23 TING ENTITIES.—The First Responder Network Au-
24 thority, in consultation with the Director of NIST,
25 the Commission, and the public safety advisory com-

1 mittee established under section 6205(a), shall rep-
2 resent the interests of public safety users of the na-
3 tionwide public safety broadband network before any
4 proceeding, negotiation, or other matter in which a
5 standards organization, standards body, standards
6 development organization, or any other recognized
7 standards-setting entity addresses the development
8 of standards relating to interoperability.

9 (8) PROHIBITION ON NEGOTIATION WITH FOR-
10 EIGN GOVERNMENTS.—The First Responder Net-
11 work Authority shall not have the authority to nego-
12 tiate or enter into any agreements with a foreign
13 government on behalf of the United States.

14 (d) EXEMPTION FROM CERTAIN LAWS.—Any action
15 taken or decisions made by the First Responder Network
16 Authority shall be exempt from the requirements of—

17 (1) section 3506 of title 44, United States Code
18 (commonly referred to as the Paperwork Reduction
19 Act);

20 (2) chapter 5 of title 5, United States Code
21 (commonly referred to as the Administrative Proce-
22 dures Act); and

23 (3) chapter 6 of title 5, United States Code
24 (commonly referred to as the Regulatory Flexibility
25 Act).

1 (e) NETWORK CONSTRUCTION FUND.—

2 (1) ESTABLISHMENT.—There is established in
3 the Treasury of the United States a fund to be
4 known as the “Network Construction Fund”.

5 (2) USE OF FUND.—Amounts deposited into
6 the Network Construction Fund shall be used by
7 the—

8 (A) First Responder Network Authority to
9 carry out this section, except for administrative
10 expenses; and

11 (B) NTLA to make grants to States under
12 section 6302(e)(3)(C)(iii)(I).

13 (f) TERMINATION OF AUTHORITY.—The authority of
14 the First Responder Network Authority shall terminate on
15 the date that is 15 years after the date of enactment of
16 this title.

17 (g) GAO REPORT.—Not later than 10 years after the
18 date of the enactment of this Act, the Comptroller General
19 of the United States shall submit to Congress a report
20 on what action Congress should take regarding the 15-
21 year sunset of authority under subsection (f).

22 **SEC. 6207. INITIAL FUNDING FOR THE FIRST RESPONDER**
23 **NETWORK AUTHORITY.**

24 (a) BORROWING AUTHORITY.—Prior to the deposit
25 of proceeds into the Public Safety Trust Fund from the

1 incentive auctions to be carried out under section
2 309(j)(8)(G) of the Communications Act of 1934 or the
3 auction of spectrum pursuant to section 6401, the NTLA
4 may borrow from the Treasury such sums as may be nec-
5 essary, but not to exceed \$2,000,000,000, to implement
6 this subtitle. The NTLA shall reimburse the Treasury,
7 without interest, from funds deposited into the Public
8 Safety Trust Fund.

9 (b) PROHIBITION.—

10 (1) IN GENERAL.—Administrative expenses of
11 the First Responder Network Authority may not ex-
12 ceed \$100,000,000 during the 10-year period begin-
13 ning on the date of enactment of this title.

14 (2) DEFINITION.—For purposes of this sub-
15 section, the term “administrative expenses” does not
16 include the costs incurred by the First Responder
17 Network Authority for oversight and audits to pro-
18 tect against waste, fraud, and abuse.

19 **SEC. 6208. PERMANENT SELF-FUNDING; DUTY TO ASSESS**
20 **AND COLLECT FEES FOR NETWORK USE.**

21 (a) IN GENERAL.—Notwithstanding section 337 of
22 the Communications Act of 1934 (47 U.S.C. 337), the
23 First Responder Network Authority is authorized to as-
24 sess and collect the following fees:

1 (1) NETWORK USER FEE.—A user or subscrip-
2 tion fee from each entity, including any public safety
3 entity or secondary user, that seeks access to or use
4 of the nationwide public safety broadband network.

5 (2) LEASE FEES RELATED TO NETWORK CA-
6 PACITY.—

7 (A) IN GENERAL.—A fee from any entity
8 that seeks to enter into a covered leasing agree-
9 ment.

10 (B) COVERED LEASING AGREEMENT.—For
11 purposes of subparagraph (A), a “covered leas-
12 ing agreement” means a written agreement re-
13 sulting from a public-private arrangement to
14 construct, manage, and operate the nationwide
15 public safety broadband network between the
16 First Responder Network Authority and sec-
17 ondary user to permit—

18 (i) access to network capacity on a
19 secondary basis for non-public safety serv-
20 ices; and

21 (ii) the spectrum allocated to such en-
22 tity to be used for commercial trans-
23 missions along the dark fiber of the long-
24 haul network of such entity.

1 (3) LEASE FEES RELATED TO NETWORK EQUIP-
2 MENT AND INFRASTRUCTURE.—A fee from any enti-
3 ty that seeks access to or use of any equipment or
4 infrastructure, including antennas or towers, con-
5 structed or otherwise owned by the First Responder
6 Network Authority resulting from a public-private
7 arrangement to construct, manage, and operate the
8 nationwide public safety broadband network.

9 (b) ESTABLISHMENT OF FEE AMOUNTS; PERMA-
10 NENT SELF-FUNDING.—The total amount of the fees as-
11 sessed for each fiscal year pursuant to this section shall
12 be sufficient, and shall not exceed the amount necessary,
13 to recoup the total expenses of the First Responder Net-
14 work Authority in carrying out its duties and responsibil-
15 ities described under this subtitle for the fiscal year in-
16 volved.

17 (c) ANNUAL APPROVAL.—The NTIA shall review the
18 fees assessed under this section on an annual basis, and
19 such fees may only be assessed if approved by the NTIA.

20 (d) REQUIRED REINVESTMENT OF FUNDS.—The
21 First Responder Network Authority shall reinvest
22 amounts received from the assessment of fees under this
23 section in the nationwide public safety interoperable
24 broadband network by using such funds only for con-

1 structing, maintaining, operating, or improving the net-
2 work.

3 **SEC. 6209. AUDIT AND REPORT.**

4 (a) AUDIT.—

5 (1) IN GENERAL.—The Secretary of Commerce
6 shall enter into a contract with an independent audi-
7 tor to conduct an audit, on an annual basis, of the
8 First Responder Network Authority in accordance
9 with general accounting principles and procedures
10 applicable to commercial corporate transactions.
11 Each audit conducted under this paragraph shall be
12 made available to the appropriate committees of
13 Congress.

14 (2) LOCATION.—Any audit conducted under
15 paragraph (1) shall be conducted at the place or
16 places where accounts of the First Responder Net-
17 work Authority are normally kept.

18 (3) ACCESS TO FIRST RESPONDER NETWORK
19 AUTHORITY BOOKS AND DOCUMENTS.—

20 (A) IN GENERAL.—For purposes of an
21 audit conducted under paragraph (1), the rep-
22 resentatives of the independent auditor shall—

23 (i) have access to all books, accounts,
24 records, reports, files, and all other papers,
25 things, or property belonging to or in use

1 by the First Responder Network Authority
2 that pertain to the financial transactions of
3 the First Responder Network Authority
4 and are necessary to facilitate the audit;
5 and

6 (ii) be afforded full facilities for
7 verifying transactions with the balances or
8 securities held by depositories, fiscal
9 agents, and custodians.

10 (B) REQUIREMENT.—All books, accounts,
11 records, reports, files, papers, and property of
12 the First Responder Network Authority shall
13 remain in the possession and custody of the
14 First Responder Network Authority.

15 (b) REPORT.—

16 (1) IN GENERAL.—The independent auditor se-
17 lected to conduct an audit under this section shall
18 submit a report of each audit conducted under sub-
19 section (a) to—

20 (A) the appropriate committees of Con-
21 gress;

22 (B) the President; and

23 (C) the First Responder Network Author-
24 ity.

1 (2) CONTENTS.—Each report submitted under
2 paragraph (1) shall contain—

3 (A) such comments and information as the
4 independent auditor determines necessary to in-
5 form Congress of the financial operations and
6 condition of the First Responder Network Au-
7 thority;

8 (B) any recommendations of the inde-
9 pendent auditor relating to the financial oper-
10 ations and condition of the First Responder
11 Network Authority; and

12 (C) a description of any program, expendi-
13 ture, or other financial transaction or under-
14 taking of the First Responder Network Author-
15 ity that was observed during the course of the
16 audit, which, in the opinion of the independent
17 auditor, has been carried on or made without
18 the authority of law.

19 **SEC. 6210. ANNUAL REPORT TO CONGRESS.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, and each year thereafter,
22 the First Responder Network Authority shall submit an
23 annual report covering the preceding fiscal year to the ap-
24 propriate committees of Congress.

1 (b) **REQUIRED CONTENT.**—The report required
2 under subsection (a) shall include—

3 (1) a comprehensive and detailed report of the
4 operations, activities, financial condition, and accom-
5 plishments of the First Responder Network Author-
6 ity under this section; and

7 (2) such recommendations or proposals for leg-
8 islative or administrative action as the First Re-
9 sponder Network Authority deems appropriate.

10 (c) **AVAILABILITY TO TESTIFY.**—The members of the
11 Board and employees of the First Responder Network Au-
12 thority shall be available to testify before the appropriate
13 committees of the Congress with respect to—

14 (1) the report required under subsection (a);

15 (2) the report of any audit conducted under
16 section 6210; or

17 (3) any other matter which such committees
18 may determine appropriate.

19 **SEC. 6211. PUBLIC SAFETY ROAMING AND PRIORITY AC-**
20 **CESS.**

21 The Commission may adopt rules, if necessary in the
22 public interest, to improve the ability of public safety net-
23 works to roam onto commercial networks and to gain pri-
24 ority access to commercial networks in an emergency if—

1 (1) the public safety entity equipment is tech-
2 nically compatible with the commercial network;

3 (2) the commercial network is reasonably com-
4 pensated; and

5 (3) such access does not preempt or otherwise
6 terminate or degrade all existing voice conversations
7 or data sessions.

8 **SEC. 6212. PROHIBITION ON DIRECT OFFERING OF COM-**
9 **MERCIAL TELECOMMUNICATIONS SERVICE**
10 **DIRECTLY TO CONSUMERS.**

11 (a) IN GENERAL.—The First Responder Network
12 Authority shall not offer, provide, or market commercial
13 telecommunications or information services directly to con-
14 sumers.

15 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall be construed to prohibit the First Responder
17 Network Authority and a secondary user from entering
18 into a covered leasing agreement pursuant to section
19 6208(a)(2)(B). Nothing in this section shall be construed
20 to limit the First Responder Network Authority from col-
21 lecting lease fees related to network equipment and infra-
22 structure pursuant to section 6208(a)(3).

23 **SEC. 6213. PROVISION OF TECHNICAL ASSISTANCE.**

24 The Commission may provide technical assistance to
25 the First Responder Network Authority and may take any

1 action necessary to assist the First Responder Network
2 Authority in effectuating its duties and responsibilities
3 under this subtitle.

4 **Subtitle C—Public Safety** 5 **Commitments**

6 **SEC. 6301. STATE AND LOCAL IMPLEMENTATION FUND.**

7 (a) ESTABLISHMENT.—There is established in the
8 Treasury of the United States a fund to be known as the
9 State and Local Implementation Fund.

10 (b) AMOUNTS AVAILABLE FOR STATE AND LOCAL
11 IMPLEMENTATION GRANT PROGRAM.—Any amounts bor-
12 rowed under subsection (c)(1) and any amounts in the
13 State and Local Implementation Fund that are not nec-
14 essary to reimburse the general fund of the Treasury for
15 such borrowed amounts shall be available to the Assistant
16 Secretary to implement section 6302.

17 (c) BORROWING AUTHORITY.—

18 (1) IN GENERAL.—Prior to the end of fiscal
19 year 2022, the Assistant Secretary may borrow from
20 the general fund of the Treasury such sums as may
21 be necessary, but not to exceed \$100,000,000, to im-
22 plement section 6302.

23 (2) REIMBURSEMENT.—The Assistant Sec-
24 retary shall reimburse the general fund of the Treas-
25 ury, without interest, for any amounts borrowed

1 under paragraph (1) as funds are deposited into the
2 State and Local Implementation Fund.

3 (d) TRANSFER OF UNUSED FUNDS.—If there is a
4 balance remaining in the State and Local Implementation
5 Fund on September 30, 2022, the Secretary of the Treas-
6 ury shall transfer such balance to the general fund of the
7 Treasury, where such balance shall be dedicated for the
8 sole purpose of deficit reduction.

9 **SEC. 6302. STATE AND LOCAL IMPLEMENTATION.**

10 (a) ESTABLISHMENT OF STATE AND LOCAL IMPLE-
11 MENTATION GRANT PROGRAM.—The Assistant Secretary,
12 in consultation with the First Responder Network Author-
13 ity, shall take such action as is necessary to establish a
14 grant program to make grants to States to assist State,
15 regional, tribal, and local jurisdictions to identify, plan,
16 and implement the most efficient and effective way for
17 such jurisdictions to utilize and integrate the infrastruc-
18 ture, equipment, and other architecture associated with
19 the nationwide public safety broadband network to satisfy
20 the wireless communications and data services needs of
21 that jurisdiction, including with regards to coverage,
22 siting, and other needs.

23 (b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

24 (1) IN GENERAL.—The Federal share of the
25 cost of any activity carried out using a grant under

1 this section may not exceed 80 percent of the eligible
2 costs of carrying out that activity, as determined by
3 the Assistant Secretary, in consultation with the
4 First Responder Network Authority.

5 (2) WAIVER.—The Assistant Secretary may
6 waive, in whole or in part, the requirements of para-
7 graph (1) for good cause shown if the Assistant Sec-
8 retary determines that such a waiver is in the public
9 interest.

10 (c) PROGRAMMATIC REQUIREMENTS.—Not later than
11 6 months after the date of enactment of this Act, the As-
12 sistant Secretary, in consultation with the First Re-
13 sponder Network Authority, shall establish requirements
14 relating to the grant program to be carried out under this
15 section, including the following:

16 (1) Defining eligible costs for purposes of sub-
17 section (b)(1).

18 (2) Determining the scope of eligible activities
19 for grant funding under this section.

20 (3) Prioritizing grants for activities that ensure
21 coverage in rural as well as urban areas.

22 (d) CERTIFICATION AND DESIGNATION OF OFFICER
23 OR GOVERNMENTAL BODY.—In carrying out the grant
24 program established under this section, the Assistant Sec-
25 retary shall require each State to certify in its application

1 for grant funds that the State has designated a single offi-
2 cer or governmental body to serve as the coordinator of
3 implementation of the grant funds.

4 (e) STATE NETWORK.—

5 (1) NOTICE.—Upon the completion of the re-
6 quest for proposal process conducted by the First
7 Responder Network Authority for the construction,
8 operation, maintenance, and improvement of the na-
9 tionwide public safety broadband network, the First
10 Responder Network Authority shall provide to the
11 Governor of each State, or his designee—

12 (A) notice of the completion of the request
13 for proposal process;

14 (B) details of the proposed plan for build-
15 out of the nationwide, interoperable broadband
16 network in such State; and

17 (C) the funding level for the State as de-
18 termined by the NTIA.

19 (2) STATE DECISION.—Not later than 90 days
20 after the date on which the Governor of a State re-
21 ceives notice under paragraph (1), the Governor
22 shall choose whether to—

23 (A) participate in the deployment of the
24 nationwide, interoperable broadband network as

1 proposed by the First Responder Network Au-
2 thority; or

3 (B) conduct its own deployment of a radio
4 access network in such State.

5 (3) PROCESS.—

6 (A) IN GENERAL.—Upon making a deci-
7 sion to opt-out under paragraph (2)(B), the
8 Governor shall notify the First Responder Net-
9 work Authority, the NTIA, and the Commission
10 of such decision.

11 (B) STATE REQUEST FOR PROPOSALS.—
12 Not later than 180 days after the date on which
13 a Governor provides notice under subparagraph
14 (A), the Governor shall develop and complete
15 requests for proposals for the construction,
16 maintenance, and operation of the radio access
17 network within the State.

18 (C) SUBMISSION AND APPROVAL OF AL-
19 TERNATIVE PLAN.—

20 (i) IN GENERAL.—The State shall
21 submit an alternative plan for the con-
22 struction, maintenance, operation, and im-
23 provements of the radio access network
24 within the State to the Commission, and
25 such plan shall demonstrate—

1 (I) that the State will be in com-
2 pliance with the minimum technical
3 interoperability requirements devel-
4 oped under section 6203; and

5 (II) interoperability with the na-
6 tionwide public safety broadband net-
7 work.

8 (ii) COMMISSION APPROVAL OR DIS-
9 APPROVAL.—Upon submission of a State
10 plan under clause (i), the Commission shall
11 either approve or disapprove the plan.

12 (iii) APPROVAL.—If the Commission
13 approves a plan under this subparagraph,
14 the State—

15 (I) may apply to the NTIA for a
16 grant to construct the radio access
17 network within the State that includes
18 the showing described in subpara-
19 graph (D); and

20 (II) shall apply to the NTIA to
21 lease spectrum capacity from the
22 First Responder Network Authority.

23 (iv) DISAPPROVAL.—If the Commis-
24 sion disapproves a plan under this sub-
25 paragraph, the construction, maintenance,

1 operation, and improvements of the net-
2 work within the State shall proceed in ac-
3 cordance with the plan proposed by the
4 First Responder Network Authority.

5 (D) FUNDING REQUIREMENTS.—In order
6 to obtain grant funds and spectrum capacity
7 leasing rights under subparagraph (C)(iii), a
8 State shall demonstrate—

9 (i) that the State has—

10 (I) the technical capabilities to
11 operate, and the funding to support,
12 the State radio access network;

13 (II) has the ability to maintain
14 ongoing interoperability with the na-
15 tionwide public safety broadband net-
16 work; and

17 (III) the ability to complete the
18 project within specified comparable
19 timelines specific to the State;

20 (ii) the cost-effectiveness of the State
21 plan submitted under subparagraph (C)(i);
22 and

23 (iii) comparable security, coverage,
24 and quality of service to that of the nation-
25 wide public safety broadband network.

1 (f) USER FEES.—If a State chooses to build its own
2 radio access network and the State uses elements of the
3 core network, the State shall pay any associated user fees.

4 (g) PROHIBITION.—

5 (1) IN GENERAL.—A State that chooses to
6 build its own radio access network shall not provide
7 commercial service to consumers or offer wholesale
8 leasing capacity of the network within the State ex-
9 cept directly through public-private partnerships for
10 construction, maintenance, operation, and improve-
11 ment of the network within the State.

12 (2) RULE OF CONSTRUCTION.—Nothing in this
13 subsection shall be construed to prohibit the State
14 and a secondary user from entering into a covered
15 leasing agreement. Any revenue gained by the State
16 from such a leasing agreement shall be used only for
17 constructing, maintaining, operating, or improving
18 the radio access network of the State.

19 (h) JUDICIAL REVIEW.—

20 (1) IN GENERAL.—The United States District
21 Court for the District of Columbia shall have exclu-
22 sive jurisdiction to review a decision of the Commis-
23 sion made under subsection (e)(3)(C)(iv).

24 (2) STANDARD OF REVIEW.—The court shall
25 affirm the decision of the Commission unless—

1 (A) the decision was procured by corrup-
2 tion, fraud, or undue means;

3 (B) there was actual partiality or corrup-
4 tion in the Commission; or

5 (C) the Commission was guilty of mis-
6 conduct in refusing to hear evidence pertinent
7 and material to the decision or of any other
8 misbehavior by which the rights of any party
9 have been prejudiced.

10 **SEC. 6303. PUBLIC SAFETY WIRELESS COMMUNICATIONS**

11 **RESEARCH AND DEVELOPMENT.**

12 (a) NIST DIRECTED RESEARCH AND DEVELOPMENT
13 PROGRAM.—From amounts made available from the Pub-
14 lic Safety Trust Fund, the Director of NIST, in consulta-
15 tion with the Commission, the Secretary of Homeland Se-
16 curity, and the National Institute of Justice of the Depart-
17 ment of Justice, as appropriate, shall conduct research
18 and assist with the development of standards, tech-
19 nologies, and applications to advance wireless public safety
20 communications.

21 (b) REQUIRED ACTIVITIES.—In carrying out the re-
22 quirement under subsection (a), the Director of NIST, in
23 consultation with the First Responder Network Authority
24 and the public safety advisory committee established
25 under section 6205(a), shall—

1 (1) document public safety wireless communica-
2 tions technical requirements;

3 (2) accelerate the development of the capability
4 for communications between currently deployed pub-
5 lic safety narrowband systems and the nationwide
6 public safety broadband network;

7 (3) establish a research plan, and direct re-
8 search, that addresses the wireless communications
9 needs of public safety entities beyond what can be
10 provided by the current generation of broadband
11 technology;

12 (4) accelerate the development of mission crit-
13 ical voice, including device-to-device “talkaround”
14 capability over broadband networks, public safety
15 prioritization, authentication capabilities, and stand-
16 ard application programing interfaces for the nation-
17 wide public safety broadband network, if necessary
18 and practical;

19 (5) accelerate the development of communica-
20 tions technology and equipment that can facilitate
21 the eventual migration of public safety narrowband
22 communications to the nationwide public safety
23 broadband network; and

1 (6) convene working groups of relevant govern-
2 ment and commercial parties to achieve the require-
3 ments in paragraphs (1) through (5).

4 **Subtitle D—Spectrum Auction** 5 **Authority**

6 **SEC. 6401. DEADLINES FOR AUCTION OF CERTAIN SPEC-** 7 **TRUM.**

8 (a) CLEARING CERTAIN FEDERAL SPECTRUM.—

9 (1) IN GENERAL.—The President shall—

10 (A) not later than 3 years after the date
11 of the enactment of this Act, begin the process
12 of withdrawing or modifying the assignment to
13 a Federal Government station of the electro-
14 magnetic spectrum described in paragraph (2);
15 and

16 (B) not later than 30 days after com-
17 pleting the withdrawal or modification, notify
18 the Commission that the withdrawal or modi-
19 fication is complete.

20 (2) SPECTRUM DESCRIBED.—The electro-
21 magnetic spectrum described in this paragraph is
22 the 15 megahertz of spectrum between 1675 mega-
23 hertz and 1710 megahertz identified under para-
24 graph (3).

1 (3) IDENTIFICATION BY SECRETARY OF COM-
2 MERCE.—Not later than 1 year after the date of the
3 enactment of this Act, the Secretary of Commerce
4 shall submit to the President a report identifying 15
5 megahertz of spectrum between 1675 megahertz and
6 1710 megahertz for reallocation from Federal use to
7 non-Federal use.

8 (b) REALLOCATION AND AUCTION.—

9 (1) IN GENERAL.—Notwithstanding paragraph
10 (15)(A) of section 309(j) of the Communications Act
11 of 1934 (47 U.S.C. 309(j)), not later than 3 years
12 after the date of the enactment of this Act, the
13 Commission shall, except as provided in paragraph
14 (4)—

15 (A) allocate the spectrum described in
16 paragraph (2) for commercial use; and

17 (B) through a system of competitive bid-
18 ding under such section, grant new initial li-
19 censes for the use of such spectrum, subject to
20 flexible-use service rules.

21 (2) SPECTRUM DESCRIBED.—The spectrum de-
22 scribed in this paragraph is the following:

23 (A) The frequencies between 1915 mega-
24 hertz and 1920 megahertz.

1 (B) The frequencies between 1995 mega-
2 hertz and 2000 megahertz.

3 (C) The frequencies described in sub-
4 section (a)(2).

5 (D) The frequencies between 2155 mega-
6 hertz and 2180 megahertz.

7 (E) The 15 megahertz of spectrum identi-
8 fied under subsection (a)(3).

9 (F) Fifteen megahertz of contiguous spec-
10 trum to be identified by the Commission.

11 (3) PROCEEDS TO COVER 110 PERCENT OF FED-
12 ERAL RELOCATION OR SHARING COSTS.—Nothing in
13 paragraph (1) shall be construed to relieve the Com-
14 mission from the requirements of section
15 309(j)(16)(B) of the Communications Act of 1934
16 (47 U.S.C. 309(j)(16)(B)).

17 (4) DETERMINATION BY COMMISSION.—If the
18 Commission determines that the band of frequencies
19 described in paragraph (2)(A) or the band of fre-
20 quencies described in paragraph (2)(B) cannot be
21 used without causing harmful interference to com-
22 mercial mobile service licensees in the frequencies
23 between 1930 megahertz and 1995 megahertz, the
24 Commission may not—

1 (A) allocate such band for commercial use
2 under paragraph (1)(A); or

3 (B) grant licenses under paragraph (1)(B)
4 for the use of such band.

5 (c) AUCTION PROCEEDS.—Section 309(j)(8) of the
6 Communications Act of 1934 (47 U.S.C. 309(j)(8)) is
7 amended—

8 (1) in subparagraph (A), by striking “(D), and
9 (E),” and inserting “(D), (E), (F), and (G),”;

10 (2) in subparagraph (C)(i), by striking “sub-
11 paragraph (E)(ii)” and inserting “subparagraphs
12 (D)(ii), (E)(ii), (F), and (G)”;

13 (3) in subparagraph (D)—

14 (A) by striking the heading and inserting
15 “PROCEEDS FROM REALLOCATED FEDERAL
16 SPECTRUM”;

17 (B) by striking “Cash” and inserting the
18 following:

19 “(i) IN GENERAL.—Except as pro-
20 vided in clause (ii), cash”; and

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

22 “(ii) CERTAIN OTHER PROCEEDS.—
23 Notwithstanding subparagraph (A) and ex-
24 cept as provided in subparagraph (B), in
25 the case of proceeds (including deposits

1 and upfront payments from successful bid-
2 ders) attributable to the auction of eligible
3 frequencies described in paragraph (2) of
4 section 113(g) of the National Tele-
5 communications and Information Adminis-
6 tration Organization Act that are required
7 to be auctioned by section 6401(b)(1)(B)
8 of the Middle Class Tax Relief and Job
9 Creation Act of 2012, such portion of such
10 proceeds as is necessary to cover the relo-
11 cation or sharing costs (as defined in para-
12 graph (3) of such section 113(g)) of Fed-
13 eral entities relocated from such eligible
14 frequencies shall be deposited in the Spec-
15 trum Relocation Fund. The remainder of
16 such proceeds shall be deposited in the
17 Public Safety Trust Fund established by
18 section 6413(a)(1) of the Middle Class Tax
19 Relief and Job Creation Act of 2012.”;
20 and

21 (4) by adding at the end the following:

22 “(F) CERTAIN PROCEEDS DESIGNATED
23 FOR PUBLIC SAFETY TRUST FUND.—Notwith-
24 standing subparagraph (A) and except as pro-
25 vided in subparagraphs (B) and (D)(ii), the

1 proceeds (including deposits and upfront pay-
2 ments from successful bidders) from the use of
3 a system of competitive bidding under this sub-
4 section pursuant to section 6401(b)(1)(B) of
5 the Middle Class Tax Relief and Job Creation
6 Act of 2012 shall be deposited in the Public
7 Safety Trust Fund established by section
8 6413(a)(1) of such Act.”.

9 **SEC. 6402. GENERAL AUTHORITY FOR INCENTIVE AUC-**
10 **TIONS.**

11 Section 309(j)(8) of the Communications Act of
12 1934, as amended by section 6401(c), is further amended
13 by adding at the end the following:

14 “(G) INCENTIVE AUCTIONS.—

15 “(i) IN GENERAL.—Notwithstanding
16 subparagraph (A) and except as provided
17 in subparagraph (B), the Commission may
18 encourage a licensee to relinquish volun-
19 tarily some or all of its licensed spectrum
20 usage rights in order to permit the assign-
21 ment of new initial licenses subject to flexi-
22 ble-use service rules by sharing with such
23 licensee a portion, based on the value of
24 the relinquished rights as determined in
25 the reverse auction required by clause

1 (ii)(I), of the proceeds (including deposits
2 and upfront payments from successful bid-
3 ders) from the use of a competitive bidding
4 system under this subsection.

5 “(ii) LIMITATIONS.—The Commission
6 may not enter into an agreement for a li-
7 censee to relinquish spectrum usage rights
8 in exchange for a share of auction proceeds
9 under clause (i) unless—

10 “(I) the Commission conducts a
11 reverse auction to determine the
12 amount of compensation that licensees
13 would accept in return for voluntarily
14 relinquishing spectrum usage rights;
15 and

16 “(II) at least two competing li-
17 censees participate in the reverse auc-
18 tion.

19 “(iii) TREATMENT OF REVENUES.—
20 Notwithstanding subparagraph (A) and ex-
21 cept as provided in subparagraph (B), the
22 proceeds (including deposits and upfront
23 payments from successful bidders) from
24 any auction, prior to the end of fiscal year
25 2022, of spectrum usage rights made avail-

1 able under clause (i) that are not shared
2 with licensees under such clause shall be
3 deposited as follows:

4 “(I) \$1,750,000,000 of the pro-
5 ceeds from the incentive auction of
6 broadcast television spectrum required
7 by section 6403 of the Middle Class
8 Tax Relief and Job Creation Act of
9 2012 shall be deposited in the TV
10 Broadcaster Relocation Fund estab-
11 lished by subsection (d)(1) of such
12 section.

13 “(II) All other proceeds shall be
14 deposited—

15 “(aa) prior to the end of fis-
16 cal year 2022, in the Public Safe-
17 ty Trust Fund established by sec-
18 tion 6413(a)(1) of such Act; and

19 “(bb) after the end of fiscal
20 year 2022, in the general fund of
21 the Treasury, where such pro-
22 ceeds shall be dedicated for the
23 sole purpose of deficit reduction.

24 “(iv) CONGRESSIONAL NOTIFICA-
25 TION.—At least 3 months before any in-

1 centive auction conducted under this sub-
2 paragraph, the Chairman of the Commis-
3 sion, in consultation with the Director of
4 the Office of Management and Budget,
5 shall notify the appropriate committees of
6 Congress of the methodology for calcu-
7 lating the amounts that will be shared with
8 licensees under clause (i).

9 “(v) DEFINITION.—In this subpara-
10 graph, the term ‘appropriate committees of
11 Congress’ means—

12 “(I) the Committee on Com-
13 merce, Science, and Transportation of
14 the Senate;

15 “(II) the Committee on Appro-
16 priations of the Senate;

17 “(III) the Committee on Energy
18 and Commerce of the House of Rep-
19 resentatives; and

20 “(IV) the Committee on Appro-
21 priations of the House of Representa-
22 tives.”.

1 **SEC. 6403. SPECIAL REQUIREMENTS FOR INCENTIVE AUC-**
2 **TION OF BROADCAST TV SPECTRUM.**

3 (a) REVERSE AUCTION TO IDENTIFY INCENTIVE
4 AMOUNT.—

5 (1) IN GENERAL.—The Commission shall con-
6 duct a reverse auction to determine the amount of
7 compensation that each broadcast television licensee
8 would accept in return for voluntarily relinquishing
9 some or all of its broadcast television spectrum
10 usage rights in order to make spectrum available for
11 assignment through a system of competitive bidding
12 under subparagraph (G) of section 309(j)(8) of the
13 Communications Act of 1934, as added by section
14 6402.

15 (2) ELIGIBLE RELINQUISHMENTS.—A relin-
16 quishment of usage rights for purposes of paragraph
17 (1) shall include the following:

18 (A) Relinquishing all usage rights with re-
19 spect to a particular television channel without
20 receiving in return any usage rights with re-
21 spect to another television channel.

22 (B) Relinquishing all usage rights with re-
23 spect to an ultra high frequency television chan-
24 nel in return for receiving usage rights with re-
25 spect to a very high frequency television chan-
26 nel.

1 (C) Relinquishing usage rights in order to
2 share a television channel with another licensee.

3 (3) CONFIDENTIALITY.—The Commission shall
4 take all reasonable steps necessary to protect the
5 confidentiality of Commission-held data of a licensee
6 participating in the reverse auction under paragraph
7 (1), including withholding the identity of such li-
8 censee until the reassignments and reallocations (if
9 any) under subsection (b)(1)(B) become effective, as
10 described in subsection (f)(2).

11 (4) PROTECTION OF CARRIAGE RIGHTS OF LI-
12 CENSEES SHARING A CHANNEL.—A broadcast tele-
13 vision station that voluntarily relinquishes spectrum
14 usage rights under this subsection in order to share
15 a television channel and that possessed carriage
16 rights under section 338, 614, or 615 of the Com-
17 munications Act of 1934 (47 U.S.C. 338; 534; 535)
18 on November 30, 2010, shall have, at its shared lo-
19 cation, the carriage rights under such section that
20 would apply to such station at such location if it
21 were not sharing a channel.

22 (b) REORGANIZATION OF BROADCAST TV SPEC-
23 TRUM.—

1 (1) IN GENERAL.—For purposes of making
2 available spectrum to carry out the forward auction
3 under subsection (c)(1), the Commission—

4 (A) shall evaluate the broadcast television
5 spectrum (including spectrum made available
6 through the reverse auction under subsection
7 (a)(1)); and

8 (B) may, subject to international coordina-
9 tion along the border with Mexico and Can-
10 ada—

11 (i) make such reassignments of tele-
12 vision channels as the Commission con-
13 siders appropriate; and

14 (ii) reallocate such portions of such
15 spectrum as the Commission determines
16 are available for reallocation.

17 (2) FACTORS FOR CONSIDERATION.—In making
18 any reassignments or reallocations under paragraph
19 (1)(B), the Commission shall make all reasonable ef-
20 forts to preserve, as of the date of the enactment of
21 this Act, the coverage area and population served of
22 each broadcast television licensee, as determined
23 using the methodology described in OET Bulletin 69
24 of the Office of Engineering and Technology of the
25 Commission.

1 (3) NO INVOLUNTARY RELOCATION FROM UHF
2 TO VHF.—In making any reassignments under para-
3 graph (1)(B)(i), the Commission may not involun-
4 tarily reassign a broadcast television licensee—

5 (A) from an ultra high frequency television
6 channel to a very high frequency television
7 channel; or

8 (B) from a television channel between the
9 frequencies from 174 megahertz to 216 mega-
10 hertz to a television channel between the fre-
11 quencies from 54 megahertz to 88 megahertz.

12 (4) PAYMENT OF RELOCATION COSTS.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (B), from amounts made avail-
15 able under subsection (d)(2), the Commission
16 shall reimburse costs reasonably incurred by—

17 (i) a broadcast television licensee that
18 was reassigned under paragraph (1)(B)(i)
19 from one ultra high frequency television
20 channel to a different ultra high frequency
21 television channel, from one very high fre-
22 quency television channel to a different
23 very high frequency television channel, or,
24 in accordance with subsection (g)(1)(B),
25 from a very high frequency television chan-

1 nel to an ultra high frequency television
2 channel, in order for the licensee to relo-
3 cate its television service from one channel
4 to the other;

5 (ii) a multichannel video programming
6 distributor in order to continue to carry
7 the signal of a broadcast television licensee
8 that—

9 (I) is described in clause (i);

10 (II) voluntarily relinquishes spec-
11 trum usage rights under subsection
12 (a) with respect to an ultra high fre-
13 quency television channel in return for
14 receiving usage rights with respect to
15 a very high frequency television chan-
16 nel; or

17 (III) voluntarily relinquishes
18 spectrum usage rights under sub-
19 section (a) to share a television chan-
20 nel with another licensee; or

21 (iii) a channel 37 incumbent user, in
22 order to relocate to other suitable spec-
23 trum, provided that all such users can be
24 relocated and that the total relocation
25 costs of such users do not exceed

1 \$300,000,000. For the purpose of this sec-
2 tion, the spectrum made available through
3 relocation of channel 37 incumbent users
4 shall be deemed as spectrum reclaimed
5 through a reverse auction under section
6 6403(a).

7 (B) REGULATORY RELIEF.—In lieu of re-
8 imbursement for relocation costs under sub-
9 paragraph (A), a broadcast television licensee
10 may accept, and the Commission may grant as
11 it considers appropriate, a waiver of the service
12 rules of the Commission to permit the licensee,
13 subject to interference protections, to make
14 flexible use of the spectrum assigned to the li-
15 censee to provide services other than broadcast
16 television services. Such waiver shall only re-
17 main in effect while the licensee provides at
18 least 1 broadcast television program stream on
19 such spectrum at no charge to the public.

20 (C) LIMITATION.—The Commission may
21 not make reimbursements under subparagraph
22 (A) for lost revenues.

23 (D) DEADLINE.—The Commission shall
24 make all reimbursements required by subpara-
25 graph (A) not later than the date that is 3

1 years after the completion of the forward auc-
2 tion under subsection (c)(1).

3 (5) LOW-POWER TELEVISION USAGE RIGHTS.—
4 Nothing in this subsection shall be construed to alter
5 the spectrum usage rights of low-power television
6 stations.

7 (c) FORWARD AUCTION.—

8 (1) AUCTION REQUIRED.—The Commission
9 shall conduct a forward auction in which—

10 (A) the Commission assigns licenses for
11 the use of the spectrum that the Commission
12 reallocates under subsection (b)(1)(B)(ii); and

13 (B) the amount of the proceeds that the
14 Commission shares under clause (i) of section
15 309(j)(8)(G) of the Communications Act of
16 1934 with each licensee whose bid the Commis-
17 sion accepts in the reverse auction under sub-
18 section (a)(1) is not less than the amount of
19 such bid.

20 (2) MINIMUM PROCEEDS.—

21 (A) IN GENERAL.—If the amount of the
22 proceeds from the forward auction under para-
23 graph (1) is not greater than the sum described
24 in subparagraph (B), no licenses shall be as-
25 signed through such forward auction, no re-

1 assignments or reallocations under subsection
2 (b)(1)(B) shall become effective, and the Com-
3 mission may not revoke any spectrum usage
4 rights by reason of a bid that the Commission
5 accepts in the reverse auction under subsection
6 (a)(1).

7 (B) SUM DESCRIBED.—The sum described
8 in this subparagraph is the sum of—

9 (i) the total amount of compensation
10 that the Commission must pay successful
11 bidders in the reverse auction under sub-
12 section (a)(1);

13 (ii) the costs of conducting such for-
14 ward auction that the salaries and ex-
15 penses account of the Commission is re-
16 quired to retain under section 309(j)(8)(B)
17 of the Communications Act of 1934 (47
18 U.S.C. 309(j)(8)(B)); and

19 (iii) the estimated costs for which the
20 Commission is required to make reim-
21 bursements under subsection (b)(4)(A).

22 (C) ADMINISTRATIVE COSTS.—The amount
23 of the proceeds from the forward auction under
24 paragraph (1) that the salaries and expenses
25 account of the Commission is required to retain

1 under section 309(j)(8)(B) of the Communica-
2 tions Act of 1934 (47 U.S.C. 309(j)(8)(B))
3 shall be sufficient to cover the costs incurred by
4 the Commission in conducting the reverse auc-
5 tion under subsection (a)(1), conducting the
6 evaluation of the broadcast television spectrum
7 under subparagraph (A) of subsection (b)(1),
8 and making any reassignments or reallocations
9 under subparagraph (B) of such subsection, in
10 addition to the costs incurred by the Commis-
11 sion in conducting such forward auction.

12 (3) FACTOR FOR CONSIDERATION.—In con-
13 ducting the forward auction under paragraph (1),
14 the Commission shall consider assigning licenses
15 that cover geographic areas of a variety of different
16 sizes.

17 (d) TV BROADCASTER RELOCATION FUND.—

18 (1) ESTABLISHMENT.—There is established in
19 the Treasury of the United States a fund to be
20 known as the TV Broadcaster Relocation Fund.

21 (2) PAYMENT OF RELOCATION COSTS.—Any
22 amounts borrowed under paragraph (3)(A) and any
23 amounts in the TV Broadcaster Relocation Fund
24 that are not necessary for reimbursement of the gen-
25 eral fund of the Treasury for such borrowed

1 amounts shall be available to the Commission to
2 make the payments required by subsection (b)(4)(A).

3 (3) BORROWING AUTHORITY.—

4 (A) IN GENERAL.—Beginning on the date
5 when any reassignments or reallocations under
6 subsection (b)(1)(B) become effective, as pro-
7 vided in subsection (f)(2), and ending when
8 \$1,000,000,000 has been deposited in the TV
9 Broadcaster Relocation Fund, the Commission
10 may borrow from the Treasury of the United
11 States an amount not to exceed \$1,000,000,000
12 to use toward the payments required by sub-
13 section (b)(4)(A).

14 (B) REIMBURSEMENT.—The Commission
15 shall reimburse the general fund of the Treas-
16 ury, without interest, for any amounts borrowed
17 under subparagraph (A) as funds are deposited
18 into the TV Broadcaster Relocation Fund.

19 (4) TRANSFER OF UNUSED FUNDS.—If any
20 amounts remain in the TV Broadcaster Relocation
21 Fund after the date that is 3 years after the comple-
22 tion of the forward auction under subsection (c)(1),
23 the Secretary of the Treasury shall—

24 (A) prior to the end of fiscal year 2022,
25 transfer such amounts to the Public Safety

1 Trust Fund established by section 6413(a)(1);
2 and

3 (B) after the end of fiscal year 2022,
4 transfer such amounts to the general fund of
5 the Treasury, where such amounts shall be
6 dedicated for the sole purpose of deficit reduc-
7 tion.

8 (e) NUMERICAL LIMITATION ON AUCTIONS AND RE-
9 ORGANIZATION.—The Commission may not complete more
10 than one reverse auction under subsection (a)(1) or more
11 than one reorganization of the broadcast television spec-
12 trum under subsection (b).

13 (f) TIMING.—

14 (1) CONTEMPORANEOUS AUCTIONS AND REOR-
15 GANIZATION PERMITTED.—The Commission may
16 conduct the reverse auction under subsection (a)(1),
17 any reassignments or reallocations under subsection
18 (b)(1)(B), and the forward auction under subsection
19 (c)(1) on a contemporaneous basis.

20 (2) EFFECTIVENESS OF REASSIGNMENTS AND
21 REALLOCATIONS.—Notwithstanding paragraph (1),
22 no reassignments or reallocations under subsection
23 (b)(1)(B) shall become effective until the completion
24 of the reverse auction under subsection (a)(1) and
25 the forward auction under subsection (c)(1), and, to

1 the extent practicable, all such reassignments and
2 reallocations shall become effective simultaneously.

3 (3) DEADLINE.—The Commission may not con-
4 duct the reverse auction under subsection (a)(1) or
5 the forward auction under subsection (c)(1) after the
6 end of fiscal year 2022.

7 (4) LIMIT ON DISCRETION REGARDING AUCTION
8 TIMING.—Section 309(j)(15)(A) of the Communica-
9 tions Act of 1934 (47 U.S.C. 309(j)(15)(A)) shall
10 not apply in the case of an auction conducted under
11 this section.

12 (g) LIMITATION ON REORGANIZATION AUTHORITY.—

13 (1) IN GENERAL.—During the period described
14 in paragraph (2), the Commission may not—

15 (A) involuntarily modify the spectrum
16 usage rights of a broadcast television licensee or
17 reassign such a licensee to another television
18 channel except—

19 (i) in accordance with this section; or

20 (ii) in the case of a violation by such

21 licensee of the terms of its license or a spe-

22 cific provision of a statute administered by

23 the Commission, or a regulation of the

24 Commission promulgated under any such

25 provision; or

1 (B) reassign a broadcast television licensee
2 from a very high frequency television channel to
3 an ultra high frequency television channel, un-
4 less—

5 (i) such a reassignment will not de-
6 crease the total amount of ultra high fre-
7 quency spectrum made available for re-
8 allocation under this section; or

9 (ii) a request from such licensee for
10 the reassignment was pending at the Com-
11 mission on May 31, 2011.

12 (2) PERIOD DESCRIBED.—The period described
13 in this paragraph is the period beginning on the date
14 of the enactment of this Act and ending on the ear-
15 liest of—

16 (A) the first date when the reverse auction
17 under subsection (a)(1), the reassignments and
18 reallocations (if any) under subsection
19 (b)(1)(B), and the forward auction under sub-
20 section (c)(1) have been completed;

21 (B) the date of a determination by the
22 Commission that the amount of the proceeds
23 from the forward auction under subsection
24 (c)(1) is not greater than the sum described in
25 subsection (c)(2)(B); or

1 (C) September 30, 2022.

2 (h) PROTEST RIGHT INAPPLICABLE.—The right of a
3 licensee to protest a proposed order of modification of its
4 license under section 316 of the Communications Act of
5 1934 (47 U.S.C. 316) shall not apply in the case of a
6 modification made under this section.

7 (i) COMMISSION AUTHORITY.—Nothing in subsection
8 (b) shall be construed to—

9 (1) expand or contract the authority of the
10 Commission, except as otherwise expressly provided;
11 or

12 (2) prevent the implementation of the Commis-
13 sion’s “White Spaces” Second Report and Order and
14 Memorandum Opinion and Order (FCC 08–260,
15 adopted November 4, 2008) in the spectrum that re-
16 mains allocated for broadcast television use after the
17 reorganization required by such subsection.

18 **SEC. 6404. CERTAIN CONDITIONS ON AUCTION PARTICIPA-**
19 **TION PROHIBITED.**

20 Section 309(j) of the Communications Act of 1934
21 (47 U.S.C. 309(j)) is amended by adding at the end the
22 following new paragraph:

23 “(17) CERTAIN CONDITIONS ON AUCTION PAR-

24 TICIPATION PROHIBITED.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of law, the Commission may not
3 prevent a person from participating in a system
4 of competitive bidding under this subsection if
5 such person—

6 “(i) complies with all the auction pro-
7 cedures and other requirements to protect
8 the auction process established by the
9 Commission; and

10 “(ii) either—

11 “(I) meets the technical, finan-
12 cial, character, and citizenship quali-
13 fications that the Commission may re-
14 quire under section 303(l)(1), 308(b),
15 or 310 to hold a license; or

16 “(II) would meet such license
17 qualifications by means approved by
18 the Commission prior to the grant of
19 the license.

20 “(B) CLARIFICATION OF AUTHORITY.—
21 Nothing in subparagraph (A) affects any au-
22 thority the Commission has to adopt and en-
23 force rules of general applicability, including
24 rules concerning spectrum aggregation that pro-
25 mote competition.”.

1 **SEC. 6405. EXTENSION OF AUCTION AUTHORITY.**

2 Section 309(j)(11) of the Communications Act of
3 1934 (47 U.S.C. 309(j)(11)) is amended by striking
4 “2012” and inserting “2022”.

5 **SEC. 6406. UNLICENSED USE IN THE 5 GHZ BAND.**

6 (a) MODIFICATION OF COMMISSION REGULATIONS
7 TO ALLOW CERTAIN UNLICENSED USE.—

8 (1) IN GENERAL.—Subject to paragraph (2),
9 not later than 1 year after the date of the enactment
10 of this Act, the Commission shall begin a proceeding
11 to modify part 15 of title 47, Code of Federal Regu-
12 lations, to allow unlicensed U–NII devices to operate
13 in the 5350–5470 MHz band.

14 (2) REQUIRED DETERMINATIONS.—The Com-
15 mission may make the modification described in
16 paragraph (1) only if the Commission, in consulta-
17 tion with the Assistant Secretary, determines that—

18 (A) licensed users will be protected by
19 technical solutions, including use of existing,
20 modified, or new spectrum-sharing technologies
21 and solutions, such as dynamic frequency selec-
22 tion; and

23 (B) the primary mission of Federal spec-
24 trum users in the 5350–5470 MHz band will
25 not be compromised by the introduction of unli-
26 censed devices.

1 (b) STUDY BY NTIA.—

2 (1) IN GENERAL.—The Assistant Secretary, in
3 consultation with the Department of Defense and
4 other impacted agencies, shall conduct a study eval-
5 uating known and proposed spectrum-sharing tech-
6 nologies and the risk to Federal users if unlicensed
7 U–NII devices were allowed to operate in the 5350–
8 5470 MHz band and in the 5850–5925 MHz band.

9 (2) SUBMISSION.—The Assistant Secretary
10 shall submit to the Commission and the Committee
11 on Energy and Commerce of the House of Rep-
12 resentatives and the Committee on Commerce,
13 Science, and Transportation of the Senate—

14 (A) not later than 8 months after the date
15 of the enactment of this Act, a report on the
16 portion of the study required by paragraph (1)
17 with respect to the 5350–5470 MHz band; and

18 (B) not later than 18 months after the
19 date of the enactment of this Act, a report on
20 the portion of the study required by paragraph
21 (1) with respect to the 5850–5925 MHz band.

22 (c) DEFINITIONS.—In this section:

23 (1) 5350–5470 MHz BAND.—The term “5350–
24 5470 MHz band” means the portion of the electro-

1 magnetic spectrum between the frequencies from
2 5350 megahertz to 5470 megahertz.

3 (2) 5850–5925 MHZ BAND.—The term “5850–
4 5925 MHz band” means the portion of the electro-
5 magnetic spectrum between the frequencies from
6 5850 megahertz to 5925 megahertz.

7 **SEC. 6407. GUARD BANDS AND UNLICENSED USE.**

8 (a) IN GENERAL.—Nothing in subparagraph (G) of
9 section 309(j)(8) of the Communications Act of 1934, as
10 added by section 6402, or in section 6403 shall be con-
11 strued to prevent the Commission from using relinquished
12 or other spectrum to implement band plans with guard
13 bands.

14 (b) SIZE OF GUARD BANDS.—Such guard bands shall
15 be no larger than is technically reasonable to prevent
16 harmful interference between licensed services outside the
17 guard bands.

18 (c) UNLICENSED USE IN GUARD BANDS.—The Com-
19 mission may permit the use of such guard bands for unli-
20 censed use.

21 (d) DATABASE.—Unlicensed use shall rely on a data-
22 base or subsequent methodology as determined by the
23 Commission.

24 (e) PROTECTIONS AGAINST HARMFUL INTER-
25 FERENCE.—The Commission may not permit any use of

1 a guard band that the Commission determines would
2 cause harmful interference to licensed services.

3 **SEC. 6408. STUDY ON RECEIVER PERFORMANCE AND SPEC-**
4 **TRUM EFFICIENCY.**

5 (a) IN GENERAL.—The Comptroller General of the
6 United States shall conduct a study to consider efforts to
7 ensure that each transmission system is designed and op-
8 erated so that reasonable use of adjacent spectrum does
9 not excessively impair the functioning of such system.

10 (b) REQUIRED CONSIDERATIONS.—In conducting the
11 study required by subsection (a), the Comptroller General
12 shall consider—

13 (1) the value of—

14 (A) improving receiver performance as it
15 relates to increasing spectral efficiency;

16 (B) improving the operation of services
17 that are located in adjacent spectrum; and

18 (C) narrowing the guard bands between
19 adjacent spectrum use;

20 (2) the role of manufacturers, commercial li-
21 censees, and government users with respect to their
22 transmission systems and the use of adjacent spec-
23 trum;

24 (3) the feasibility of industry self-compliance
25 with respect to the design and operational require-

1 ments of transmission systems and the reasonable
2 use of adjacent spectrum; and

3 (4) the value of action by the Commission and
4 the Assistant Secretary to establish, by rule, tech-
5 nical requirements or standards for non-Federal and
6 Federal use, respectively, with respect to the reason-
7 able use of portions of the radio spectrum that are
8 adjacent to each other.

9 (c) REPORT.—Not later than 1 year after the date
10 of the enactment of this Act, the Comptroller General shall
11 submit a report on the results of the study required by
12 subsection (a) to the Committee on Energy and Commerce
13 of the House of Representatives and the Committee on
14 Commerce, Science, and Transportation of the Senate.

15 (d) TRANSMISSION SYSTEM DEFINED.—In this sec-
16 tion, the term “transmission system” means any tele-
17 communications, broadcast, satellite, commercial mobile
18 service, or other communications system that employs
19 radio spectrum.

20 **SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.**

21 (a) FACILITY MODIFICATIONS.—

22 (1) IN GENERAL.—Notwithstanding section 704
23 of the Telecommunications Act of 1996 (Public Law
24 104–104) or any other provision of law, a State or
25 local government may not deny, and shall approve,

1 any eligible facilities request for a modification of an
2 existing wireless tower or base station that does not
3 substantially change the physical dimensions of such
4 tower or base station.

5 (2) ELIGIBLE FACILITIES REQUEST.—For pur-
6 poses of this subsection, the term “eligible facilities
7 request” means any request for modification of an
8 existing wireless tower or base station that in-
9 volves—

10 (A) collocation of new transmission equip-
11 ment;

12 (B) removal of transmission equipment; or

13 (C) replacement of transmission equip-
14 ment.

15 (3) APPLICABILITY OF ENVIRONMENTAL
16 LAWS.—Nothing in paragraph (1) shall be construed
17 to relieve the Commission from the requirements of
18 the National Historic Preservation Act or the Na-
19 tional Environmental Policy Act of 1969.

20 (b) FEDERAL EASEMENTS AND RIGHTS-OF-WAY.—

21 (1) GRANT.—If an executive agency, a State, a
22 political subdivision or agency of a State, or a per-
23 son, firm, or organization applies for the grant of an
24 easement or right-of-way to, in, over, or on a build-
25 ing or other property owned by the Federal Govern-

1 ment for the right to install, construct, and maintain
2 wireless service antenna structures and equipment
3 and backhaul transmission equipment, the executive
4 agency having control of the building or other prop-
5 erty may grant to the applicant, on behalf of the
6 Federal Government, an easement or right-of-way to
7 perform such installation, construction, and mainte-
8 nance.

9 (2) APPLICATION.—The Administrator of Gen-
10 eral Services shall develop a common form for appli-
11 cations for easements and rights-of-way under para-
12 graph (1) for all executive agencies that shall be
13 used by applicants with respect to the buildings or
14 other property of each such agency.

15 (3) FEE.—

16 (A) IN GENERAL.—Notwithstanding any
17 other provision of law, the Administrator of
18 General Services shall establish a fee for the
19 grant of an easement or right-of-way pursuant
20 to paragraph (1) that is based on direct cost re-
21 covery.

22 (B) EXCEPTIONS.—The Administrator of
23 General Services may establish exceptions to
24 the fee amount required under subparagraph
25 (A)—

1 (i) in consideration of the public ben-
2 efit provided by a grant of an easement or
3 right-of-way; and

4 (ii) in the interest of expanding wire-
5 less and broadband coverage.

6 (4) USE OF FEES COLLECTED.—Any fee
7 amounts collected by an executive agency pursuant
8 to paragraph (3) may be made available, as provided
9 in appropriations Acts, to such agency to cover the
10 costs of granting the easement or right-of-way.

11 (c) MASTER CONTRACTS FOR WIRELESS FACILITY
12 SITINGS.—

13 (1) IN GENERAL.—Notwithstanding section 704
14 of the Telecommunications Act of 1996 or any other
15 provision of law, and not later than 60 days after
16 the date of the enactment of this Act, the Adminis-
17 trator of General Services shall—

18 (A) develop 1 or more master contracts
19 that shall govern the placement of wireless serv-
20 ice antenna structures on buildings and other
21 property owned by the Federal Government;
22 and

23 (B) in developing the master contract or
24 contracts, standardize the treatment of the
25 placement of wireless service antenna structures

1 on building rooftops or facades, the placement
2 of wireless service antenna equipment on roof-
3 tops or inside buildings, the technology used in
4 connection with wireless service antenna struc-
5 tures or equipment placed on Federal buildings
6 and other property, and any other key issues
7 the Administrator of General Services considers
8 appropriate.

9 (2) **APPLICABILITY.**—The master contract or
10 contracts developed by the Administrator of General
11 Services under paragraph (1) shall apply to all pub-
12 licly accessible buildings and other property owned
13 by the Federal Government, unless the Adminis-
14 trator of General Services decides that issues with
15 respect to the siting of a wireless service antenna
16 structure on a specific building or other property
17 warrant nonstandard treatment of such building or
18 other property.

19 (3) **APPLICATION.**—The Administrator of Gen-
20 eral Services shall develop a common form or set of
21 forms for wireless service antenna structure siting
22 applications under this subsection for all executive
23 agencies that shall be used by applicants with re-
24 spect to the buildings and other property of each
25 such agency.

1 (d) EXECUTIVE AGENCY DEFINED.—In this section,
2 the term “executive agency” has the meaning given such
3 term in section 102 of title 40, United States Code.

4 **SEC. 6410. FUNCTIONAL RESPONSIBILITY OF NTIA TO EN-**
5 **SURE EFFICIENT USE OF SPECTRUM.**

6 Section 103(b)(2) of the National Telecommuni-
7 cations and Information Administration Organization Act
8 (47 U.S.C. 902(b)(2)) is amended by adding at the end
9 the following:

10 “(U) The responsibility to promote the
11 best possible and most efficient use of electro-
12 magnetic spectrum resources across the Federal
13 Government, subject to and consistent with the
14 needs and missions of Federal agencies.”.

15 **SEC. 6411. SYSTEM CERTIFICATION.**

16 Not later than 6 months after the date of the enact-
17 ment of this Act, the Director of the Office of Manage-
18 ment and Budget shall update and revise section 33.4 of
19 OMB Circular A–11 to reflect the recommendations re-
20 garding such Circular made in the Commerce Spectrum
21 Management Advisory Committee Incentive Subcommittee
22 report, adopted January 11, 2011.

1 **SEC. 6412. DEPLOYMENT OF 11 GHZ, 18 GHZ, AND 23 GHZ**
2 **MICROWAVE BANDS.**

3 (a) **FCC REPORT ON REJECTION RATE.**—Not later
4 than 9 months after the date of the enactment of this Act,
5 the Commission shall submit to the Committee on Energy
6 and Commerce of the House of Representatives and the
7 Committee on Commerce, Science, and Transportation of
8 the Senate a report on the rejection rate for the spectrum
9 described in subsection (c).

10 (b) **GAO STUDY ON DEPLOYMENT.**—

11 (1) **IN GENERAL.**—The Comptroller General of
12 the United States shall conduct a study to assess
13 whether the spectrum described in subsection (c) is
14 being deployed in such a manner that, in areas with
15 high demand for common carrier licenses for the use
16 of such spectrum, market forces—

17 (A) provide adequate incentive for the effi-
18 cient use of such spectrum; and

19 (B) ensure that the Federal Government
20 receives maximum revenue for such spectrum
21 through competitive bidding under section
22 309(j) of the Communications Act of 1934 (47
23 U.S.C. 309(j)).

24 (2) **FACTORS FOR CONSIDERATION.**—In con-
25 ducting the study required by paragraph (1), the
26 Comptroller General shall take into consideration—

1 (A) spectrum that is adjacent to the spec-
2 trum described in subsection (c) and that was
3 assigned through competitive bidding under sec-
4 tion 309(j) of the Communications Act of 1934;
5 and

6 (B) the rejection rate for the spectrum de-
7 scribed in subsection (c), current as of the time
8 of the assessment and as projected for the fu-
9 ture, in markets in which there is a high de-
10 mand for common carrier licenses for the use of
11 such spectrum.

12 (3) REPORT.—Not later than 9 months after
13 the date of the enactment of this Act, the Comp-
14 troller General shall submit a report on the study re-
15 quired by paragraph (1) to—

16 (A) the Commission; and

17 (B) the Committee on Energy and Com-
18 merce of the House of Representatives and the
19 Committee on Commerce, Science, and Trans-
20 portation of the Senate.

21 (c) SPECTRUM DESCRIBED.—The spectrum de-
22 scribed in this subsection is the portions of the electro-
23 magnetic spectrum between the frequencies from 10,700
24 megahertz to 11,700 megahertz, from 17,700 megahertz

1 to 19,700 megahertz, and from 21,200 megahertz to
2 23,600 megahertz.

3 (d) REJECTION RATE DEFINED.—In this section, the
4 term “rejection rate” means the number and percent of
5 applications (whether made to the Commission or to a
6 third-party coordinator) for common carrier use of spec-
7 trum that were not granted because of lack of availability
8 of such spectrum or interference concerns of existing li-
9 censees.

10 (e) NO ADDITIONAL FUNDS AUTHORIZED.—Funds
11 necessary to carry out this section shall be derived from
12 funds otherwise authorized to be appropriated.

13 **SEC. 6413. PUBLIC SAFETY TRUST FUND.**

14 (a) ESTABLISHMENT OF PUBLIC SAFETY TRUST
15 FUND.—

16 (1) IN GENERAL.—There is established in the
17 Treasury of the United States a trust fund to be
18 known as the Public Safety Trust Fund.

19 (2) AVAILABILITY.—Amounts deposited in the
20 Public Safety Trust Fund shall remain available
21 through fiscal year 2022. Any amounts remaining in
22 the Fund after the end of such fiscal year shall be
23 deposited in the general fund of the Treasury, where
24 such amounts shall be dedicated for the sole purpose
25 of deficit reduction.

1 (b) USE OF FUND.—As amounts are deposited in the
2 Public Safety Trust Fund, such amounts shall be used to
3 make the following deposits or payments in the following
4 order of priority:

5 (1) REPAYMENT OF AMOUNT BORROWED FOR
6 FIRST RESPONDER NETWORK AUTHORITY.—An
7 amount not to exceed \$2,000,000,000 shall be avail-
8 able to the NTIA to reimburse the general fund of
9 the Treasury for any amounts borrowed under sec-
10 tion 6207.

11 [(2) STATE AND LOCAL IMPLEMENTATION
12 FUND.—\$100,000,000 shall be deposited in the
13 State and Local Implementation Fund established
14 by section 6301.]

15 (3) BUILDOUT BY FIRST RESPONDER NETWORK
16 AUTHORITY.—\$7,000,000,000, reduced by the
17 amount borrowed under section 6207, shall be de-
18 posited in the Network Construction Fund estab-
19 lished by section 6206.

20 (4) DEFICIT REDUCTION.—\$20,400,000,000
21 shall be deposited in the general fund of the Treas-
22 ury, where such amount shall be dedicated for the
23 sole purpose of deficit reduction.

24 (5) 9–1–1, E9–1–1, AND NEXT GENERATION 9–
25 1–1 IMPLEMENTATION GRANTS.—\$250,000,000 shall

1 be available to the Assistant Secretary and the Ad-
2 ministrator of the National Highway Traffic Safety
3 Administration to carry out the grant program
4 under section 158 of the National Telecommuni-
5 cations and Information Administration Organiza-
6 tion Act, as amended by section 6503 of this title.

7 (6) ADDITIONAL DEFICIT REDUCTION.—Any re-
8 maining amounts deposited in the Public Safety
9 Trust Fund shall be deposited in the general fund
10 of the Treasury, where such amounts shall be dedi-
11 cated for the sole purpose of deficit reduction.

12 (c) INVESTMENT.—Amounts in the Public Safety
13 Trust Fund shall be invested in accordance with section
14 9702 of title 31, United States Code, and any interest on,
15 and proceeds from, any such investment shall be credited
16 to, and become a part of, the Fund.

17 **Subtitle E—Next Generation 9–1–1**
18 **Advancement Act of 2012**

19 **SEC. 6501. SHORT TITLE.**

20 This subtitle may be cited as the “Next Generation
21 9–1–1 Advancement Act of 2012”.

22 **SEC. 6502. DEFINITIONS.**

23 In this subtitle, the following definitions shall apply:

24 (1) 9–1–1 SERVICES AND E9–1–1 SERVICES.—

25 The terms “9–1–1 services” and “E9–1–1 services”

1 shall have the meaning given those terms in section
2 158 of the National Telecommunications and Infor-
3 mation Administration Organization Act (47 U.S.C.
4 942), as amended by this subtitle.

5 (2) MULTI-LINE TELEPHONE SYSTEM.—The
6 term “multi-line telephone system” or “MLTS”
7 means a system comprised of common control units,
8 telephone sets, control hardware and software and
9 adjunct systems, including network and premises
10 based systems, such as Centrex and VoIP, as well as
11 PBX, Hybrid, and Key Telephone Systems (as clas-
12 sified by the Commission under part 68 of title 47,
13 Code of Federal Regulations), and includes systems
14 owned or leased by governmental agencies and non-
15 profit entities, as well as for profit businesses.

16 (3) OFFICE.—The term “Office” means the 9–
17 1–1 Implementation Coordination Office established
18 under section 158 of the National Telecommuni-
19 cations and Information Administration Organiza-
20 tion Act (47 U.S.C. 942), as amended by this sub-
21 title.

22 **SEC. 6503. COORDINATION OF 9–1–1 IMPLEMENTATION.**

23 Section 158 of the National Telecommunications and
24 Information Administration Organization Act (47 U.S.C.
25 942) is amended to read as follows:

1 **“SEC. 158. COORDINATION OF 9–1–1, E9–1–1, AND NEXT GEN-**
2 **ERATION 9–1–1 IMPLEMENTATION.**

3 “(a) 9–1–1 IMPLEMENTATION COORDINATION OF-
4 FICE.—

5 “(1) ESTABLISHMENT AND CONTINUATION.—

6 The Assistant Secretary and the Administrator of
7 the National Highway Traffic Safety Administration
8 shall—

9 “(A) establish and further a program to
10 facilitate coordination and communication be-
11 tween Federal, State, and local emergency com-
12 munications systems, emergency personnel,
13 public safety organizations, telecommunications
14 carriers, and telecommunications equipment
15 manufacturers and vendors involved in the im-
16 plementation of 9–1–1 services; and

17 “(B) establish a 9–1–1 Implementation
18 Coordination Office to implement the provisions
19 of this section.

20 “(2) MANAGEMENT PLAN.—

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

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

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

5 “(B) SUBMISSION TO CONGRESS.—Not
6 later than 90 days after the date of enactment
7 of the Next Generation 9–1–1 Advancement Act
8 of 2012, the Assistant Secretary and the Ad-
9 ministrator shall submit the management plan
10 developed under subparagraph (A) to—

11 “(i) the Committees on Commerce,
12 Science, and Transportation and Appro-
13 priations of the Senate; and

14 “(ii) the Committees on Energy and
15 Commerce and Appropriations of the
16 House of Representatives.

17 “(3) PURPOSE OF OFFICE.—The Office shall—

18 “(A) take actions, in concert with coordi-
19 nators designated in accordance with subsection
20 (b)(3)(A)(ii), to improve coordination and com-
21 munication with respect to the implementation
22 of 9–1–1 services, E9–1–1 services, and Next
23 Generation 9–1–1 services;

24 “(B) develop, collect, and disseminate in-
25 formation concerning practices, procedures, and

1 technology used in the implementation of 9–1–
2 1 services, E9–1–1 services, and Next Genera-
3 tion 9–1–1 services;

4 “(C) advise and assist eligible entities in
5 the preparation of implementation plans re-
6 quired under subsection (b)(3)(A)(iii);

7 “(D) receive, review, and recommend the
8 approval or disapproval of applications for
9 grants under subsection (b); and

10 “(E) oversee the use of funds provided by
11 such grants in fulfilling such implementation
12 plans.

13 “(4) REPORTS.—The Assistant Secretary and
14 the Administrator shall provide an annual report to
15 Congress by the first day of October of each year on
16 the activities of the Office to improve coordination
17 and communication with respect to the implementa-
18 tion of 9–1–1 services, E9–1–1 services, and Next
19 Generation 9–1–1 services.

20 “(b) 9–1–1, E9–1–1, AND NEXT GENERATION 9–1–
21 1 IMPLEMENTATION GRANTS.—

22 “(1) MATCHING GRANTS.—The Assistant Sec-
23 retary and the Administrator, acting through the Of-
24 fice, shall provide grants to eligible entities for—

1 “(A) the implementation and operation of
2 9–1–1 services, E9–1–1 services, migration to
3 an IP-enabled emergency network, and adoption
4 and operation of Next Generation 9–1–1 serv-
5 ices and applications;

6 “(B) the implementation of IP-enabled
7 emergency services and applications enabled by
8 Next Generation 9–1–1 services, including the
9 establishment of IP backbone networks and the
10 application layer software infrastructure needed
11 to interconnect the multitude of emergency re-
12 sponse organizations; and

13 “(C) training public safety personnel, in-
14 cluding call-takers, first responders, and other
15 individuals and organizations who are part of
16 the emergency response chain in 9–1–1 serv-
17 ices.

18 “(2) MATCHING REQUIREMENT.—The Federal
19 share of the cost of a project eligible for a grant
20 under this section shall not exceed 60 percent.

21 “(3) COORDINATION REQUIRED.—In providing
22 grants under paragraph (1), the Assistant Secretary
23 and the Administrator shall require an eligible entity
24 to certify in its application that—

1 “(A) in the case of an eligible entity that
2 is a State government, the entity—

3 “(i) has coordinated its application
4 with the public safety answering points lo-
5 cated within the jurisdiction of such entity;

6 “(ii) has designated a single officer or
7 governmental body of the entity to serve as
8 the coordinator of implementation of 9–1–
9 1 services, except that such designation
10 need not vest such coordinator with direct
11 legal authority to implement 9–1–1 serv-
12 ices, E9–1–1 services, or Next Generation
13 9–1–1 services or to manage emergency
14 communications operations;

15 “(iii) has established a plan for the
16 coordination and implementation of 9–1–1
17 services, E9–1–1 services, and Next Gen-
18 eration 9–1–1 services; and

19 “(iv) has integrated telecommuni-
20 cations services involved in the implemen-
21 tation and delivery of 9–1–1 services, E9–
22 1–1 services, and Next Generation 9–1–1
23 services; or

24 “(B) in the case of an eligible entity that
25 is not a State, the entity has complied with

1 clauses (i), (iii), and (iv) of subparagraph (A),
2 and the State in which it is located has com-
3 plied with clause (ii) of such subparagraph.

4 “(4) CRITERIA.—Not later than 120 days after
5 the date of enactment of the Next Generation 9–1–
6 1 Advancement Act of 2012, the Assistant Secretary
7 and the Administrator shall issue regulations, after
8 providing the public with notice and an opportunity
9 to comment, prescribing the criteria for selection for
10 grants under this section. The criteria shall include
11 performance requirements and a timeline for comple-
12 tion of any project to be financed by a grant under
13 this section. The Assistant Secretary and the Ad-
14 ministrator shall update such regulations as nec-
15 essary.

16 “(c) DIVERSION OF 9–1–1 CHARGES.—

17 “(1) DESIGNATED 9–1–1 CHARGES.—For the
18 purposes of this subsection, the term ‘designated 9–
19 1–1 charges’ means any taxes, fees, or other charges
20 imposed by a State or other taxing jurisdiction that
21 are designated or presented as dedicated to deliver
22 or improve 9–1–1 services, E9–1–1 services, or Next
23 Generation 9–1–1 services.

24 “(2) CERTIFICATION.—Each applicant for a
25 matching grant under this section shall certify to the

1 Assistant Secretary and the Administrator at the
2 time of application, and each applicant that receives
3 such a grant shall certify to the Assistant Secretary
4 and the Administrator annually thereafter during
5 any period of time during which the funds from the
6 grant are available to the applicant, that no portion
7 of any designated 9–1–1 charges imposed by a State
8 or other taxing jurisdiction within which the appli-
9 cant is located are being obligated or expended for
10 any purpose other than the purposes for which such
11 charges are designated or presented during the pe-
12 riod beginning 180 days immediately preceding the
13 date of the application and continuing through the
14 period of time during which the funds from the
15 grant are available to the applicant.

16 “(3) CONDITION OF GRANT.—Each applicant
17 for a grant under this section shall agree, as a con-
18 dition of receipt of the grant, that if the State or
19 other taxing jurisdiction within which the applicant
20 is located, during any period of time during which
21 the funds from the grant are available to the appli-
22 cant, obligates or expends designated 9–1–1 charges
23 for any purpose other than the purposes for which
24 such charges are designated or presented, eliminates
25 such charges, or redesignates such charges for pur-

1 poses other than the implementation or operation of
2 9–1–1 services, E9–1–1 services, or Next Generation
3 9–1–1 services, all of the funds from such grant
4 shall be returned to the Office.

5 “(4) PENALTY FOR PROVIDING FALSE INFOR-
6 MATION.—Any applicant that provides a certification
7 under paragraph (2) knowing that the information
8 provided in the certification was false shall—

9 “(A) not be eligible to receive the grant
10 under subsection (b);

11 “(B) return any grant awarded under sub-
12 section (b) during the time that the certification
13 was not valid; and

14 “(C) not be eligible to receive any subse-
15 quent grants under subsection (b).

16 “(d) FUNDING AND TERMINATION.—

17 “(1) IN GENERAL.—From the amounts made
18 available to the Assistant Secretary and the Admin-
19 istrator under section 6413(b)(5) of the Middle
20 Class Tax Relief and Job Creation Act of 2012, the
21 Assistant Secretary and the Administrator are au-
22 thorized to provide grants under this section through
23 the end of fiscal year 2022. Not more than 5 per-
24 cent of such amounts may be obligated or expended

1 to cover the administrative costs of carrying out this
2 section.

3 “(2) TERMINATION.—Effective on October 1,
4 2022, the authority provided by this section termi-
5 nates and this section shall have no effect.

6 “(e) DEFINITIONS.—In this section, the following
7 definitions shall apply:

8 “(1) 9–1–1 SERVICES.—The term ‘9–1–1 serv-
9 ices’ includes both E9–1–1 services and Next Gen-
10 eration 9–1–1 services.

11 “(2) E9–1–1 SERVICES.—The term ‘E9–1–1
12 services’ means both phase I and phase II enhanced
13 9–1–1 services, as described in section 20.18 of the
14 Commission’s regulations (47 C.F.R. 20.18), as in
15 effect on the date of enactment of the Next Genera-
16 tion 9–1–1 Advancement Act of 2012, or as subse-
17 quently revised by the Commission.

18 “(3) ELIGIBLE ENTITY.—

19 “(A) IN GENERAL.—The term ‘eligible en-
20 tity’ means a State or local government or a
21 tribal organization (as defined in section 4(l) of
22 the Indian Self-Determination and Education
23 Assistance Act (25 U.S.C. 450b(l))).

24 “(B) INSTRUMENTALITIES.—The term ‘eli-
25 gible entity’ includes public authorities, boards,

1 commissions, and similar bodies created by one
2 or more eligible entities described in subpara-
3 graph (A) to provide 9–1–1 services, E9–1–1
4 services, or Next Generation 9–1–1 services.

5 “(C) EXCEPTION.—The term ‘eligible enti-
6 ty’ does not include any entity that has failed
7 to submit the most recently required certifi-
8 cation under subsection (c) within 30 days after
9 the date on which such certification is due.

10 “(4) EMERGENCY CALL.—The term ‘emergency
11 call’ refers to any real-time communication with a
12 public safety answering point or other emergency
13 management or response agency, including—

14 “(A) through voice, text, or video and re-
15 lated data; and

16 “(B) nonhuman-initiated automatic event
17 alerts, such as alarms, telematics, or sensor
18 data, which may also include real-time voice,
19 text, or video communications.

20 “(5) NEXT GENERATION 9–1–1 SERVICES.—The
21 term ‘Next Generation 9–1–1 services’ means an IP-
22 based system comprised of hardware, software, data,
23 and operational policies and procedures that—

1 “(A) provides standardized interfaces from
2 emergency call and message services to support
3 emergency communications;

4 “(B) processes all types of emergency calls,
5 including voice, data, and multimedia informa-
6 tion;

7 “(C) acquires and integrates additional
8 emergency call data useful to call routing and
9 handling;

10 “(D) delivers the emergency calls, mes-
11 sages, and data to the appropriate public safety
12 answering point and other appropriate emer-
13 gency entities;

14 “(E) supports data or video communica-
15 tions needs for coordinated incident response
16 and management; and

17 “(F) provides broadband service to public
18 safety answering points or other first responder
19 entities.

20 “(6) OFFICE.—The term ‘Office’ means the 9–
21 1–1 Implementation Coordination Office.

22 “(7) PUBLIC SAFETY ANSWERING POINT.—The
23 term ‘public safety answering point’ has the meaning
24 given the term in section 222 of the Communica-
25 tions Act of 1934 (47 U.S.C. 222).

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

7 **SEC. 6504. REQUIREMENTS FOR MULTI-LINE TELEPHONE**
8 **SYSTEMS.**

9 (a) IN GENERAL.—Not later than 270 days after the
10 date of the enactment of this Act, the Administrator of
11 General Services, in conjunction with the Office, shall
12 issue a report to Congress identifying the 9–1–1 capabili-
13 ties of the multi-line telephone system in use by all Fed-
14 eral agencies in all Federal buildings and properties.

15 (b) COMMISSION ACTION.—

16 (1) IN GENERAL.—Not later than 90 days after
17 the date of the enactment of this Act, the Commis-
18 sion shall issue a public notice seeking comment on
19 the feasibility of MLTS manufacturers including
20 within all such systems manufactured or sold after
21 a date certain, to be determined by the Commission,
22 one or more mechanisms to provide a sufficiently
23 precise indication of a 9–1–1 caller’s location, while
24 avoiding the imposition of undue burdens on MLTS
25 manufacturers, providers, and operators.

1 (2) SPECIFIC REQUIREMENT.—The public no-
2 tice under paragraph (1) shall seek comment on the
3 National Emergency Number Association’s “Tech-
4 nical Requirements Document On Model Legislation
5 E9–1–1 for Multi-Line Telephone Systems” (NENA
6 06–750, Version 2).

7 **SEC. 6505. GAO STUDY OF STATE AND LOCAL USE OF 9–1–1**
8 **SERVICE CHARGES.**

9 (a) IN GENERAL.—Not later than 60 days after the
10 date of the enactment of this Act, the Comptroller General
11 of the United States shall initiate a study of—

12 (1) the imposition of taxes, fees, or other
13 charges imposed by States or political subdivisions
14 of States that are designated or presented as dedi-
15 cated to improve emergency communications serv-
16 ices, including 9–1–1 services or enhanced 9–1–1
17 services, or related to emergency communications
18 services operations or improvements; and

19 (2) the use of revenues derived from such taxes,
20 fees, or charges.

21 (b) REPORT.—Not later than 18 months after initi-
22 ating the study required by subsection (a), the Comp-
23 troller General shall prepare and submit a report on the
24 results of the study to the Committee on Commerce,
25 Science, and Transportation of the Senate and the Com-

1 mittee on Energy and Commerce of the House of Rep-
2 resentatives setting forth the findings, conclusions, and
3 recommendations, if any, of the study, including—

4 (1) the identity of each State or political sub-
5 division that imposes such taxes, fees, or other
6 charges; and

7 (2) the amount of revenues obligated or ex-
8 pended by that State or political subdivision for any
9 purpose other than the purposes for which such
10 taxes, fees, or charges were designated or presented.

11 **SEC. 6506. PARITY OF PROTECTION FOR PROVISION OR**
12 **USE OF NEXT GENERATION 9-1-1 SERVICES.**

13 (a) IMMUNITY.—A provider or user of Next Genera-
14 tion 9-1-1 services, a public safety answering point, and
15 the officers, directors, employees, vendors, agents, and au-
16 thorizing government entity (if any) of such provider, user,
17 or public safety answering point, shall have immunity and
18 protection from liability under Federal and State law to
19 the extent provided in subsection (b) with respect to—

20 (1) the release of subscriber information related
21 to emergency calls or emergency services;

22 (2) the use or provision of 9-1-1 services, E9-
23 1-1 services, or Next Generation 9-1-1 services;
24 and

1 (3) other matters related to 9–1–1 services,
2 E9–1–1 services, or Next Generation 9–1–1 services.

3 (b) SCOPE OF IMMUNITY AND PROTECTION FROM LI-
4 ABILITY.—The scope and extent of the immunity and pro-
5 tection from liability afforded under subsection (a) shall
6 be the same as that provided under section 4 of the Wire-
7 less Communications and Public Safety Act of 1999 (47
8 U.S.C. 615a) to wireless carriers, public safety answering
9 points, and users of wireless 9–1–1 service (as defined in
10 paragraphs (4), (3), and (6), respectively, of section 6 of
11 that Act (47 U.S.C. 615b)) with respect to such release,
12 use, and other matters.

13 **SEC. 6507. COMMISSION PROCEEDING ON AUTODIALING.**

14 (a) IN GENERAL.—Not later than 90 days after the
15 date of the enactment of this Act, the Commission shall
16 initiate a proceeding to create a specialized Do-Not-Call
17 registry for public safety answering points.

18 (b) FEATURES OF THE REGISTRY.—The Commission
19 shall issue regulations, after providing the public with no-
20 tice and an opportunity to comment, that—

21 (1) permit verified public safety answering
22 point administrators or managers to register the
23 telephone numbers of all 9–1–1 trunks and other
24 lines used for the provision of emergency services to

1 the public or for communications between public
2 safety agencies;

3 (2) provide a process for verifying, no less fre-
4 quently than once every 7 years, that registered
5 numbers should continue to appear upon the reg-
6 istry;

7 (3) provide a process for granting and tracking
8 access to the registry by the operators of automatic
9 dialing equipment;

10 (4) protect the list of registered numbers from
11 disclosure or dissemination by parties granted access
12 to the registry; and

13 (5) prohibit the use of automatic dialing or
14 “robocall” equipment to establish contact with reg-
15 istered numbers.

16 (c) ENFORCEMENT.—The Commission shall—

17 (1) establish monetary penalties for violations
18 of the protective regulations established pursuant to
19 subsection (b)(4) of not less than \$100,000 per inci-
20 dent nor more than \$1,000,000 per incident;

21 (2) establish monetary penalties for violations
22 of the prohibition on automatically dialing registered
23 numbers established pursuant to subsection (b)(5) of
24 not less than \$10,000 per call nor more than
25 \$100,000 per call; and

1 (3) provide for the imposition of fines under
2 paragraphs (1) or (2) that vary depending upon
3 whether the conduct leading to the violation was
4 negligent, grossly negligent, reckless, or willful, and
5 depending on whether the violation was a first or
6 subsequent offence.

7 **SEC. 6508. REPORT ON COSTS FOR REQUIREMENTS AND**
8 **SPECIFICATIONS OF NEXT GENERATION 9-1-1**
9 **SERVICES.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of the enactment of this Act, the Office, in consulta-
12 tion with the Administrator of the National Highway
13 Traffic Safety Administration, the Commission, and the
14 Secretary of Homeland Security, shall prepare and submit
15 a report to Congress that analyzes and determines detailed
16 costs for specific Next Generation 9-1-1 service require-
17 ments and specifications.

18 (b) PURPOSE OF REPORT.—The purpose of the re-
19 port required under subsection (a) is to serve as a resource
20 for Congress as it considers creating a coordinated, long-
21 term funding mechanism for the deployment and oper-
22 ation, accessibility, application development, equipment
23 procurement, and training of personnel for Next Genera-
24 tion 9-1-1 services.

1 (c) REQUIRED INCLUSIONS.—The report required
2 under subsection (a) shall include the following:

3 (1) How costs would be broken out geographi-
4 cally and allocated among public safety answering
5 points, broadband service providers, and third-party
6 providers of Next Generation 9–1–1 services.

7 (2) An assessment of the current state of Next
8 Generation 9–1–1 service readiness among public
9 safety answering points.

10 (3) How differences in public safety answering
11 points' access to broadband across the United States
12 may affect costs.

13 (4) A technical analysis and cost study of dif-
14 ferent delivery platforms, such as wireline, wireless,
15 and satellite.

16 (5) An assessment of the architectural charac-
17 teristics, feasibility, and limitations of Next Genera-
18 tion 9–1–1 service delivery.

19 (6) An analysis of the needs for Next Genera-
20 tion 9–1–1 services of persons with disabilities.

21 (7) Standards and protocols for Next Genera-
22 tion 9–1–1 services and for incorporating Voice over
23 Internet Protocol and “Real-Time Text” standards.

1 **SEC. 6509. COMMISSION RECOMMENDATIONS FOR LEGAL**
2 **AND STATUTORY FRAMEWORK FOR NEXT**
3 **GENERATION 9-1-1 SERVICES.**

4 Not later than 1 year after the date of the enactment
5 of this Act, the Commission, in coordination with the Sec-
6 retary of Homeland Security, the Administrator of the Na-
7 tional Highway Traffic Safety Administration, and the Of-
8 fice, shall prepare and submit a report to Congress that
9 contains recommendations for the legal and statutory
10 framework for Next Generation 9-1-1 services, consistent
11 with recommendations in the National Broadband Plan
12 developed by the Commission pursuant to the American
13 Recovery and Reinvestment Act of 2009, including the fol-
14 lowing:

15 (1) A legal and regulatory framework for the
16 development of Next Generation 9-1-1 services and
17 the transition from legacy 9-1-1 to Next Generation
18 9-1-1 networks.

19 (2) Legal mechanisms to ensure efficient and
20 accurate transmission of 9-1-1 caller information to
21 emergency response agencies.

22 (3) Recommendations for removing jurisdic-
23 tional barriers and inconsistent legacy regulations
24 including—

25 (A) proposals that would require States to
26 remove regulatory roadblocks to Next Genera-

1 tion 9–1–1 services development, while recog-
2 nizing existing State authority over 9–1–1 serv-
3 ices;

4 (B) eliminating outdated 9–1–1 regula-
5 tions at the Federal level; and

6 (C) preempting inconsistent State regula-
7 tions.

8 **Subtitle F—Telecommunications** 9 **Development Fund**

10 **SEC. 6601. NO ADDITIONAL FEDERAL FUNDS.**

11 Section 309(j)(8)(C)(iii) of the Communications Act
12 of 1934 (47 U.S.C. 309(j)(8)(C)(iii)) is amended to read
13 as follows:

14 “(iii) the interest accrued to the ac-
15 count shall be deposited in the general
16 fund of the Treasury, where such amount
17 shall be dedicated for the sole purpose of
18 deficit reduction.”.

19 **SEC. 6602. INDEPENDENCE OF THE FUND.**

20 Section 714 of the Communications Act of 1934 (47
21 U.S.C. 614) is amended—

22 (1) by striking subsection (e) and inserting the
23 following:

24 “(e) INDEPENDENT BOARD OF DIRECTORS.—The
25 Fund shall have a Board of Directors consisting of 5 peo-

1 ple with experience in areas including finance, investment
2 banking, government banking, communications law and
3 administrative practice, and public policy. The Board of
4 Directors shall select annually a Chair from among the
5 directors. A nominating committee, comprised of the Chair
6 and 2 other directors selected by the Chair, shall appoint
7 additional directors. The Fund’s bylaws shall regulate the
8 other aspects of the Board of Directors, including provi-
9 sions relating to meetings, quorums, committees, and
10 other matters, all as typically contained in the bylaws of
11 a similar private investment fund.”;

12 (2) in subsection (d)—

13 (A) by striking “(after consultation with
14 the Commission and the Secretary of the Treas-
15 ury)”;

16 (B) by striking paragraph (1); and

17 (C) by redesignating paragraphs (2)
18 through (4) as paragraphs (1) through (3), re-
19 spectively; and

20 (3) in subsection (g), by striking “subsection
21 (d)(2)” and inserting “subsection (d)(1)”.

1 **Subtitle G—Federal Spectrum**
2 **Relocation**

3 **SEC. 6701. RELOCATION OF AND SPECTRUM SHARING BY**
4 **FEDERAL GOVERNMENT STATIONS.**

5 (a) IN GENERAL.—Section 113 of the National Tele-
6 communications and Information Administration Organi-
7 zation Act (47 U.S.C. 923) is amended—

8 (1) in subsection (g)—

9 (A) by striking the heading and inserting
10 “RELOCATION OF AND SPECTRUM SHARING BY
11 FEDERAL GOVERNMENT STATIONS”;

12 (B) by amending paragraph (1) to read as
13 follows:

14 “(1) ELIGIBLE FEDERAL ENTITIES.—Any Fed-
15 eral entity that operates a Federal Government sta-
16 tion authorized to use a band of eligible frequencies
17 described in paragraph (2) and that incurs reloca-
18 tion or sharing costs because of planning for an auc-
19 tion of spectrum frequencies or the reallocation of
20 spectrum frequencies from Federal use to exclusive
21 non-Federal use or to shared use shall receive pay-
22 ment for such relocation or sharing costs from the
23 Spectrum Relocation Fund, in accordance with this
24 section and section 118. For purposes of this para-
25 graph, Federal power agencies exempted under sub-

1 section (c)(4) that choose to relocate from the fre-
2 quencies identified for reallocation pursuant to sub-
3 section (a) are eligible to receive payment under this
4 paragraph.”;

5 (C) by amending paragraph (2)(B) to read
6 as follows:

7 “(B) any other band of frequencies reallo-
8 cated from Federal use to non-Federal use or
9 to shared use after January 1, 2003, that is as-
10 signed by competitive bidding pursuant to sec-
11 tion 309(j) of the Communications Act of 1934
12 (47 U.S.C. 309(j)).”;

13 (D) by amending paragraph (3) to read as
14 follows:

15 “(3) RELOCATION OR SHARING COSTS DE-
16 FINED.—

17 “(A) IN GENERAL.—For purposes of this
18 section and section 118, the term ‘relocation or
19 sharing costs’ means the costs incurred by a
20 Federal entity in connection with the auction of
21 spectrum frequencies previously assigned to
22 such entity or the sharing of spectrum fre-
23 quencies assigned to such entity (including the
24 auction or a planned auction of the rights to
25 use spectrum frequencies on a shared basis with

1 such entity) in order to achieve comparable ca-
2 pability of systems as before the relocation or
3 sharing arrangement. Such term includes, with
4 respect to relocation or sharing, as the case
5 may be—

6 “(i) the costs of any modification or
7 replacement of equipment, spares, associ-
8 ated ancillary equipment, software, facili-
9 ties, operating manuals, training, or com-
10 pliance with regulations that are attrib-
11 utable to relocation or sharing;

12 “(ii) the costs of all engineering,
13 equipment, software, site acquisition, and
14 construction, as well as any legitimate and
15 prudent transaction expense, including
16 term-limited Federal civil servant and con-
17 tractor staff necessary to carry out the re-
18 location or sharing activities of a Federal
19 entity, and reasonable additional costs in-
20 curred by the Federal entity that are at-
21 tributable to relocation or sharing, includ-
22 ing increased recurring costs associated
23 with the replacement of facilities;

24 “(iii) the costs of research, engineer-
25 ing studies, economic analyses, or other ex-

1 penses reasonably incurred in connection
2 with—

3 “(I) calculating the estimated re-
4 location or sharing costs that are pro-
5 vided to the Commission pursuant to
6 paragraph (4)(A);

7 “(II) determining the technical or
8 operational feasibility of relocation to
9 1 or more potential relocation bands;
10 or

11 “(III) planning for or managing
12 a relocation or sharing arrangement
13 (including spectrum coordination with
14 auction winners);

15 “(iv) the one-time costs of any modi-
16 fication of equipment reasonably nec-
17 essary—

18 “(I) to accommodate non-Federal
19 use of shared frequencies; or

20 “(II) in the case of eligible fre-
21 quencies reallocated for exclusive non-
22 Federal use and assigned through a
23 system of competitive bidding under
24 section 309(j) of the Communications
25 Act of 1934 (47 U.S.C. 309(j)) but

1 with respect to which a Federal entity
2 retains primary allocation or protected
3 status for a period of time after the
4 completion of the competitive bidding
5 process, to accommodate shared Fed-
6 eral and non-Federal use of such fre-
7 quencies for such period; and

8 “(v) the costs associated with the ac-
9 celerated replacement of systems and
10 equipment if the acceleration is necessary
11 to ensure the timely relocation of systems
12 to a new frequency assignment or the time-
13 ly accommodation of sharing of Federal
14 frequencies.

15 “(B) COMPARABLE CAPABILITY OF SYS-
16 TEMS.—For purposes of subparagraph (A),
17 comparable capability of systems—

18 “(i) may be achieved by relocating a
19 Federal Government station to a new fre-
20 quency assignment, by relocating a Federal
21 Government station to a different geo-
22 graphic location, by modifying Federal
23 Government equipment to mitigate inter-
24 ference or use less spectrum, in terms of
25 bandwidth, geography, or time, and there-

- 1 by permitting spectrum sharing (including
2 sharing among relocated Federal entities
3 and incumbents to make spectrum avail-
4 able for non-Federal use) or relocation, or
5 by utilizing an alternative technology; and
6 “(ii) includes the acquisition of state-
7 of-the-art replacement systems intended to
8 meet comparable operational scope, which
9 may include incidental increases in
10 functionality.”;
- 11 (E) in paragraph (4)—
- 12 (i) in the heading, by striking “RELO-
13 CATIONS COSTS” and inserting “RELOCA-
14 TION OR SHARING COSTS”;
- 15 (ii) by striking “relocation costs” each
16 place it appears and inserting “relocation
17 or sharing costs”; and
- 18 (iii) in subparagraph (A), by inserting
19 “or sharing” after “such relocation”;
- 20 (F) in paragraph (5)—
- 21 (i) by striking “relocation costs” and
22 inserting “relocation or sharing costs”; and
- 23 (ii) by inserting “or sharing” after
24 “for relocation”; and

1 (G) by amending paragraph (6) to read as
2 follows:

3 “(6) IMPLEMENTATION OF PROCEDURES.—The
4 NTIA shall take such actions as necessary to ensure
5 the timely relocation of Federal entities’ spectrum-
6 related operations from frequencies described in
7 paragraph (2) to frequencies or facilities of com-
8 parable capability and to ensure the timely imple-
9 mentation of arrangements for the sharing of fre-
10 quencies described in such paragraph. Upon a find-
11 ing by the NTIA that a Federal entity has achieved
12 comparable capability of systems, the NTIA shall
13 terminate or limit the entity’s authorization and no-
14 tify the Commission that the entity’s relocation has
15 been completed or sharing arrangement has been im-
16 plemented. The NTIA shall also terminate such enti-
17 ty’s authorization if the NTIA determines that the
18 entity has unreasonably failed to comply with the
19 timeline for relocation or sharing submitted by the
20 Director of the Office of Management and Budget
21 under section 118(d)(2)(C).”;

22 (2) by redesignating subsections (h) and (i) as
23 subsections (k) and (l), respectively; and

24 (3) by inserting after subsection (g) the fol-
25 lowing:

1 “(h) DEVELOPMENT AND PUBLICATION OF RELOCA-
2 TION OR SHARING TRANSITION PLANS.—

3 “(1) DEVELOPMENT OF TRANSITION PLAN BY
4 FEDERAL ENTITY.—Not later than 240 days before
5 the commencement of any auction of eligible fre-
6 quencies described in subsection (g)(2), a Federal
7 entity authorized to use any such frequency shall
8 submit to the NTIA and to the Technical Panel es-
9 tablished by paragraph (3) a transition plan for the
10 implementation by such entity of the relocation or
11 sharing arrangement. The NTIA shall specify, after
12 public input, a common format for all Federal enti-
13 ties to follow in preparing transition plans under
14 this paragraph.

15 “(2) CONTENTS OF TRANSITION PLAN.—The
16 transition plan required by paragraph (1) shall in-
17 clude the following information:

18 “(A) The use by the Federal entity of the
19 eligible frequencies to be auctioned, current as
20 of the date of the submission of the plan.

21 “(B) The geographic location of the facili-
22 ties or systems of the Federal entity that use
23 such frequencies.

1 “(C) The frequency bands used by such fa-
2 cilities or systems, described by geographic loca-
3 tion.

4 “(D) The steps to be taken by the Federal
5 entity to relocate its spectrum use from such
6 frequencies or to share such frequencies, includ-
7 ing timelines for specific geographic locations in
8 sufficient detail to indicate when use of such
9 frequencies at such locations will be discon-
10 tinued by the Federal entity or shared between
11 the Federal entity and non-Federal users.

12 “(E) The specific interactions between the
13 eligible Federal entity and the NTIA needed to
14 implement the transition plan.

15 “(F) The name of the officer or employee
16 of the Federal entity who is responsible for the
17 relocation or sharing efforts of the entity and
18 who is authorized to meet and negotiate with
19 non-Federal users regarding the transition.

20 “(G) The plans and timelines of the Fed-
21 eral entity for—

22 “(i) using funds received from the
23 Spectrum Relocation Fund established by
24 section 118;

1 “(ii) procuring new equipment and
2 additional personnel needed for relocation
3 or sharing;

4 “(iii) field-testing and deploying new
5 equipment needed for relocation or shar-
6 ing; and

7 “(iv) hiring and relying on contract
8 personnel, if any, needed for relocation or
9 sharing.

10 “(H) Factors that could hinder fulfillment
11 of the transition plan by the Federal entity.

12 “(3) TECHNICAL PANEL.—

13 “(A) ESTABLISHMENT.—There is estab-
14 lished within the NTIA a panel to be known as
15 the Technical Panel.

16 “(B) MEMBERSHIP.—

17 “(i) NUMBER AND APPOINTMENT.—
18 The Technical Panel shall be composed of
19 3 members, to be appointed as follows:

20 “(I) One member to be appointed
21 by the Director of the Office of Man-
22 agement and Budget (in this sub-
23 section referred to as ‘OMB’).

24 “(II) One member to be ap-
25 pointed by the Assistant Secretary.

1 “(III) One member to be ap-
2 pointed by the Chairman of the Com-
3 mission.

4 “(ii) QUALIFICATIONS.—Each mem-
5 ber of the Technical Panel shall be a radio
6 engineer or a technical expert.

7 “(iii) INITIAL APPOINTMENT.—The
8 initial members of the Technical Panel
9 shall be appointed not later than 180 days
10 after the date of the enactment of the
11 **【Middle Class Tax Relief and Job Creation**
12 **Act of 2012】**.

13 “(iv) TERMS.—The term of a member
14 of the Technical Panel shall be 18 months,
15 and no individual may serve more than 1
16 consecutive term.

17 “(v) VACANCIES.—Any member ap-
18 pointed to fill a vacancy occurring before
19 the expiration of the term for which the
20 member’s predecessor was appointed shall
21 be appointed only for the remainder of that
22 term. A member may serve after the expi-
23 ration of that member’s term until a suc-
24 cessor has taken office. A vacancy shall be

1 filled in the manner in which the original
2 appointment was made.

3 “(vi) NO COMPENSATION.—The mem-
4 bers of the Technical Panel shall not re-
5 ceive any compensation for service on the
6 Technical Panel. If any such member is an
7 employee of the agency of the official that
8 appointed such member to the Technical
9 Panel, compensation in the member’s ca-
10 pacity as such an employee shall not be
11 considered compensation under this clause.

12 “(C) ADMINISTRATIVE SUPPORT.—The
13 NTIA shall provide the Technical Panel with
14 the administrative support services necessary to
15 carry out its duties under this subsection and
16 subsection (i).

17 “(D) REGULATIONS.—Not later than 180
18 days after the date of the enactment of the
19 **【Middle Class Tax Relief and Job Creation Act**
20 **of 2012】**, the NTIA shall, after public notice
21 and comment and subject to approval by the
22 Director of OMB, adopt regulations to govern
23 the workings of the Technical Panel.

24 “(E) CERTAIN REQUIREMENTS INAPPLI-
25 CABLE.—The Federal Advisory Committee Act

1 (5 U.S.C. App.) and sections 552 and 552b of
2 title 5, United States Code, shall not apply to
3 the Technical Panel.

4 “(4) REVIEW OF PLAN BY TECHNICAL
5 PANEL.—

6 “(A) IN GENERAL.—Not later than 30
7 days after the submission of the plan under
8 paragraph (1), the Technical Panel shall submit
9 to the NTIA and to the Federal entity a report
10 on the sufficiency of the plan, including whether
11 the plan includes the information required by
12 paragraph (2) and an assessment of the reason-
13 ableness of the proposed timelines and esti-
14 mated relocation or sharing costs, including the
15 costs of any proposed expansion of the capabili-
16 ties of a Federal system in connection with relo-
17 cation or sharing.

18 “(B) INSUFFICIENCY OF PLAN.—If the
19 Technical Panel finds the plan insufficient, the
20 Federal entity shall, not later than 90 days
21 after the submission of the report by the Tech-
22 nical panel under subparagraph (A), submit to
23 the Technical Panel a revised plan. Such re-
24 vised plan shall be treated as a plan submitted
25 under paragraph (1).

1 “(5) PUBLICATION OF TRANSITION PLAN.—Not
2 later than 120 days before the commencement of the
3 auction described in paragraph (1), the NTIA shall
4 make the transition plan publicly available on its
5 website.

6 “(6) UPDATES OF TRANSITION PLAN.—As the
7 Federal entity implements the transition plan, it
8 shall periodically update the plan to reflect any
9 changed circumstances, including changes in esti-
10 mated relocation or sharing costs or the timeline for
11 relocation or sharing. The NTIA shall make the up-
12 dates available on its website.

13 “(7) CLASSIFIED AND OTHER SENSITIVE IN-
14 FORMATION.—

15 “(A) CLASSIFIED INFORMATION.—If any
16 of the information required to be included in
17 the transition plan of a Federal entity is classi-
18 fied information (as defined in section 798(b) of
19 title 18, United States Code), the entity shall—

20 “(i) include in the plan—

21 “(I) an explanation of the exclu-
22 sion of any such information, which
23 shall be as specific as possible; and

24 “(II) all relevant non-classified
25 information that is available; and

1 “(ii) discuss as a factor under para-
2 graph (2)(H) the extent of the classified
3 information and the effect of such informa-
4 tion on the implementation of the reloca-
5 tion or sharing arrangement.

6 “(B) REGULATIONS.—Not later than 180
7 days after the date of the enactment of the
8 **【Middle Class Tax Relief and Job Creation Act**
9 **of 2012】**, the NTIA, in consultation with the
10 Director of OMB and the Secretary of Defense,
11 shall adopt regulations to ensure that the infor-
12 mation publicly released under paragraph (5) or
13 (6) does not contain classified information or
14 other sensitive information.

15 “(i) DISPUTE RESOLUTION PROCESS.—

16 “(1) IN GENERAL.—If a dispute arises between
17 a Federal entity and a non-Federal user regarding
18 the execution, timing, or cost of the transition plan
19 submitted by the Federal entity under subsection
20 (h)(1), the Federal entity or the non-Federal user
21 may request that the NTIA establish a dispute reso-
22 lution board to resolve the dispute.

23 “(2) ESTABLISHMENT OF BOARD.—

1 “(A) IN GENERAL.—If the NTIA receives
2 a request under paragraph (1), it shall establish
3 a dispute resolution board.

4 “(B) MEMBERSHIP AND APPOINTMENT.—
5 The dispute resolution board shall be composed
6 of 3 members, as follows:

7 “(i) A representative of the Office of
8 Management and Budget (in this sub-
9 section referred to as ‘OMB’), to be ap-
10 pointed by the Director of OMB.

11 “(ii) A representative of the NTIA, to
12 be appointed by the Assistant Secretary.

13 “(iii) A representative of the Commis-
14 sion, to be appointed by the Chairman of
15 the Commission.

16 “(C) CHAIR.—The representative of OMB
17 shall be the Chair of the dispute resolution
18 board.

19 “(D) VACANCIES.—Any vacancy in the dis-
20 pute resolution board shall be filled in the man-
21 ner in which the original appointment was
22 made.

23 “(E) NO COMPENSATION.—The members
24 of the dispute resolution board shall not receive
25 any compensation for service on the board. If

1 any such member is an employee of the agency
2 of the official that appointed such member to
3 the board, compensation in the member's capac-
4 ity as such an employee shall not be considered
5 compensation under this subparagraph.

6 “(F) TERMINATION OF BOARD.—The dis-
7 pute resolution board shall be terminated after
8 it rules on the dispute that it was established
9 to resolve and the time for appeal of its decision
10 under paragraph (7) has expired, unless an ap-
11 peal has been taken under such paragraph. If
12 such an appeal has been taken, the board shall
13 continue to exist until the appeal process has
14 been exhausted and the board has completed
15 any action required by a court hearing the ap-
16 peal.

17 “(3) PROCEDURES.—The dispute resolution
18 board shall meet simultaneously with representatives
19 of the Federal entity and the non-Federal user to
20 discuss the dispute. The dispute resolution board
21 may require the parties to make written submissions
22 to it.

23 “(4) DEADLINE FOR DECISION.—The dispute
24 resolution board shall rule on the dispute not later

1 than 30 days after the request was made to the
2 NTIA under paragraph (1).

3 “(5) ASSISTANCE FROM TECHNICAL PANEL.—
4 The Technical Panel established under subsection
5 (h)(3) shall provide the dispute resolution board
6 with such technical assistance as the board requests.

7 “(6) ADMINISTRATIVE SUPPORT.—The NTIA
8 shall provide the dispute resolution board with the
9 administrative support services necessary to carry
10 out its duties under this subsection.

11 “(7) APPEALS.—A decision of the dispute reso-
12 lution board may be appealed to the United States
13 Court of Appeals for the District of Columbia Cir-
14 cuit by filing a notice of appeal with that court not
15 later than 30 days after the date of such decision.
16 Each party shall bear its own costs and expenses, in-
17 cluding attorneys’ fees, for any appeal under this
18 paragraph.

19 “(8) REGULATIONS.—Not later than 180 days
20 after the date of the enactment of the **【Middle Class**
21 **Tax Relief and Job Creation Act of 2012】**, the
22 NTIA shall, after public notice and comment and
23 subject to approval by OMB, adopt regulations to
24 govern the working of any dispute resolution boards

1 established under paragraph (2)(A) and the role of
2 the Technical Panel in assisting any such board.

3 “(9) CERTAIN REQUIREMENTS INAPPLI-
4 CABLE.—The Federal Advisory Committee Act (5
5 U.S.C. App.) and sections 552 and 552b of title 5,
6 United States Code, shall not apply to a dispute res-
7 olution board established under paragraph (2)(A).

8 “(j) RELOCATION PRIORITIZED OVER SHARING.—

9 “(1) IN GENERAL.—In evaluating a band of
10 frequencies for possible reallocation for exclusive
11 non-Federal use or shared use, the NTIA shall give
12 priority to options involving reallocation of the band
13 for exclusive non-Federal use and shall choose op-
14 tions involving shared use only when it determines,
15 in consultation with the Director of the Office of
16 Management and Budget, that relocation of a Fed-
17 eral entity from the band is not feasible because of
18 technical or cost constraints.

19 “(2) NOTIFICATION OF CONGRESS WHEN SHAR-
20 ING CHOSEN.—If the NTIA determines under para-
21 graph (1) that relocation of a Federal entity from
22 the band is not feasible, the NTIA shall notify the
23 Committee on Commerce, Science, and Transpor-
24 tation of the Senate and the Committee on Energy
25 and Commerce of the House of Representatives of

1 the determination, including the specific technical or
2 cost constraints on which the determination is
3 based.”.

4 (b) CONFORMING AMENDMENT.—Section 309(j) of
5 the Communications Act of 1934 is further amended by
6 striking “relocation costs” each place it appears and in-
7 serting “relocation or sharing costs”.

8 **SEC. 6702. SPECTRUM RELOCATION FUND.**

9 Section 118 of the National Telecommunications and
10 Information Administration Organization Act (47 U.S.C.
11 928) is amended—

12 (1) by striking “relocation costs” each place it
13 appears and inserting “relocation or sharing costs”;

14 (2) by amending subsection (c) to read as fol-
15 lows:

16 “(c) USE OF FUNDS.—The amounts in the Fund
17 from auctions of eligible frequencies are authorized to be
18 used to pay relocation or sharing costs of an eligible Fed-
19 eral entity incurring such costs with respect to relocation
20 from or sharing of those frequencies.”;

21 (3) in subsection (d)—

22 (A) in paragraph (2)—

23 (i) in subparagraph (A), by inserting
24 “or sharing” before the semicolon;

1 (ii) in subparagraph (B), by inserting
2 “or sharing” before the period at the end;

3 (iii) by redesignating subparagraphs
4 (A) and (B) as subparagraphs (B) and
5 (C), respectively; and

6 (iv) by inserting before subparagraph
7 (B), as so redesignated, the following:

8 “(A) unless the eligible Federal entity has
9 submitted a transition plan to the NTIA as re-
10 quired by paragraph (1) of section 113(h), the
11 Technical Panel has found such plan sufficient
12 under paragraph (4) of such section, and the
13 NTIA has made available such plan on its
14 website as required by paragraph (5) of such
15 section;”;

16 (B) by striking paragraph (3); and

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

18 “(3) TRANSFERS FOR PRE-AUCTION COSTS.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), the Director of OMB may transfer
21 to an eligible Federal entity, at any time (in-
22 cluding prior to a scheduled auction), such
23 sums as may be available in the Fund to pay
24 relocation or sharing costs related to pre-auc-

1 tion estimates or research, as such costs are de-
2 scribed in section 113(g)(3)(A)(iii).

3 “(B) NOTIFICATION.—No funds may be
4 transferred pursuant to subparagraph (A) un-
5 less—

6 “(i) the notification provided under
7 paragraph (2)(C) includes a certification
8 from the Director of OMB that—

9 “(I) funds transferred before an
10 auction will likely allow for timely im-
11 plementation of relocation or sharing,
12 thereby increasing net expected auc-
13 tion proceeds by an amount not less
14 than the time value of the amount of
15 funds transferred; and

16 “(II) the auction is intended to
17 occur not later than 5 years after
18 transfer of funds; and

19 “(ii) the transition plan submitted by
20 the eligible Federal entity under section
21 113(h)(1) provides—

22 “(I) to the fullest extent possible,
23 for sharing and coordination of eligi-
24 ble frequencies with non-Federal
25 users, including reasonable accommo-

1 dation by the eligible Federal entity
2 for the use of eligible frequencies by
3 non-Federal users during the period
4 that the entity is relocating its spec-
5 trum uses (in this clause referred to
6 as the ‘transition period’);

7 “(II) for non-Federal users to be
8 able to use eligible frequencies during
9 the transition period in geographic
10 areas where the eligible Federal entity
11 does not use such frequencies;

12 “(III) that the eligible Federal
13 entity will, during the transition pe-
14 riod, make itself available for negotia-
15 tion and discussion with non-Federal
16 users not later than 30 days after a
17 written request therefor; and

18 “(IV) that the eligible Federal
19 entity will, during the transition pe-
20 riod, make available to a non-Federal
21 user with appropriate security clear-
22 ances any classified information (as
23 defined in section 798(b) of title 18,
24 United States Code) regarding the re-
25 location process, on a need-to-know

1 basis, to assist the non-Federal user
2 in the relocation process with such eli-
3 gible Federal entity or other eligible
4 Federal entities.

5 “(C) APPLICABILITY TO CERTAIN COSTS.—

6 “(i) IN GENERAL.—The Director of
7 OMB may transfer under subparagraph
8 (A) not more than \$10,000,000 for costs
9 incurred after June 28, 2010, but before
10 the date of the enactment of the Middle
11 Class Tax Relief and Job Creation Act of
12 2012.

13 “(ii) SUPPLEMENT NOT SUPPLANT.—
14 Any amounts transferred by the Director
15 of OMB pursuant to clause (i) shall be in
16 addition to any amounts that the Director
17 of OMB may transfer for costs incurred on
18 or after the date of the enactment of the
19 Middle Class Tax Relief and Job Creation
20 Act of 2012.

21 “(4) REVERSION OF UNUSED FUNDS.—Any
22 amounts in the Fund that are remaining after the
23 payment of the relocation or sharing costs that are
24 payable from the Fund shall revert to and be depos-
25 ited in the general fund of the Treasury, for the sole

1 purpose of deficit reduction, not later than 8 years
2 after the date of the deposit of such proceeds to the
3 Fund, unless within 60 days in advance of the rever-
4 sion of such funds, the Director of OMB, in con-
5 sultation with the NTIA, notifies the congressional
6 committees described in paragraph (2)(C) that such
7 funds are needed to complete or to implement cur-
8 rent or future relocation or sharing arrangements.”;

9 (4) in subsection (e)—

10 (A) in paragraph (1)(B)—

11 (i) in clause (i), by striking “sub-
12 section (d)(2)(A)” and inserting “sub-
13 section (d)(2)(B)”;

14 (ii) in clause (ii), by striking “sub-
15 section (d)(2)(B)” and inserting “sub-
16 section (d)(2)(C)”;

17 (B) in paragraph (2)—

18 (i) by striking “entity’s relocation”
19 and inserting “relocation of the entity or
20 implementation of the sharing arrange-
21 ment by the entity”;

22 (ii) by inserting “or the implementa-
23 tion of such arrangement” after “such re-
24 location”; and

1 (iii) by striking “subsection
2 (d)(2)(A)” and inserting “subsection
3 (d)(2)(B)”;

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

5 “(f) ADDITIONAL PAYMENTS FROM FUND.—

6 “(1) AMOUNTS AVAILABLE.—Notwithstanding
7 subsections (c) through (e), after the date of the en-
8 actment of the Middle Class Tax Relief and Job
9 Creation Act of 2012, there are appropriated from
10 the Fund and available to the Director of OMB for
11 use in accordance with paragraph (2) not more than
12 10 percent of the amounts deposited in the Fund
13 from auctions occurring after such date of enact-
14 ment of licenses for the use of spectrum vacated by
15 eligible Federal entities.

16 “(2) USE OF AMOUNTS.—

17 “(A) IN GENERAL.—The Director of OMB,
18 in consultation with the NTIA, may use
19 amounts made available under paragraph (1) to
20 make payments to eligible Federal entities that
21 are implementing a transition plan submitted
22 under section 113(h)(1) in order to encourage
23 such entities to complete the implementation
24 more quickly, thereby encouraging timely access
25 to the eligible frequencies that are being reallo-

1 cated for exclusive non-Federal use or shared
2 use.

3 “(B) CONDITIONS.—In the case of any
4 payment by the Director of OMB under sub-
5 paragraph (A)—

6 “(i) such payment shall be based on
7 the market value of the eligible fre-
8 quencies, the timeliness with which the eli-
9 gible Federal entity clears its use of such
10 frequencies, and the need for such fre-
11 quencies in order for the entity to conduct
12 its essential missions;

13 “(ii) the eligible Federal entity shall
14 use such payment for the purposes speci-
15 fied in clauses (i) through (v) of section
16 113(g)(3)(A) to achieve comparable capa-
17 bility of systems affected by the realloca-
18 tion of eligible frequencies from Federal
19 use to exclusive non-Federal use or to
20 shared use;

21 “(iii) such payment may not be made
22 if the amount remaining in the Fund after
23 such payment will be less than 10 percent
24 of the winning bids in the auction of the
25 spectrum with respect to which the Federal

1 entity is incurring relocation or sharing
2 costs; and

3 “(iv) such payment may not be made
4 until 30 days after the Director of OMB
5 has notified the congressional committees
6 described in subsection (d)(2)(C).”.

7 **SEC. 6703. NATIONAL SECURITY AND OTHER SENSITIVE IN-**
8 **FORMATION.**

9 Part B of title I of the National Telecommunications
10 and Information Administration Organization Act (47
11 U.S.C. 921 et seq.) is amended by adding at the end the
12 following:

13 **“SEC. 119. NATIONAL SECURITY AND OTHER SENSITIVE IN-**
14 **FORMATION.**

15 “(a) DETERMINATION.—If the head of an Executive
16 agency (as defined in section 105 of title 5, United States
17 Code) determines that public disclosure of any information
18 contained in a notification or report required by section
19 113 or 118 would reveal classified national security infor-
20 mation, or other information for which there is a legal
21 basis for nondisclosure and the public disclosure of which
22 would be detrimental to national security, homeland secu-
23 rity, or public safety or would jeopardize a law enforce-
24 ment investigation, the head of the Executive agency shall

1 notify the Assistant Secretary of that determination prior
2 to the release of such information.

3 “(b) INCLUSION IN ANNEX.—The head of the Execu-
4 tive agency shall place the information with respect to
5 which a determination was made under subsection (a) in
6 a separate annex to the notification or report required by
7 section 113 or 118. The annex shall be provided to the
8 subcommittee of primary jurisdiction of the congressional
9 committee of primary jurisdiction in accordance with ap-
10 propriate national security stipulations but shall not be
11 disclosed to the public or provided to any unauthorized
12 person through any means.”.