[DISCUSSION DRAFT]

112TH CONGRESS
1ST SESSION

H. R. ______

To promote nationwide deployment of an interoperable public safety broadband network, to make available additional spectrum for wireless broadband services, to reduce the deficit, to promote job growth, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Rule of construction.
Sec. 4. Enforcement.

TITLE I—SPECTRUM AUCTION AUTHORITY
Sec. 101. Deadline for auction of certain spectrum.
Sec. 102. General authority for incentive auctions.
Sec. 103. Special requirements for incentive auction of broadcast TV spectrum.
Sec. 104. Use of auctions to allocate spectrum for unlicensed use.
Sec. 105. Administration of auctions by Commission.
Sec. 106. Extension of auction authority.
Sec. 107. Deficit reduction and funding prioritization.

TITLE II—PUBLIC SAFETY COMMUNICATIONS
Sec. 201. Reassignment of public safety spectrum to States.
Sec. 203. Plan administration.
Sec. 204. Grants to States.
Sec. 205. Wireless facilities deployment.
Sec. 206. Study on emergency communications by amateur radio and impediments to amateur radio communications.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the entity awarded a contract by the Commission under section 203(a) to serve as Administrator of the National Public Safety Communications Plan.

(2) BOARD.—The term “Board” means the Public Safety Communications Planning Board established under section 202(a)(1).

(3) BROADCAST TELEVISION LICENSEE.—The term “broadcast television licensee” means a person holding a license to use a portion of the broadcast
television spectrum to operate a full-power television
station.

(4) Broadcast television spectrum.—The
term “broadcast television spectrum” means the por-
tions of the electromagnetic spectrum between the
frequencies from 54 megahertz to 72 megahertz,
from 76 megahertz to 88 megahertz, from 174
megahertz to 216 megahertz, and from 470 mega-
hertz to 698 megahertz.

(5) Commercial mobile broadband service.—The term “commercial mobile broadband serv-
ice” means broadband service (as defined by the
Commission) that is provided by a provider of com-
ercial mobile service (as defined in section 332 of
the Communications Act of 1934 (47 U.S.C. 332)).

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

(7) Federal entity.—The term “Federal en-
tity” has the meaning given such term in section
113 of the National Telecommunications and Infor-
mation Administration Organization Act (47 U.S.C.
923).

(8) Forward auction.—The term “forward
auction” means the portion of an incentive auction
of broadcast television spectrum under section
103(c), in which the Commission assigns licenses for
the use of or allocates for unlicensed use the spec-
trum usage rights with respect to which the Com-
mission accepts bids for voluntary relinquishment in
a reverse auction under section 103(a).

(9) Incentive Auction.—The term “incentive
auction” means a system of competitive bidding
under section 309(j) of the Communications Act of
1934 (47 U.S.C. 309(j)) in which spectrum auc-
tioned is attributable to the voluntary relinquish-
ment of spectrum usage rights by licensees, with
whom a portion of auction proceeds may be shared
in accordance with subparagraph (F) of paragraph
(8) of such section, as added by section 102(3).

(10) Local Market.—The term “local mar-
ket” has the meaning given such term in section 338
of the Communications Act of 1934 (47 U.S.C.
338).

(11) Multichannel Video Programming
Distributor.—The term “multichannel video pro-
gramming distributor” has the meaning given such
term in section 602 of the Communications Act of

(12) National Public Safety Communi-
cations Plan.—The term “National Public Safety
Communications Plan” or “Plan” means the plan adopted under section 202(e).

(13) NTIA.—The term “NTIA” means the National Telecommunications and Information Administration.

(14) Public safety answering point.—The term “public safety answering point” has the meaning given such term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

(15) Public safety communications.—The term “public safety communications” means communications by providers of public safety services.

(16) Public safety services.—The term “public safety services” has the meaning given such term in section 337 of the Communications Act of 1934 (47 U.S.C. 337).

(17) Public safety spectrum.—The term “public safety spectrum” means the portion of the electromagnetic spectrum allocated for public safety services under section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)).

(18) Reverse auction.—The term “reverse auction” means the portion of an incentive auction of broadcast television spectrum under section 103(a), in which a broadcast television licensee may
submit bids stating the amount it would accept for voluntarily relinquishing some or all of its broadcast
television spectrum usage rights.

(19) **State.**—The term “State” has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(20) **State public safety broadband communications network.**—The term “State public safety broadband communications network” means a broadband network for public safety communications established by a State using the public safety spectrum.

(21) **Ultra high frequency.**—The term “ultra high frequency” means, with respect to a television channel, that the channel is located in the portion of the electromagnetic spectrum between the frequencies from 470 megahertz to 698 megahertz.

(22) **Very high frequency.**—The term “very high frequency” means, with respect to a television channel, that the channel is located in the portion of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, or from 174 megahertz to 216 megahertz.
SEC. 3. RULE OF CONSTRUCTION.

Each range of frequencies described in this Act shall be construed to be inclusive of the upper and lower frequencies in the range.

SEC. 4. ENFORCEMENT.

(a) IN GENERAL.—The Commission shall enforce this Act as if this Act were a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.). A violation of this Act, or a regulation promulgated under this Act, shall be considered to be a violation of the Communications Act of 1934, or a regulation promulgated under such Act, respectively.

(b) EXCEPTION.—Subsection (a) does not apply in the case of a provision of this Act that is expressly required to be carried out by an agency (as defined in section 551 of title 5, United States Code) other than the Commission.

TITLE I—SPECTRUM AUCTION AUTHORITY

SEC. 101. DEADLINE FOR AUCTION OF CERTAIN SPECTRUM.

(a) IN GENERAL.—Notwithstanding paragraph (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), not later than 10 years after the date of the enactment of this Act, subject to subsection (c), the Commission shall, through a system of competitive bidding under such section, grant licenses for the use of
or allocate for unlicensed use (as described in paragraph (17) of such section, as added by section 104(a)(3)) the portions of the electromagnetic spectrum described in subsection (b).

(b) Spectrum Described.—The portions of the electromagnetic spectrum described in this subsection are the following:

(1) The frequencies between 1915 megahertz and 1920 megahertz and between 2020 megahertz and 2025 megahertz (the AWS-2 H Block).

(2) The frequencies between 1755 megahertz and 1780 megahertz and between 2155 megahertz and 2180 megahertz (the AWS-3 band).

(3) The frequencies between 5350 megahertz and 5470 megahertz and between 5850 megahertz and 5925 megahertz.

(4) The frequencies between 1670 megahertz and 1710 megahertz and between 2070 megahertz and 2110 megahertz.

(5) The frequencies between 1780 megahertz and 1800 megahertz and between 2180 megahertz and 2200 megahertz.

(e) Incumbent Federal Use.—
(1) **IN GENERAL.**—Not later than a date that will allow the Commission to meet the deadline in subsection (a), the NTIA shall—

(A) except as provided in subparagraph (B), withdraw any assignment to a Federal entity of a portion of the electromagnetic spectrum described in paragraph (3), (4), or (5) of subsection (b);

(B) if the NTIA determines that Federal use of such a portion is necessary to the critical communications related to the mission of the Federal entity and that Federal and non-Federal use of such portion may be coordinated by means of the database established under paragraph (2)(A), modify the terms under which the Federal entity is permitted to use such portion so that such use is subject to coordination by means of the database; and

(C) notify the Commission of each withdrawal under subparagraph (A) and each determination and modification under subparagraph (B).

(2) **DATABASE.**—

(A) **IN GENERAL.**—The NTIA, in consultation with the Commission, shall establish and
maintain a database to coordinate Federal and non-Federal use of any portions of the electromagnetic spectrum with respect to which the NTIA has made a determination under paragraph (1)(B).

(B) COORDINATION.—The database established under subparagraph (A) may be used to coordinate the use of such portions of the electromagnetic spectrum by Federal and non-Federal users based on usage parameters that include geographic area, time, and specific frequencies within such portions.

(C) NTIA REGULATIONS.—The NTIA, in coordination with the Commission, shall promulgate regulations to govern use of such portions of the electromagnetic spectrum by Federal entities.

(D) COMMISSION REGULATIONS.—The Commission, in coordination with the NTIA, shall promulgate regulations to govern use of such portions of the electromagnetic spectrum by entities that are not Federal entities.

(3) LIMITATIONS ON NON-FEDERAL ASSIGNMENT OR ALLOCATION.—In conducting the competitive bidding required by subsection (a), the Commis-
sion may only grant licenses for the use of or allocate for unlicensed use a portion of the electromagnetic spectrum described in paragraph (3), (4), or (5) of subsection (b) that is assigned to a Federal entity—

(A) after receiving from the NTIA a notification under paragraph (1)(C) with respect to such portion; and

(B) in the case of a portion with respect to which the NTIA has made a determination under paragraph (1)(B), subject to coordination with use by Federal entities by means of the database established under paragraph (2)(A).

SEC. 102. GENERAL AUTHORITY FOR INCENTIVE AUCTIONS.

Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

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

(2) in subparagraph (C)(i), by striking “subparagraph (E)(ii)” and inserting “subparagraphs (E)(ii) and (F)”;

(3) by adding at the end the following:

“(F) INCENTIVE AUCTIONS.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A) and except as provided
in subparagraph (B), the Commission may encourage a licensee to relinquish voluntarily some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses or allocation of spectrum for unlicensed use (as described in paragraph (17)) by sharing with such licensee a portion of the proceeds (including deposits and upfront payments from successful bidders) from the use of a competitive bidding system under this subsection.

“(ii) LIMITATIONS.—The Commission may not enter into a relinquishment and sharing agreement with a licensee under this subparagraph unless—

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

“(II) at least one other licensee bids in the reverse auction.”.
SEC. 103. SPECIAL REQUIREMENTS FOR INCENTIVE AUCTION OF BROADCAST TV SPECTRUM.

(a) REVERSE AUCTION TO IDENTIFY INCENTIVE AMOUNT.—

(1) IN GENERAL.—The Commission may conduct a reverse auction to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its broadcast television spectrum usage rights for assignment or reallocation for unlicensed use through a system of competitive bidding under subparagraph (F) of section 309(j)(8) of the Communications Act of 1934, as added by section 102(3).

(2) ELIGIBLE RELINQUISHMENTS.—Only the following shall be considered a relinquishment of usage rights for purposes of paragraph (1):

(A) Relinquishing all usage rights with respect to a particular television channel without receiving in return any usage rights with respect to another television channel.

(B) Relinquishing all usage rights with respect to an ultra high frequency television channel in return for receiving usage rights with respect to a very high frequency television channel.
(C) Relinquishing usage rights in order to share a television channel with another licensee.

(D) Any other voluntary relinquishment of usage rights that the Commission considers to be in the interest of the auction.

(3) WINNING BIDS.—

(A) DETERMINATION BY COMMISSION.—
The Commission shall examine the bids in a reverse auction under paragraph (1) and determine the amount of compensation that achieves the proper balance between the spectrum usage rights that will be freed and the amount that the Commission must pay in order for the licensees to relinquish such rights.

(B) ACCEPTANCE.—The Commission may accept a bid of a licensee that is less than or equal to such amount of compensation, and the relinquishment shall be binding on the licensee, subject to subsection (c)(2)(B).

(4) CONFIDENTIALITY.—The Commission shall take all steps necessary to protect the confidentiality of a licensee participating in a reverse auction under paragraph (1), including withholding the identity of such licensee until the reassignments and realloca-
tions under subsection (b)(1) become effective, as described in subsection (f)(2).

(5) Protection of carriage rights of licensees sharing a channel.—A broadcast television licensee the signal of which was required to be carried pursuant to section 338, 614, or 615 of the Communications Act of 1934 (47 U.S.C. 338; 534; 535) on November 30, 2010, and that voluntarily relinquishes spectrum usage rights under this subsection in order to share a television channel with another licensee shall retain the same rights to carriage under such section that the licensee would have had if not sharing a channel.

(b) Reorganization of broadcast TV spectrum.—

(1) In general.—The Commission may evaluate the broadcast television spectrum and may—

(A) make such reassignments of television channels as the Commission considers appropriate; and

(B) reallocate for other use such portions of the broadcast television spectrum as the Commission determines are available for reallocation.
(2) FACTORS FOR CONSIDERATION.—In making reassignments and reallocations under paragraph (1), the Commission shall make reasonable efforts to preserve viewer access to the over-the-air signals of broadcast television licensees and replicate the station service areas and covered populations of such licensees, as in existence before the reassignments and reallocations.

(3) NO INVOLUNTARY RELOCATION FROM UHF TO VHF.—In making reassignments under paragraph (1)(A), the Commission may not reassign a broadcast television licensee from an ultra high frequency television channel to a very high frequency television channel unless the Commission accepts a bid for such relinquishment from such licensee under subsection (a)(3)(B).

(4) LOW-POWER BROADCAST TELEVISION STATIONS.—

(A) IN GENERAL.—The Commission may require a low-power broadcast television station that is impacted by reorganization of the broadcast television spectrum under this subsection to relocate from an ultra high frequency television channel to a very high frequency television channel, to the extent that any suitable
very high frequency television channels remain available after any reassignments or reallocations under paragraph (1).

(B) FACTORS FOR CONSIDERATION.—In deciding whether to require a low-power broadcast television station to relocate under subparagraph (A), the Commission shall consider market factors including—

(i) the number of over-the-air viewers of such station; and

(ii) the presence of other broadcast television stations in the community served.

(5) PAYMENT OF RELOCATION COSTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), from amounts made available under subsection (d)(2)(A), the Commission shall reimburse costs reasonably incurred by—

(i) a broadcast television licensee that was reassigned under paragraph (1)(A) from one ultra high frequency television channel to a different ultra high frequency television channel or from one very high frequency television channel to a different
very high frequency television channel, in
order for the licensee to relocate its tele-
vision service from one channel to the
other; or

(ii) a multichannel video programming
distributor that is required by section 338,
614, or 615 of the Communications Act of
1934 (47 U.S.C. 338; 534; 535) to carry
the signal of a broadcast television licensee
described in clause (i) or a broadcast tele-
vision licensee that voluntarily relinquishes
spectrum usage rights under subsection (a)
to share a television channel with another
licensee, in order for the multichannel
video programming distributor to continue
complying with such section with respect to
the licensee after the reassignment or shar-
ing arrangement.

(B) REGULATORY RELIEF.—In lieu of re-
imbursement for relocation costs under sub-
paragraph (A), a broadcast television licensee
or multichannel video programming dis-
tributor may accept, and the Commission may
grant as it considers appropriate, a waiver or
modification of the application to such licensee
or distributor] of any provision of law administered by the Commission, or any regulation of the Commission promulgated under any such provision.

(C) LIMITATION.—The Commission may not make reimbursements under subparagraph (A) of revenues lost—

(i) by a broadcast television licensee in connection with relocation; or

(ii) by a multichannel video programming distributor in connection with continued compliance with carriage obligations.

(D) DEADLINE.—The Commission shall make all reimbursements required by subparagraph (A) not later than the date that is 3 years after the completion of a forward auction under subsection (c)(1).

(e) FORWARD AUCTION.—

(1) IN GENERAL.—The Commission may conduct a forward auction in which the Commission—

(A) assigns licenses for the use of or allocates for unlicensed use the spectrum that the Commission determines is available under subsection (b)(1)(B);
(B) shares with each licensee whose bid the Commission accepts under subsection (a)(3)(B) an amount of the proceeds that is equal to the amount of such bid; and

(C) notwithstanding section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), deposits in the TV Broadcaster Relocation Fund established under subsection (d)(1) an amount of the proceeds from such forward auction that is sufficient to cover the costs for which the Commission is required to make reimbursements under subsection (b)(5)(A).

(2) **RESERVE PRICES.**—

(A) **IN GENERAL.**—In conducting a forward auction under paragraph (1), the Commission shall set such reserve prices as are necessary in order for the proceeds to be greater than or equal to the sum of—

(i) the total amount of the bids the Commission accepts under subsection (a)(3)(B);

(ii) the costs of conducting such forward auction that the salaries and expenses account of the Commission is re-
required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)); and

(iii) the estimated costs for which the Commission is required to make reimbursements under subsection (b)(5)(A).

(B) INSUFFICIENT PROCEEDS.—If the amount of the proceeds from a forward auction under paragraph (1) is not greater than or equal to the sum described in subparagraph (A), no licenses shall be assigned or spectrum allocated for unlicensed use through such forward auction, any reassignments or reallocations under subsection (b)(1) shall not become effective, and the Commission may not revoke any spectrum usage rights by reason of a bid that the Commission accepts under subsection (a)(3)(B).

(C) ADMINISTRATIVE COSTS.—The amount of the proceeds from a forward auction under paragraph (1) that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)) shall be sufficient to cover the costs incurred by
the Commission in conducting a reverse auction under subsection (a)(1) and making any re-assignments or reallocations under subsection (b)(1), in addition to the costs incurred by the Commission in conducting such forward auction.

(3) FACTOR FOR CONSIDERATION.—In conducting a forward auction under paragraph (1), the Commission shall consider assigning licenses that cover geographic areas of a variety of different sizes.

(d) TV BROADCASTER RELOCATION FUND.—

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

(2) BORROWING AUTHORITY AND REIMBURSEMENT.—

(A) BORROWING AUTHORITY.—Beginning on [___________] and ending on the date that is 3 years after the completion of a forward auction under subsection (c)(1), the Commission may borrow from the Treasury of the United States an amount not to exceed [__$___________] to make the reimbursements required by subsection (b)(5)(A).
(B) REIMBURSEMENT.—The Commission shall reimburse the Treasury, without interest, for amounts borrowed under subparagraph (A) as funds are deposited into the TV Broadcaster Relocation Fund.

(3) TRANSFER OF UNUSED FUNDS.—If there is a balance remaining in the TV Broadcaster Relocation Fund on the date that is 3 years after the completion of a forward auction under subsection (c)(1), the Secretary of the Treasury shall transfer such balance to the general fund of the Treasury of the United States, where such balance shall be dedicated for the sole purpose of deficit reduction.

(e) ONE REVERSE AUCTION AND ONE FORWARD AUCTION.—The Commission may not conduct more than one reverse auction under subsection (a)(1) or more than one forward auction under subsection (c)(1).

(f) TIMING.—

(1) CONTEMPORANEOUS AUCTIONS AND REORGANIZATION PERMITTED.—The Commission may conduct a reverse auction under subsection (a)(1), any reassignments or reallocations under subsection (b)(1), and a forward auction under subsection (c)(1) on a contemporaneous basis.
(2) Effectiveness of Reassignments and Reallocations.— Notwithstanding paragraph (1), any reassignments or reallocations under subsection (b)(1) shall not become effective until the completion of a reverse auction under subsection (a)(1) and a forward auction under subsection (c)(1).

(3) Deadline.—The Commission may not conduct a reverse auction under subsection (a)(1) or a forward auction under subsection (c)(1) after the date that is 5 years after the date of the enactment of this Act.


(g) Limitation on Reorganization Authority.—During the 5-year period beginning on the date of the enactment of this Act, the Commission may not curtail the spectrum usage rights of a broadcast television licensee or reassign such a licensee to another television channel except—

(1) in accordance with this section; or

(2) in the case of a violation by such licensee of the terms of its license or a specific provision of
a statute administered by the Commission, or a reg-
ulation of the Commission promulgated under any
such provision.

(h) Protest Right Inapplicable.—The right of a
licensee to protest a proposed order of modification of its
license under section 316 of the Communications Act of
1934 (47 U.S.C. 316) shall not apply in the case of a
broadcast television licensee—

(1) during the period beginning on the date of
the enactment of this Act and ending on the earlier
of—

(A) the completion of a reverse auction
under subsection (a)(1), any reassignments or
reallocations under subsection (b)(1), and a for-
ward auction under subsection (c)(1); or

(B) the date that is 5 years after such date
of enactment; or

(2) after the expiration of the period described
in paragraph (1), to a modification made in connec-
tion with such a reverse auction, any such reassign-
ments or reallocations, or such a forward auction.

SEC. 104. USE OF AUCTIONS TO ALLOCATE SPECTRUM FOR
UNLICENSED USE.

(a) In General.—Section 309(j) of the Communica-
tions Act of 1934 (47 U.S.C. 309(j)) is amended—
(1) in paragraph (6)(A), by inserting “except as provided in paragraph (17),” before “alter spectrum allocation criteria”; (2) in paragraph (7)(A), by inserting “(except as provided in paragraph (17))” before “, and in prescribing”; and (3) by adding at the end the following new paragraph:

“(17) ALLOCATION OF SPECTRUM FOR UNLICENSED USE.—The Commission may only exercise its authority under this Act to allocate a portion of the spectrum for unlicensed use if—

“(A) the Commission conducts a system of competitive bidding under this subsection in which bids may be placed—

“(i) for the allocation of such portion for unlicensed use; and

“(ii) for a license for the use of such portion; and

“(B) the bids for unlicensed use, in the aggregate, exceed the highest bid for such license.”.

(b) COORDINATION OF UNLICENSED USE THROUGH DATABASE.—
(1) **Establishment of Database.**—The Commission shall establish and maintain a database to coordinate the unlicensed use of the portions of the electromagnetic spectrum allocated for such use through a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) (as described in paragraph (17) of such section) by devices designed to use such portions on an unlicensed basis. The database shall be established and functioning not later than [________] after the date of the enactment of this Act.

(2) **Device Requirements.**—

(A) **In General.**—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended by adding at the end the following new subsection:

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“(cc) Require that a device designed to use a portion of the electromagnetic spectrum allocated for unlicensed use through a system of competitive bidding under section 309(j) (as described in paragraph (17) of such section) coordinate its use of such portion with that of other such devices through the database established under section 104(b)(1) of the Spectrum Innovation Act of 2011, if such
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device is shipped in interstate commerce or manufactured in the United States, for sale or resale to the public.”

(B) Effective date.—The amendment made by subparagraph (A) shall apply with respect to devices shipped or manufactured after the date that is [_________] after the date of the enactment of this Act.

SEC. 105. ADMINISTRATION OF AUCTIONS BY COMMISSION.

Section 309(j) of the Communications Act of 1934, as amended by section 104(a), is further amended by adding at the end the following new paragraph:

“(18) Certain bidding and licensing conditions prohibited.—In assigning licenses or allocating spectrum for unlicensed use through a system of competitive bidding under this subsection, the Commission may not—

“(A) impose any condition on the licenses assigned through such system that—

“(i) limits the ability of a licensee to manage the use of its network, including management of the use of applications, services, or devices on its network, or to prioritize the traffic on its network as it chooses; or
“(ii) requires a licensee to sell access to its network on a wholesale basis;

“(B) limit participation in such system on the basis of the total amount of spectrum licenses held by a person seeking such participation; or

“(C) impose any other condition on eligibility for participation in such system or for the holding of a license granted through such system that is not related to the qualifications of an applicant under subsection (a) or section 308(b) or 310].”.

SEC. 106. EXTENSION OF AUCTION AUTHORITY.


SEC. 107. DEFICIT REDUCTION AND FUNDING PRIORITIZATION.

(a) In General.—Notwithstanding section 309(j)(8)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(A)), from so much of the proceeds from auctions specified in subsection (b) as exceed the deposits and payments specified in subsection (c), the Commission shall deposit [$_{_____________}] in the Public Safety
Broadband Communications Implementation Fund established by section 204(g)(1).

(b) Specified Auctions.—The auctions specified in this subsection are auctions under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) that are—

(1) required by section 101(a); or

(2) conducted under paragraph (8)(F) of such section 309(j).

(c) Specified Deposits and Payments.—The deposits and payments specified in this subsection are—

(1) with respect to each auction specified in subsection (b), the deposits and payments required by paragraph (8) of such section 309(j), except subparagraph (A) of such paragraph, and section 103(e); and

(2) deposits in the Treasury of the United States under such subparagraph totaling $[__________].

**TITLE II—PUBLIC SAFETY COMMUNICATIONS**

**SEC. 201. REASSIGNMENT OF PUBLIC SAFETY SPECTRUM TO STATES.**

(a) Public Safety Broadband Spectrum.—
(1) IN GENERAL.—Subject to paragraph (2), not later than [___________], the Commission shall assign to each State a license for the exclusive use within such State of the portion of the electromagnetic spectrum between the frequencies from 763 megahertz to 768 megahertz and from 793 megahertz to 798 megahertz.

(2) EXISTING PUBLIC SAFETY BROADBAND NETWORKS.—

(A) SPECIAL TEMPORARY AUTHORITY FOR CONTINUED OPERATIONS.—The Commission may permit a public safety broadband network operating in the portion of the electromagnetic spectrum described in paragraph (1) [on the day before the deadline described in such paragraph] to continue operating in such portion of the spectrum under special temporary authority.

(B) CHANGES IN OPERATIONS.—Any changes in the operations of a public safety broadband network operating under special temporary authority under subparagraph (A) shall be approved by the Administrator and in compliance with the Plan.

(b) PUBLIC SAFETY NARROWBAND SPECTRUM.—
(1) NO FURTHER NARROWBAND DEVELOPMENT.—The Commission may not permit the public safety spectrum to be used by a narrowband land mobile radio system unless such system was purchased before September 1, 2011.

(2) REALLOCATION FOR BROADBAND USE.—The Commission, in consultation with the Administrator, shall develop a plan for reallocating for broadband public safety communications the portion of the electromagnetic spectrum between the frequencies from 768 megahertz to 775 megahertz and from 798 megahertz to 805 megahertz.

(3) ISSUANCE OF LICENSES.—Not later than 10 years after the date of the enactment of this Act, the Commission shall reissue the licenses described in subsection (a)(1) to include the spectrum described in paragraph (2).

(c) LICENSE TERMS AND CONDITIONS.—

(1) IN GENERAL.—A license for the use of the public safety spectrum issued to a State under this section shall include the following terms and conditions:

(A) The State shall, subject to the approval of the Administrator and in accordance with the Plan, contract for the construction and
operation of a broadband network for public
safety communications using such spectrum.

(B) The State may not partition or
disaggregate the license or otherwise transfer
control of the license, or any part thereof, to
any other entity, including a political subdivi-
sion of the State.

(2) Service and technical rules.—The
Commission shall by regulation establish service and
technical rules consistent with this title for the li-
censes issued under this section.

(d) Use by Indian tribes.—Notwithstanding sub-
section (a)(1), the Commission may assign a license for
the use of the public safety spectrum to [an Indian tribe]/
[a tribal organization] (as defined in section 4 of the In-
dian Self-Determination and Education Assistance Act
(25 U.S.C. 450b)) for public safety communications in ac-
cordance with such terms and conditions as the Commis-
ion considers appropriate. For purposes of the preceding
sentence, [an Indian tribe]/[a tribal organization] shall
be considered a State or local government entity for pur-
poses of section 337(f)(1)(B) of the Communications Act
of 1934 (47 U.S.C. 337(f)(1)(B)).
(e) CONFORMING AMENDMENTS.—Section 337(d)(3) of the Communications Act of 1934 (47 U.S.C. 337(d)(3)) is amended—

1. in the matter preceding subparagraph (A), by striking “public safety services licensees and commercial licensees”;

2. in subparagraph (A), by inserting “public safety services licensees and commercial licensees” before “to aggregate”; and

3. in subparagraph (B), by inserting “commercial licensees” before “to disaggregate”.

SEC. 202. NATIONAL PUBLIC SAFETY COMMUNICATIONS PLAN.

(a) ESTABLISHMENT OF PUBLIC SAFETY COMMUNICATIONS PLANNING BOARD.—

1. IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commission shall establish a board to be known as the Public Safety Communications Planning Board.

2. MEMBERSHIP.—The membership of the Board shall be as follows:

   (A) FEDERAL MEMBERS.—

   (i) IN GENERAL.—Four Federal members as follows:
(I) The Chairman of the Commission, or a designee, who shall be the Chair of the Board.

(II) The Assistant Secretary of Commerce for Communications and Information, or a designee.

(III) The Director of the Office of Emergency Communications in the Department of Homeland Security, or a designee.

(IV) The Director of the National Institute of Standards and Technology, or a designee.

(ii) Designees.—If a Federal official designates a designee under clause (i), such designee shall be an officer or employee of the agency of the official, except that the Chairman of the Commission may designate another Commissioner of the Commission or an officer or employee of the Commission.

(B) Non-Federal Members.—Nine non-Federal members as follows:

(i) Two members who represent providers of commercial mobile broadband
service, with one representing providers that have nationwide coverage areas and one representing providers that have regional coverage areas.

(ii) Two members who represent manufacturers of mobile wireless network equipment.

(iii) Five members who represent the interests of State and local governments, chosen to reflect geographic and population density differences across the United States, as follows:

(I) Two members who represent the public safety interests of the States.

(II) One member who represents State and local public safety employees.

(III) Two members who represent other interests of State and local governments, to be determined by the Chairman of the Commission.

(3) **Selection of Non-Federal Members.**—

(A) **Nomination.**—For each non-Federal member of the Board, the group that is rep-
resented by such member shall, by consensus, nominate an individual to serve as such member and submit the name of the nominee to the Chairman of the Commission.

(B) APPOINTMENT.—The Chairman of the Commission shall appoint the non-Federal members of the Board from the nominations submitted under subparagraph (A). If a group fails to reach consensus on a nominee or to submit a nomination for a member that represents such group, or if the nominee is not qualified under subparagraph (C), the Chairman shall select a member to represent such group.

(C) QUALIFICATIONS.—Each non-Federal member appointed under subparagraph (B) shall meet at least 1 of the following criteria:

   (i) PUBLIC SAFETY EXPERIENCE.—Knowledge of and experience in Federal, State, local, or tribal public safety or emergency response.

   (ii) TECHNICAL EXPERTISE.—Technical expertise and fluency regarding broadband communications, including public safety communications.
(iii) Network expertise.—Expertise in building, deploying, and operating commercial telecommunications networks.

(iv) Financial expertise.—Expertise in financing and funding telecommunications networks.

(4) Annual meetings.—In addition to any other meetings necessary to carry out the duties of the Board under this section, the Board shall meet annually to consider the most recent report submitted by the Administrator under section 203(f)(1).

(5) Resources.—The Commission shall provide the Board with the staff, administrative support, and facilities necessary to carry out the duties of the Board under this section.

(6) No compensation of board members.—The members of the Board may not receive any compensation for service on the Board.

(7) Federal advisory committee act inapplicable.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(b) Development of plan by board.—

(1) In general.—Not later than 18 months after the date on which the Board is established under subsection (a)(1), the Board shall submit to
the Commission a detailed proposal for a National Public Safety Communications Plan to govern the use of the public safety spectrum by States in order to meet long-term public safety communications needs.

(2) LIMITATION ON RECOMMENDATIONS.—The Board may not make any recommendations for requirements generally applicable to providers of commercial mobile service or private mobile service (as such terms are defined in section 332 of the Communications Act of 1934 (47 U.S.C. 332)).

(c) ADOPTION OF PLAN BY COMMISSION.—Not later than [___________] after the date of the submission of the proposal by the Board under subsection (b)(1), the Commission shall complete a single proceeding to adopt a plan based on such proposal, with such modifications as the Commission considers appropriate, to be known as the National Public Safety Communications Plan.

(d) PUBLIC SAFETY COMMUNICATIONS PRINCIPLES.—The proposal submitted by the Board under subsection (b)(1) and the Plan adopted by the Commission under subsection (c) shall be based on the following principles:

(1) Not later than 10 years after the date of the enactment of this Act, the public safety spec-
trum shall be used exclusively for broadband communications.

(2) Each State public safety broadband communications network shall conform to—

(A) standards used by providers of commercial mobile broadband service, in order to leverage the innovation and economies of scale in commercial markets;

(B) standards that ensure the safety, security, and resiliency of the network, including standards for protecting and monitoring the network to protect against cyberattack; and

(C) national interoperability requirements, including requirements that the equipment used to provide and access service on the network be—

(i) built to open standards;

(ii) capable of being used on every other such network; and

(iii) backward-compatible with second and third generation commercial networks for a period of not less than 5 years after the date of the adoption of the Plan by the Commission under subsection (c).
(3) Each State public safety broadband communications network shall be integrated with public safety answering points or the equivalent of public safety answering points.

(4) Each State shall include in requests for proposals for the construction and operation of the State public safety broadband communications network of such State—

(A) specifications for the construction and deployment of such network, including—

   (i) build timetables, which shall take into consideration the time needed to build out to rural areas;

   (ii) required coverage areas, including rural and nonurban areas;

   (iii) minimum service levels; and

   (iv) specific performance criteria;

(B) the technical and operational requirements for such network;

(C) the practices, procedures, and standards for the management and operation of such network;

(D) the terms of service for the use of such network; and
(E) specifications for ongoing compliance review and monitoring of—

(i) the management and operation of such network;

(ii) the practices and procedures of the entities operating on such network; and

(iii) the necessary training needs of network users.

(5) The infrastructure of a State public safety broadband communications network shall, where practicable and efficient, be co-located with the infrastructure of commercial mobile broadband service networks and other public safety communications networks.

(6) The equipment used to provide and access service on a State public safety broadband communications network may not be obtained through sole-source contracts.

(7) A State public safety broadband communications network shall be well-maintained and upgraded to take into account new and evolving technologies.

(8) In establishing and operating a State public safety broadband communications network, a State shall use, to the maximum extent practicable, public-
private partnerships between the State and providers of commercial mobile broadband service.

SEC. 203. PLAN ADMINISTRATION.

(a) Selection of Administrator.—

(1) In general.—The Commission shall, through an open, transparent request-for-proposals process, select an entity to serve as the Administrator of the Plan. The Commission shall commence such process not later than [_______] after the date of the adoption of the Plan under section 202(e).

(2) Replacement.—If an entity ceases to serve as Administrator under a contract awarded under paragraph (1) or this paragraph, the Commission shall, through an open, transparent request-for-proposals process, award another contract for service as Administrator.

(b) Powers and Duties of Administrator.—The Administrator shall—

(1) oversee the implementation of the Plan and the construction and operation of the State public safety broadband communications networks under contracts entered into by the States in accordance with the Plan, and in the case of a State receiving a grant under section 204, in accordance with the
State plan approved under subsection (b)(2) of such section;

(2) set standards for requests for proposals to be used by States in procuring services and equipment for the construction and operation of the State public safety broadband communications networks, including measures to ensure that costs incurred by the States are reasonable;

(3) review and approve or disapprove each contract entered into by a State for the construction or operation of a State public safety broadband communications network;

(4) review and approve or disapprove the State plans submitted under section 204(b)(1);

(5) take such actions as are necessary to link the State public safety broadband communications networks together into a national network of networks; and

(6) conduct such audits as are necessary to ensure—

(A) with respect to contracts described in paragraph (3), the integrity of the contracting process and the adequate performance of such contracts; and
[(B) that the State public safety broadband communications networks are constructed and operated in accordance with the Plan, and in the case of a State receiving a grant under section 204, in accordance with the State plan approved under subsection (b)(2) of such section]

(c) Appeal to Commission.—

(1) In general.—A decision of the Administrator may be appealed to the Commission in accordance with regulations to be established by the Commission.

(2) No delegation.—The Commission may not delegate the review of or the decision on an appeal under this subsection.

(d) Role of the States.—

(1) In general.—Each State shall be responsible for contracting for the construction and operation, in accordance with the Plan and with the requirements included in the license of the State to use the public safety spectrum, of a State public safety broadband communications network.

(2) Activities subject to approval of administrator.—The activities of a State in contracting for the construction and operation of a
State public safety broadband communications network shall be subject to the approval of the Administrator.

(e) Audits of Use of Federal Funds by Administrator.—Not later than 1 year after entering into a contract to serve as Administrator, and annually thereafter, the Administrator shall provide to the Commission a statement, audited by an independent auditor, that details the use during the preceding fiscal year of any Federal funds received by the Administrator in connection with its service as Administrator.

(f) Annual Report by Administrator.—

(1) In general.—Not later than 1 year after entering into a contract to serve as Administrator, and annually thereafter, the Administrator shall submit a report covering the preceding fiscal year to—

(A) the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Board.

(2) Required content.—The report required by paragraph (1) shall include—

(A) a comprehensive and detailed description of—
(i) progress on the construction of the State public safety broadband communications networks;

(ii) the activities of the Administrator in its capacity as Administrator; and

(iii) the financial condition of the Administrator; and

(B) such recommendations or proposals for legislative or administrative action as the Administrator considers appropriate.

SEC. 204. GRANTS TO STATES.

(a) Establishment.—Subject to the availability of appropriations, the Commission shall make grants to States for contracting for the construction and operation of State public safety broadband communications networks.

(b) Application.—The Commission may only make a grant under this section to a State—

(1) that submits an application at such time, in such form, and containing such information and assurances as the Commission may require, including a State plan developed in accordance with subsection (e); and

(2) the State plan of which is approved by the Administrator.
(c) STATE PLAN.—A State wishing to receive a grant under this section shall develop a State plan for the development of a State public safety broadband communications network in accordance with the National Public Safety Communications Plan and the terms of the license of the State to use the public safety spectrum.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State receiving a grant under this section shall use the grant funds to contract for the construction and operation of a State public safety broadband communications network in accordance with the State plan approved by the Administrator under subsection (b)(2).

(2) APPROVAL OF CONTRACTS.—A State may not use grant funds received under this section for payments under a contract unless such contract has been approved by the Administrator.

(e) ADMINISTRATION BY NTIA.—The Commission and the NTIA [may] enter into an agreement for the NTIA to administer this section[, without reimbursement], [and subject to the approval of the Commission].

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission to carry out this section [for fiscal years ____________]/[, to remain available until expended.], [$___________] from
the Public Safety Broadband Communications Implementation Fund established by subsection (g)(1).

(g) Public Safety Broadband Communications Implementation Fund.—

(1) Establishment.—There is established in the Treasury of the United States a fund to be known as the Public Safety Broadband Communications Implementation Fund.

(2) Transfer of Unused Funds.—If there is a balance remaining in the Public Safety Broadband Communications Implementation Fund on [______________], the Secretary of the Treasury shall transfer such balance to the general fund of the Treasury of the United States, where such balance shall be dedicated for the sole purpose of deficit reduction.

SEC. 205. WIRELESS FACILITIES DEPLOYMENT.

(a) Facility Modifications.—

(1) In general.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower that does not substantially change the physical dimensions of such tower.
(2) ELIGIBLE FACILITIES REQUEST.—For purposes this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower that involves—

(A) collocation of new transmission equipment;

(B) removal of transmission equipment;

(C) replacement of transmission equipment.

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

(1) GRANT.—If an executive agency, a State, a political subdivision or agency of a State, or a person, firm, or organization applies for the grant of an easement or right-of-way to, in, over, or on a building [or other property] owned by the Federal Government for the right to install, construct, and maintain wireless service antenna structures and equipment, and backhaul transmission [equipment], the executive agency [having control of]/[occupying] the building [or other property] may grant to the applicant, on behalf of the Federal Government, an easement or right-of-way to perform such installation, construction, and maintenance.
(2) APPLICATION.—The Administrator of General Services shall develop a common form for applications for easements and rights-of-way under paragraph (1) for all executive agencies that shall be used by applicants with respect to the buildings or other property of each such agency.

(3) FEE.—

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

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

(i) in consideration of the public benefit provided by a grant of an easement or right-of-way; and

(ii) in the interest of expanding wireless and broadband coverage.

(4) USE OF FEES COLLECTED.—Any fee amounts collected by an executive agency pursuant to paragraph (3) shall be made available, without
further appropriation, to such agency for the telecommunications and information technology needs of such agency. Any excess funds shall be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code.

(c) **MASTER CONTRACTS FOR WIRELESS TOWER SITINGS.**—

(1) **IN GENERAL.**—Notwithstanding section 704 of the Telecommunications Act of 1996 or any other provision of law, and not later than 60 days after the date of enactment of this Act, the Administrator of General Services shall—

(A) develop 1 or more master contracts that shall govern the placement of wireless service antenna structures on buildings and other property owned by the Federal Government; and

(B) in developing the master contract or contracts, standardize the treatment of the placement of wireless service antenna structures on building rooftops or facades, the placement of [wireless service antenna] equipment on rooftops or inside buildings, [the] technology [used in connection with wireless service antenna structures or equipment placed on Fed-
eral buildings and other property], and any other key issues the Administrator considers appropriate.

(2) APPLICABILITY.—The master contract or contracts developed by the Administrator of General Services under paragraph (1) shall apply to all publicly accessible buildings and other property owned by the Federal Government, unless the Administrator decides that issues with respect to the siting of a wireless service antenna structure on a specific building or other property warrant nonstandard treatment of such building or other property.

(3) APPLICATION.—The Administrator of General Services shall develop a common form or set of forms for wireless service antenna structure siting applications under this subsection for all executive agencies that shall be used by applicants with respect to the buildings [and other property] of each such agency.

(d) EXECUTIVE AGENCY DEFINED.—In this section, the term “executive agency” has the meaning given such term in section 102 of title 40, United States Code.
SEC. 206. STUDY ON EMERGENCY COMMUNICATIONS BY AMATEUR RADIO AND IMPEDIMENTS TO AMATEUR RADIO COMMUNICATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commission, in consultation with the Office of Emergency Communications in the Department of Homeland Security, shall—

(1) complete a study on the uses and capabilities of amateur radio service communications in emergencies and disaster relief; and

(2) submit to Congress a report on the findings of such study.

(b) CONTENTS.—The study required by subsection (a) shall include—

(1)(A) a review of the importance of emergency amateur radio service communications to homeland security missions relating to disasters, severe weather, and other threats to lives and property in the United States; and

(B) recommendations for—

(i) enhancements in the voluntary deployment of amateur radio operators in disaster and emergency communications and disaster relief efforts; and

(ii) improved integration of amateur radio operators in the planning and furtherance of
initiatives of the Department of Homeland Security; and

(2)(A) an identification of impediments to enhanced amateur radio service communications, such as the effects of unreasonable or unnecessary private land use restrictions on residential antenna installations; and

(B) recommendations regarding the removal of such impediments for consideration by other Federal departments and agencies and by Congress.

(c) EXPERTISE.—In conducting the study required by subsection (a), the Commission shall use the expertise of stakeholder entities and organizations, including the amateur radio, emergency response, and disaster communications communities.