

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO DISCUSSION DRAFT  
OFFERED BY M . \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Wireless Innovation and Public Safety Act of 2011”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

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

**TITLE I—ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY  
BROADBAND SPECTRUM**

- Sec. 101. Reallocation of 700 MHz D block spectrum for public safety use.
- Sec. 102. Assignment of license to Corporation.
- Sec. 103. Ensuring efficient and flexible use of 700 MHz public safety narrowband spectrum.
- Sec. 104. Sharing of public safety broadband spectrum and network.
- Sec. 105. Commission rules.
- Sec. 106. FCC report on efficient use of public safety spectrum.

**TITLE II—ADVANCED PUBLIC SAFETY COMMUNICATIONS**

**Subtitle A—Public Safety Broadband Network**

- Sec. 201. Establishment and operation of Public Safety Broadband Corporation.
- Sec. 202. Public safety broadband network.
- Sec. 203. Program Management Office.
- Sec. 204. Representation before standards setting entities.
- Sec. 205. GAO report on satellite broadband.
- Sec. 206. Access to Federal supply schedules.
- Sec. 207. Federal infrastructure sharing.
- Sec. 208. Initial funding for Corporation.

Sec. 209. Permanent self-funding of Corporation and duty to collect certain fees.

Subtitle B—State, Local, and Tribal Planning and Implementation

Sec. 211. State, Local, and Tribal Planning and Implementation Fund.  
Sec. 212. State, local, and tribal planning and implementation grant program.  
Sec. 213. Public safety wireless facilities deployment.

Subtitle C—Public Safety Communications Research and Development

Sec. 221. NIST-directed public safety wireless communications research and development.

Subtitle D—Next Generation 9–1–1 Services

Sec. 231. Definitions.  
Sec. 232. Coordination of 9–1–1 implementation.  
Sec. 233. Requirements for multi-line telephone systems.  
Sec. 234. GAO study of State and local use of 9–1–1 service charges.  
Sec. 235. Parity of protection for provision or use of next generation 9–1–1 service.  
Sec. 236. Commission proceeding on autodialing.  
Sec. 237. NHTSA report on costs for requirements and specifications of Next Generation 9–1–1 services.  
Sec. 238. FCC recommendations for legal and statutory framework for Next Generation 9–1–1 services.

TITLE III—SPECTRUM AUCTION AUTHORITY

Sec. 301. Deadlines for auction of certain spectrum.  
Sec. 302. Incentive auction authority.

TITLE IV—PUBLIC SAFETY TRUST FUND

Sec. 401. Public Safety Trust Fund.

TITLE V—SPECTRUM POLICY

Sec. 501. Spectrum inventory.  
Sec. 502. Federal spectrum planning.  
Sec. 503. Reallocating Federal spectrum for commercial purposes and Federal spectrum sharing.  
Sec. 504. Study on spectrum efficiency through receiver standards.  
Sec. 505. Study on unlicensed use in the 5 GHz band.  
Sec. 506. Report on availability of wireless equipment for the 700 MHz band.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) 700 MHZ D BLOCK SPECTRUM.—The term  
4 “700 MHz D block spectrum” means the portion of  
5 the electromagnetic spectrum between the fre-

1 frequencies from 758 megahertz to 763 megahertz and  
2 between the frequencies from 788 megahertz to 793  
3 megahertz.

4 (2) APPROPRIATE COMMITTEES OF CON-  
5 GRESS.—Except as otherwise specifically provided,  
6 the term “appropriate committees of Congress”  
7 means—

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

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

12 (3) ASSISTANT SECRETARY.—The term “Assist-  
13 ant Secretary” means the Assistant Secretary of  
14 Commerce for Communications and Information.

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

19 (A) a data service, which may include mo-  
20 bile broadband Internet access service and  
21 Internet Protocol-based applications;

22 (B) provided for profit; and

23 (C) available to the public or to such class-  
24 es of eligible users as to be effectively available  
25 to the public.

1           (5) COMMERCIAL MOBILE SERVICE.—The term  
2           “commercial mobile service” has the meaning given  
3           such term in section 332(d)(1) of the Communica-  
4           tions Act of 1934 (47 U.S.C. 332(d)(1)).

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

16          (7) COMMISSION.—The term “Commission”  
17          means the Federal Communications Commission.

18          (8) CORE NETWORK.—The term “core net-  
19          work” means the core network described in section  
20          202(b)(1).

21          (9) FEDERAL ENTITY.—The term “Federal en-  
22          tity” has the meaning given such term in section  
23          113(i) of the National Telecommunications and In-  
24          formation Administration Organization Act (47  
25          U.S.C. 923(i)).

1           (10) GOVERNOR.—The term “Governor” means  
2           the Governor or other chief executive officer of a  
3           State.

4           (11) GUARD BAND SPECTRUM.—The term  
5           “guard band spectrum” means the portion of the  
6           electromagnetic spectrum between the frequencies  
7           from 768 megahertz to 769 megahertz and between  
8           the frequencies from 798 megahertz to 799 mega-  
9           hertz.

10          (12) INDIAN TRIBE.—The term “Indian tribe”  
11          has the meaning given such term in section 4 of the  
12          Indian Self-Determination and Education Assistance  
13          Act (25 U.S.C. 450b).

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

20          (14) NIST.—The term “NIST” means the Na-  
21          tional Institute of Standards and Technology.

22          (15) NTIA.—The term “NTIA” means the Na-  
23          tional Telecommunications and Information Admin-  
24          istration.

1           (16) PROGRAM MANAGEMENT OFFICE.—The  
2           term “Program Management Office” means the of-  
3           fice established under section 203(a).

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

8           (18) PUBLIC SAFETY BROADBAND NETWORK.—  
9           The term “public safety broadband network” means  
10          the network described in section 202.

11          (19) PUBLIC SAFETY BROADBAND CORPORA-  
12          TION.—The term “Public Safety Broadband Cor-  
13          poration” or “Corporation” means the corporation  
14          established under section 201(a)(1).

15          (20) PUBLIC SAFETY BROADBAND SPEC-  
16          TRUM.—The term “public safety broadband spec-  
17          trum” means—

18                 (A) the portion of the electromagnetic  
19                 spectrum between the frequencies from 763  
20                 megahertz to 768 megahertz and between the  
21                 frequencies from 793 megahertz to 798 mega-  
22                 hertz; and

23                 (B) the 700 MHz D block spectrum.

24          (21) PUBLIC SAFETY COMMUNICATIONS RE-  
25          SEARCH PROGRAM.—The term “Public Safety Com-

1       munications Research Program” means the program  
2       that is housed within the Department of Commerce  
3       Labs in Boulder, Colorado, and that is a joint effort  
4       between the Office of Law Enforcement Standards  
5       of NIST and the Institute for Telecommunication  
6       Sciences of the NTIA.

7               (22) PUBLIC SAFETY ENTITY.—The term “pub-  
8       lic safety entity” means an entity that provides pub-  
9       lic safety services.

10              (23) PUBLIC SAFETY SERVICES.—The term  
11       “public safety services” has the meaning given such  
12       term in section 337(f)(1) of the Communications Act  
13       of 1934 (47 U.S.C. 337(f)(1)).

14              (24) RADIO ACCESS NETWORK.—The term  
15       “radio access network” means the radio access net-  
16       work described in section 202(b)(2).

17              (25) STATE.—The term “State” means any of  
18       the 50 States, the District of Columbia, the Com-  
19       monwealth of Puerto Rico, the United States Virgin  
20       Islands, Guam, American Samoa, and the Common-  
21       wealth of the Northern Mariana Islands.

22              (26) STATE PUBLIC SAFETY BROADBAND OF-  
23       FICE.—The term “State Public Safety Broadband  
24       Office” means an office established under section  
25       212(d).

1           (27) TRIBAL.—The term “tribal” means, when  
2           used with respect to any entity, that such entity is  
3           a tribal organization (as defined in section 4 of the  
4           Indian Self-Determination and Education Assistance  
5           Act (25 U.S.C. 450b)).

6   **SEC. 3. RULE OF CONSTRUCTION.**

7           Each range of frequencies described in this Act shall  
8           be construed to be inclusive of the upper and lower fre-  
9           quencies in the range.

10   **SEC. 4. ENFORCEMENT.**

11          (a) IN GENERAL.—The Commission shall implement  
12          and enforce this Act as if this Act were a part of the Com-  
13          munications Act of 1934 (47 U.S.C. 151 et seq.). A viola-  
14          tion of this Act, or a regulation promulgated under this  
15          Act, shall be considered to be a violation of the Commu-  
16          nications Act of 1934, or a regulation promulgated under  
17          such Act, respectively.

18          (b) EXCEPTION.—Subsection (a) does not apply in  
19          the case of a provision of this Act that is expressly re-  
20          quired to be carried out by an agency (as defined in sec-  
21          tion 551 of title 5, United States Code) other than the  
22          Commission.

1 **TITLE I—ALLOCATION AND AS-**  
2 **SIGNMENT OF PUBLIC SAFE-**  
3 **TY BROADBAND SPECTRUM**

4 **SEC. 101. REALLOCATION OF 700 MHZ D BLOCK SPECTRUM**  
5 **FOR PUBLIC SAFETY USE.**

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

9 (b) QUANTITY OF SPECTRUM ALLOCATED FOR PUB-  
10 LIC SAFETY USE.—Section 337(a) of the Communications  
11 Act of 1934 (47 U.S.C. 337(a)) is amended—

12 (1) by striking “Not later than January 1,  
13 1998, the” and inserting “The”;

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

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

18 **SEC. 102. ASSIGNMENT OF LICENSE TO CORPORATION.**

19 (a) IN GENERAL.—Not later than the date that is  
20 30 days after the date of the incorporation of the Public  
21 Safety Broadband Corporation under section 201(a), the  
22 Commission shall revoke the license for the public safety  
23 broadband spectrum and the guard band spectrum and  
24 assign a new, single license for the public safety  
25 broadband spectrum and the guard band spectrum to the

1 Corporation for the purpose of ensuring the construction,  
2 management, maintenance, and operation of the public  
3 safety broadband network.

4 (b) TERM.—

5 (1) INITIAL LICENSE.—The initial license as-  
6 signed under subsection (a) shall be for a term of  
7 10 years.

8 (2) RENEWAL OF LICENSE.—Prior to the expi-  
9 ration of the term of the initial license assigned  
10 under subsection (a) or the expiration of any re-  
11 newal of such license, the Corporation shall submit  
12 to the Commission an application for the renewal of  
13 such license in accordance with the Communications  
14 Act of 1934 (47 U.S.C. 151 et seq.) and any appli-  
15 cable Commission regulations. Such renewal applica-  
16 tion shall demonstrate that, during the term of the  
17 license that the Corporation is seeking to renew, the  
18 Corporation has fulfilled its duties and obligations  
19 under this Act and the Communications Act of 1934  
20 and has complied with all applicable Commission  
21 regulations. A renewal of the initial license granted  
22 under subsection (a) or any renewal of such license  
23 shall be for a term not to exceed 10 years.

1 (c) DEFINITION OF PUBLIC SAFETY SERVICES.—  
2 Section 337(f)(1) of the Communications Act of 1934 (47  
3 U.S.C. 337(f)(1)) is amended—

4 (1) in subparagraph (A), by striking “to protect  
5 the safety of life, health, or property” and inserting  
6 “to provide law enforcement, fire and rescue re-  
7 sponse, or emergency medical assistance (including  
8 such assistance provided by ambulance services, hos-  
9 pitals, and urgent care facilities)”;

10 (2) in subparagraph (B)—

11 (A) in clause (i), by inserting “or tribal or-  
12 ganizations (as defined in section 4 of the In-  
13 dian Self-Determination and Education Assist-  
14 ance Act (25 U.S.C. 450b))” before the semi-  
15 colon; and

16 (B) in clause (ii), by inserting “or a tribal  
17 organization” after “a governmental entity”.

18 **SEC. 103. ENSURING EFFICIENT AND FLEXIBLE USE OF 700**  
19 **MHZ PUBLIC SAFETY NARROWBAND SPEC-**  
20 **TRUM.**

21 (a) LICENSE REQUIREMENTS.—The Commission  
22 may not renew a license to use the narrowband spectrum  
23 after the date of the enactment of this Act, or grant an  
24 application for an initial license to use such spectrum after  
25 the date that is 3 years after such date of enactment, un-

1 less the licensee or applicant demonstrates that failure of  
2 the Commission to renew such license or grant such appli-  
3 cation will—

4 (1) cause considerable economic hardship; or

5 (2) adversely impact the ability of the licensee  
6 or applicant to provide public safety services.

7 (b) INVENTORY.—Not later than 6 months after the  
8 date of the enactment of this Act, the Commission shall  
9 complete and submit to the appropriate committees of  
10 Congress a State-by-State inventory of the use of the  
11 narrowband spectrum, current as of such date of enact-  
12 ment, including the numbers of base stations that are de-  
13 ployed and in day-to-day operation, the approximate num-  
14 ber of users, the extent of interoperability among the de-  
15 ployed stations, and the approximate per-unit costs of mo-  
16 bile equipment.

17 (c) FLEXIBLE USE.—In order to promote efficient  
18 spectrum use, the Commission may allow the narrowband  
19 spectrum and the guard band spectrum to be used in a  
20 flexible manner, including for public safety broadband  
21 communications, subject to such technical and inter-  
22 ference protection measures as the Commission may re-  
23 quire.

1 **SEC. 104. SHARING OF PUBLIC SAFETY BROADBAND SPEC-**  
2 **TRUM AND NETWORK.**

3 (a) **EMERGENCY ACCESS BY NON-PUBLIC SAFETY**  
4 **ENTITIES.—**

5 (1) **IN GENERAL.—**Notwithstanding any limita-  
6 tion in section 337 of the Communications Act of  
7 1934 (47 U.S.C. 337), upon the request of a State  
8 Public Safety Broadband Office, the Corporation  
9 may enter into agreements with entities in such  
10 State that are not public safety entities to permit  
11 such entities to obtain access on a secondary,  
12 preemptible basis to the public safety broadband  
13 spectrum in order to facilitate interoperability be-  
14 tween such entities and public safety entities in pro-  
15 tecting the safety of life, health, and property during  
16 emergencies and during preparation for and recovery  
17 from emergencies, including during emergency drills,  
18 exercises, and tests.

19 (2) **PREEMPTION.—**The Corporation shall en-  
20 sure that, under any agreements entered into under  
21 paragraph (1), public safety entities may preempt  
22 use of the public safety broadband spectrum by the  
23 entities with which the Corporation has entered into  
24 such agreements.

25 (b) **PUBLIC-PRIVATE PARTNERSHIPS.—**Notwith-  
26 standing any limitation in section 337 of the Communica-

1 tions Act of 1934 (47 U.S.C. 337), the Corporation may  
2 permit a private entity with which the Corporation con-  
3 tracts on behalf of public safety entities to construct, man-  
4 age, maintain, or operate the core network or the radio  
5 access network, upon the request of such private entity,  
6 to—

7 (1) obtain access to the public safety broadband  
8 spectrum for services that are not public safety serv-  
9 ices; or

10 (2) share equipment or infrastructure of the  
11 public safety broadband network, including antennas  
12 and towers.

13 (c) APPROVAL BY COMMISSION.—The Corporation  
14 may not enter into an agreement under subsection (a) or  
15 (b)(1) without the approval of the Commission.

16 (d) REINVESTMENT.—The Corporation shall use any  
17 funds the Corporation receives under the agreements en-  
18 tered into under subsections (a) and (b) to cover the ad-  
19 ministrative expenses of the Corporation for the fiscal year  
20 in which such funds are received and shall use any excess  
21 for the construction, management, maintenance, and oper-  
22 ation of the public safety broadband network.

23 (e) ACCESS BY FEDERAL DEPARTMENTS AND AGEN-  
24 CIES.—Notwithstanding any limitation in section 337 of  
25 the Communications Act of 1934 (47 U.S.C. 337), the

1 Corporation shall enter into such written agreements as  
2 are necessary to permit Federal departments and agencies  
3 to have shared access to the public safety broadband spec-  
4 trum on an equivalent basis in order to protect the safety  
5 of life, health, and property.

6 (f) PROHIBITION ON OFFERING COMMERCIAL SERV-  
7 ICES.—The Corporation may not offer, provide, or market  
8 commercial telecommunications services or information  
9 services directly to the public.

10 **SEC. 105. COMMISSION RULES.**

11 (a) IN GENERAL.—In order to carry out the provi-  
12 sions of this Act, the Commission shall—

13 (1) adopt technical rules necessary to suffi-  
14 ciently manage spectrum use in bands adjacent to  
15 the public safety broadband spectrum;

16 (2) adopt rules requiring commercial mobile  
17 service providers and commercial mobile data service  
18 providers to offer roaming and priority access serv-  
19 ices to public safety entities at commercially reason-  
20 able terms and conditions if—

21 (A) the equipment of the public safety en-  
22 tity is technically compatible with the network  
23 of the commercial provider;

24 (B) the commercial provider is reasonably  
25 compensated; and

1 (C) such access does not unreasonably pre-  
2 empt or otherwise terminate or degrade existing  
3 voice conversations or data sessions;

4 (3) adopt technical rules governing the oper-  
5 ation of the public safety broadband network in  
6 areas near the international borders of the United  
7 States;

8 (4) adopt rules ensuring the commercial avail-  
9 ability of devices capable of operating in the public  
10 safety broadband spectrum, known as Band Class  
11 14, at costs comparable to those of similar devices  
12 that are designed to operate in spectrum allocated  
13 for commercial use; and

14 (5) consider the adoption of such other rules as  
15 the Commission determines are necessary.

16 (b) DEADLINE.—The Commission shall adopt the  
17 rules required by paragraphs (1) through (4) of subsection  
18 (a) not later than 180 days after the date of the enactment  
19 of this Act.

20 (c) CONSULTATION.—In adopting rules under sub-  
21 section (a) (or considering the adoption of rules under  
22 paragraph (5) of such subsection), the Commission shall  
23 consult with the Director of the Office of Emergency Com-  
24 munications in the Department of Homeland Security, the

1 Assistant Secretary, the Director of NIST, and the Public  
2 Safety Communications Research Program.

3 **SEC. 106. FCC REPORT ON EFFICIENT USE OF PUBLIC**  
4 **SAFETY SPECTRUM.**

5 (a) IN GENERAL.—Not later than 180 days after the  
6 date of the enactment of this Act and every 2 years there-  
7 after, the Commission shall, in consultation with the As-  
8 sistant Secretary and the Director of NIST, conduct a  
9 study and submit to the appropriate committees of Con-  
10 gress a report on the spectrum allocated for public safety  
11 use.

12 (b) CONTENTS.—The report required by subsection  
13 (a) shall include—

14 (1) an examination of how such spectrum is  
15 being used;

16 (2) recommendations on how such spectrum  
17 may be used more efficiently;

18 (3) an assessment of the feasibility of public  
19 safety entities relocating from other bands to the  
20 public safety broadband spectrum; and

21 (4) an assessment of whether any spectrum  
22 made available by the relocation described in para-  
23 graph (3) could be returned to the Commission for  
24 reassignment through auction, including through use  
25 of incentive auction authority under subparagraph

1 (G) of section 309(j)(8) of the Communications Act  
2 of 1934, as added by section 302(a).

3 **TITLE II—ADVANCED PUBLIC**  
4 **SAFETY COMMUNICATIONS**  
5 **Subtitle A—Public Safety**  
6 **Broadband Network**

7 **SEC. 201. ESTABLISHMENT AND OPERATION OF PUBLIC**  
8 **SAFETY BROADBAND CORPORATION.**

9 (a) ESTABLISHMENT.—

10 (1) IN GENERAL.—There is authorized to be es-  
11 tablished a private, nonprofit corporation to be  
12 known as the Public Safety Broadband Corporation,  
13 which will not be an agency or establishment of the  
14 United States Government or the District of Colum-  
15 bia government.

16 (2) GOVERNING LAW.—The Corporation shall  
17 be subject to the provisions of this Act and, to the  
18 extent consistent with this Act, the District of Co-  
19 lumbia Nonprofit Corporation Act (sec. 29–301.01  
20 et seq., D.C. Official Code). The Corporation shall  
21 have the usual powers conferred upon a nonprofit  
22 corporation by the District of Columbia Nonprofit  
23 Corporation Act.

24 (3) INCORPORATION.—The members of the ini-  
25 tial Board of Directors of the Corporation shall

1       serve as the incorporators of the Corporation and  
2       shall take the necessary steps to establish the Cor-  
3       poration under the District of Columbia Nonprofit  
4       Corporation Act. The Corporation shall notify the  
5       Commission of the date of its incorporation as soon  
6       as possible after such incorporation.

7               (4) INITIAL BYLAWS.—The members of the ini-  
8       tial Board of Directors of the Corporation shall es-  
9       tablish the initial bylaws of the Corporation.

10              (5) RESIDENCE.—The Corporation shall have  
11       its place of business in the District of Columbia and  
12       shall be considered, for purposes of venue in civil ac-  
13       tions, to be a resident of the District of Columbia.

14       (b) BOARD OF DIRECTORS.—

15              (1) MEMBERSHIP AND APPOINTMENT.—The  
16       management of the Corporation shall be vested in a  
17       Board of Directors, which shall consist of 15 mem-  
18       bers, as follows:

19                      (A) FEDERAL MEMBERS.—Four Federal  
20       members, or their designees, as follows:

21                              (i) The Secretary of Commerce.

22                              (ii) The Secretary of Homeland Secu-  
23       rity.

24                              (iii) The Director of the Office of  
25       Management and Budget.

1 (iv) The Attorney General of the  
2 United States.

3 (B) NON-FEDERAL PUBLIC-SECTOR MEM-  
4 BERS.—Seven non-Federal public-sector mem-  
5 bers, representing both urban and rural inter-  
6 ests, appointed by the Secretary of Commerce,  
7 as follows:

8 (i) STATE GOVERNORS.—Two mem-  
9 bers, each of whom is the Governor of a  
10 State, or their designees.

11 (ii) LOCAL AND TRIBAL GOVERNMENT  
12 MEMBERS.—Two members, each of whom  
13 is the chief executive officer of a political  
14 subdivision of a State or an Indian tribe,  
15 or their designees.

16 (iii) PUBLIC SAFETY ENTITY EMPLOY-  
17 EES.—Three members, each of whom is  
18 employed by a public safety entity and pos-  
19 sesses one or more of the following quali-  
20 fications:

21 (I) Experience with emergency  
22 preparedness and response.

23 (II) Technical expertise with pub-  
24 lic safety radio communications.

1 (III) Operational experience with  
2 9–1–1 emergency services.

3 (IV) Training in hospital or ur-  
4 gent medical care.

5 (C) PRIVATE-SECTOR MEMBERS.—Four  
6 private-sector members, appointed by the Sec-  
7 retary of Commerce, each of whom has exten-  
8 sive experience implementing commercial stand-  
9 ards in the design, development, and operation  
10 of commercial mobile data service networks.

11 (2) INDEPENDENCE OF NON-FEDERAL PUBLIC-  
12 SECTOR AND PRIVATE-SECTOR MEMBERS.—

13 (A) IN GENERAL.—Each non-Federal pub-  
14 lic-sector member and each private-sector mem-  
15 ber of the Board of Directors appointed under  
16 paragraph (1) shall be independent and neutral.

17 (B) INDEPENDENCE DETERMINATION.—In  
18 order to be considered independent for purposes  
19 of this paragraph, a member of the Board—

20 (i) may not, other than in the capacity  
21 of such member as a member of the Board  
22 or a committee thereof, accept any con-  
23 sulting, advisory, or other compensatory  
24 fee from the Corporation; and

1 (ii) shall be disqualified from any de-  
2 liberation involving any transaction of the  
3 Corporation in which such member has a  
4 financial interest in the outcome.

5 (3) FEDERAL EMPLOYMENT STATUS.—The  
6 non-Federal public-sector members and the private-  
7 sector members of the Board of Directors shall not,  
8 by reason of membership on the Board, be consid-  
9 ered to be officers or employees of the United States  
10 Government or the District of Columbia government.

11 (4) CITIZENSHIP.—Each non-Federal public-  
12 sector member and each private-sector member of  
13 the Board of Directors shall be a citizen of the  
14 United States.

15 (5) TERMS OF APPOINTMENT.—

16 (A) INITIAL APPOINTMENT DEADLINE.—  
17 The initial non-Federal public-sector members  
18 and the initial private-sector members of the  
19 Board of Directors shall be appointed not later  
20 than 180 days after the date of the enactment  
21 of this Act.

22 (B) TERMS.—

23 (i) LENGTH.—

24 (I) FEDERAL MEMBERS.—Each  
25 Federal member of the Board of Di-

1                   rectors shall serve as a member of the  
2                   Board for the life of the Corporation.

3                   (II) NON-FEDERAL PUBLIC-SEC-  
4                   TOR AND PRIVATE-SECTOR MEM-  
5                   BERS.—The term of office of each  
6                   non-Federal public-sector member and  
7                   each private-sector member of the  
8                   Board of Directors shall be 3 years.  
9                   Such a member may not serve more  
10                  than 2 full terms consecutively.

11                  (ii) EXPIRATION OF TERM.—Any non-  
12                  Federal public-sector member or private-  
13                  sector member of the Board of Directors  
14                  whose term has expired may serve until  
15                  such member's successor has taken office,  
16                  or until the end of the calendar year in  
17                  which such member's term has expired,  
18                  whichever is earlier.

19                  (iii) APPOINTMENT TO FILL VA-  
20                  CANCY.—A non-Federal public-sector mem-  
21                  ber or private-sector member of the Board  
22                  of Directors appointed to fill a vacancy oc-  
23                  curring prior to the expiration of the term  
24                  for which that member's predecessor was

1 appointed shall be appointed for the re-  
2 mainder of the predecessor's term.

3 (iv) STAGGERED TERMS.—With re-  
4 spect to the initial non-Federal public-sec-  
5 tor members and the initial private-sector  
6 members of the Board of Directors—

7 (I) four members shall serve for  
8 a term of 3 years;

9 (II) four members shall serve for  
10 a term of 2 years; and

11 (III) three members shall serve  
12 for a term of 1 year.

13 (C) EFFECT OF VACANCIES.—A vacancy in  
14 the membership of the Board of Directors shall  
15 not affect the Board's powers and shall be filled  
16 in the same manner as the original member was  
17 appointed.

18 (6) CHAIR.—

19 (A) SELECTION.—The Chair of the Board  
20 of Directors shall be selected by the Secretary  
21 of Commerce from among the non-Federal pub-  
22 lic-sector members and the private-sector mem-  
23 bers of the Board.

24 (B) TERM.—The term of office of the  
25 Chair of the Board of Directors shall be 2

1 years, and an individual may not serve more  
2 than 2 consecutive terms.

3 (7) REMOVAL.—

4 (A) BY SECRETARY OF COMMERCE.—The  
5 Secretary of Commerce may remove, for good  
6 cause—

7 (i) the Chair of the Board of Direc-  
8 tors; or

9 (ii) any non-Federal public-sector  
10 member or private-sector member of the  
11 Board of Directors.

12 (B) BY BOARD.—The members of the  
13 Board of Directors may, by majority vote—

14 (i) remove any non-Federal public-sec-  
15 tor member or private-sector member of  
16 the Board for conduct determined by the  
17 Board to be detrimental to the Board or to  
18 the Corporation; or

19 (ii) request that the Secretary of  
20 Commerce exercise his or her authority to  
21 remove the Chair of the Board for conduct  
22 determined to be detrimental to the Board  
23 or to the Corporation.

24 (8) MEETINGS.—

1 (A) FREQUENCY.—The Board of Directors  
2 shall meet in accordance with the bylaws of the  
3 Corporation—

4 (i) at the call of the Chair of the  
5 Board; and

6 (ii) not less frequently than once each  
7 quarter.

8 (B) TRANSPARENCY.—Meetings of the  
9 Board of Directors, and meetings of any com-  
10 mittees of the Board, shall be open to the pub-  
11 lic. The Board may, by majority vote, close any  
12 such meeting only for the time necessary to pre-  
13 serve the confidentiality of commercial or finan-  
14 cial information that is privileged or confiden-  
15 tial, to discuss personnel matters, or to discuss  
16 legal matters affecting the Corporation, includ-  
17 ing pending or potential litigation.

18 (9) QUORUM.—Eight members of the Board of  
19 Directors, including not fewer than 6 non-Federal  
20 public-sector members or private-sector members,  
21 shall constitute a quorum.

22 (10) ATTENDANCE.—Members of the Board of  
23 Directors may attend meetings of the Corporation  
24 and vote in person, via telephone conference, or via  
25 video conference.

1           (11) BYLAWS.—A majority of the members of  
2           the Board of Directors may amend the bylaws of the  
3           Corporation.

4           (12) PROHIBITION AGAINST COMPENSATION.—  
5           A member of the Board of Directors shall serve  
6           without pay, and shall not otherwise benefit, directly  
7           or indirectly, as a result of the member's service to  
8           the Corporation, but shall be allowed a per diem al-  
9           lowance for travel expenses, at rates authorized for  
10          an employee of an agency under subchapter I of  
11          chapter 57 of title 5, United States Code, while  
12          away from the home or regular place of business of  
13          the member in the performance of the duties of the  
14          Corporation.

15          (c) CHIEF EXECUTIVE OFFICER AND EMPLOYEES.—

16           (1) IN GENERAL.—The Corporation shall have  
17           1 officer, a Chief Executive Officer, and such em-  
18           ployees as may be necessary to carry out the duties  
19           and responsibilities of the Corporation under this  
20           title and title I, for such terms, and at such rates  
21           of compensation in accordance with paragraph (5),  
22           as the Board of Directors of the Corporation con-  
23           siders appropriate. The Chief Executive Officer and  
24           the employees shall serve at the pleasure of the  
25           Board of Directors.

1           (2) QUALIFICATIONS OF CEO.—The Chief Exec-  
2           utive Officer shall have extensive experience in the  
3           deployment, management, or design of commercial  
4           mobile data service networks.

5           (3) CITIZENSHIP.—The Chief Executive Officer  
6           and the employees of the Corporation shall be citi-  
7           zens of the United States.

8           (4) NONPOLITICAL NATURE OF APPOINT-  
9           MENT.—No political test or qualification may be  
10          used in selecting, appointing, promoting, or taking  
11          other personnel actions with respect to the Chief Ex-  
12          ecutive Officer or the agents or employees of the  
13          Corporation.

14          (5) COMPENSATION.—

15                (A) IN GENERAL.—The Board of Directors  
16                may fix the compensation of the Chief Execu-  
17                tive Officer and the employees hired under this  
18                subsection, as necessary to carry out the duties  
19                and responsibilities of the Corporation under  
20                this title and title I, except that—

21                        (i) the rate of compensation for the  
22                        Chief Executive Officer or any employee  
23                        may not exceed the maximum rate of basic  
24                        pay established under section 5382 of title

1                   5, United States Code, for a member of  
2                   the Senior Executive Service; and

3                   (ii) notwithstanding any other provi-  
4                   sion of law except clause (i), or any bylaw  
5                   of the Corporation, all rates of compensa-  
6                   tion, including benefit plans and salary  
7                   ranges, for the Chief Executive Officer and  
8                   the employees shall be jointly approved by  
9                   a majority of the Federal members of the  
10                  Board.

11                  (B) LIMITATION ON OTHER COMPENSA-  
12                  TION.—Neither the Chief Executive Officer nor  
13                  any employee of the Corporation may receive  
14                  any salary or other compensation (except for  
15                  compensation for service on boards of directors  
16                  of other organizations that do not receive funds  
17                  from the Corporation, on committees of such  
18                  boards, and in similar activities for such organi-  
19                  zations) from any sources other than the Cor-  
20                  poration for services rendered during the period  
21                  of the employment of the Chief Executive Offi-  
22                  cer or employee, respectively, by the Corpora-  
23                  tion.

24                  (C) SERVICE ON OTHER BOARDS.—Service  
25                  by the Chief Executive Officer or any employee

1 of the Corporation on a board of directors of  
2 another organization, on a committee of such a  
3 board, or in a similar activity for such an orga-  
4 nization shall be subject to annual advance ap-  
5 proval by the Board of Directors.

6 (D) FEDERAL EMPLOYMENT STATUS.—  
7 Neither the Chief Executive Officer nor any em-  
8 ployee of the Corporation shall be considered to  
9 be an officer or employee of the United States  
10 Government or the District of Columbia govern-  
11 ment.

12 (d) SELECTION OF AGENTS, CONSULTANTS, AND EX-  
13 PERTS.—

14 (1) IN GENERAL.—The Board shall select par-  
15 ties to serve as its agents, consultants, and experts  
16 in a fair, transparent, and objective manner.

17 (2) FINAL AND BINDING.—If the selection of an  
18 agent, consultant, or expert satisfies the require-  
19 ments of paragraph (1), the selection of such agent,  
20 consultant, or expert shall be final and binding.

21 (e) NONPROFIT AND NONPOLITICAL NATURE OF  
22 CORPORATION.—

23 (1) STOCK.—The Corporation shall have no  
24 power to issue any shares of stock, or to declare or  
25 pay any dividends.

1           (2) PROFIT.—No part of the income or assets  
2 of the Corporation shall inure to the benefit of any  
3 director, officer, employee, or any other individual  
4 associated with the Corporation, except as salary or  
5 reasonable compensation for services.

6           (3) POLITICS.—The Corporation may not con-  
7 tribute to or otherwise support any political party or  
8 candidate for elective public office.

9           (4) PROHIBITION ON LOBBYING ACTIVITIES.—  
10 The Corporation may not engage in lobbying activi-  
11 ties (as defined in section 3(7) of the Lobbying Dis-  
12 closure Act of 1995 (2 U.S.C. 1602(7))).

13          (f) GENERAL POWERS.—In addition to the powers  
14 granted to the Corporation by any other provision of law,  
15 the Corporation shall have the authority to do the fol-  
16 lowing:

17           (1) To adopt and use a corporate seal.

18           (2) To have succession until dissolved by an Act  
19 of Congress.

20           (3) To prescribe, through the actions of the  
21 Board of Directors, bylaws not inconsistent with  
22 Federal law and the laws of the District of Colum-  
23 bia, regulating the manner in which the Corpora-  
24 tion's general business may be conducted and the

1 manner in which the privileges granted to the Cor-  
2 poration by law may be exercised.

3 (4) To exercise, through the actions of the  
4 Board of Directors, all powers specifically granted to  
5 the Corporation by the provisions of this title and  
6 title I, and such incidental powers as shall be nec-  
7 essary.

8 (5) To hold such hearings, sit and act at such  
9 times and places, take such testimony, and receive  
10 such evidence as the Corporation considers necessary  
11 to carry out its responsibilities and duties.

12 (6) To obtain grants and funds from and make  
13 contracts with individuals, private companies, orga-  
14 nizations, institutions, and Federal, State, regional,  
15 and local agencies.

16 (7) To accept, hold, administer, and utilize  
17 gifts, donations, and bequests of property, both real  
18 and personal, for the purposes of aiding or facili-  
19 tating the work of the Corporation.

20 (8) To spend amounts obtained under para-  
21 graph (6) in a manner authorized by the Board, but  
22 only for purposes that will advance or enhance pub-  
23 lic safety communications consistent with this Act.

24 (9) To establish reserve accounts with funds  
25 that the Corporation may receive from time to time

1 that exceed the amounts required by the Corporation  
2 to timely pay its debt service and other obligations.

3 (10) To expend the funds placed in any reserve  
4 accounts established under paragraph (9) (including  
5 interest earned on any such amounts) in a manner  
6 authorized by the Board, but only for purposes  
7 that—

8 (A) will advance or enhance public safety  
9 communications consistent with this Act; or

10 (B) are otherwise approved by an Act of  
11 Congress.

12 (11) To take such other actions as the Corpora-  
13 tion, through the Board of Directors, may from time  
14 to time determine necessary, appropriate, or advis-  
15 able to accomplish the purposes of this title and title  
16 I.

17 (g) PRINCIPAL POWERS.—In addition to the powers  
18 granted to the Corporation by any other provision of law,  
19 the Corporation shall have the power—

20 (1) to hold the single license for the public safe-  
21 ty broadband spectrum and the guard band spec-  
22 trum assigned by the Commission under section  
23 102(a);

24 (2) to take all actions necessary to ensure the  
25 construction, management, maintenance, and oper-

1       ation of the public safety broadband network, in con-  
2       sultation with Federal users of the network, public  
3       safety entities, the Commission, and the Technical  
4       and Operations Advisory Body established under  
5       subsection (h), including by—

6               (A) ensuring the use of commercial stand-  
7       ards;

8               (B) issuing open, transparent, and com-  
9       petitive requests for proposals to private-sector  
10      entities for the purpose of constructing, man-  
11      aging, maintaining, and operating the public  
12      safety broadband network;

13              (C) entering into and overseeing the per-  
14      formance of contracts or agreements with pri-  
15      vate-sector entities to construct, manage, main-  
16      tain, and operate the public safety broadband  
17      network;

18              (D) leveraging, to the maximum extent  
19      possible, existing commercial, private, and pub-  
20      lic infrastructure to reduce costs, supplement  
21      network capacity, and speed deployment of the  
22      network;

23              (E) entering into roaming and priority ac-  
24      cess agreements with providers of commercial  
25      mobile service and commercial mobile data serv-

1 ice to allow users of the public safety broadband  
2 network to obtain such services across the net-  
3 works of such providers;

4 (F) entering into sharing agreements  
5 under section 104; and

6 (G) exercising discretion in using and dis-  
7 bursing the funds received under section  
8 401(b)(4); and

9 (3) to establish the Program Management Of-  
10 fice and delegate functions to such Office, in accord-  
11 ance with section 203.

12 (h) TECHNICAL AND OPERATIONS ADVISORY  
13 BODY.—

14 (1) ESTABLISHMENT.—In addition to such  
15 other standing or ad hoc committees, panels, or  
16 councils as the Board of Directors considers nec-  
17 essary, the Corporation shall establish a Technical  
18 and Operations Advisory Body, which shall provide  
19 advice to the Corporation with respect to operational  
20 and technical matters related to public safety com-  
21 munications and commercial mobile data service.

22 (2) MEMBERSHIP.—The Technical and Oper-  
23 ations Advisory Body shall be composed of such rep-  
24 resentatives as the Board of Directors considers ap-  
25 propriate, including representatives of the following:

1 (A) Public safety entities.

2 (B) State, local, and tribal entities that  
3 use the public safety broadband network.

4 (C) Public safety answering points.

5 (D) One or more of the 10 regional organi-  
6 zational units of the Federal Emergency Man-  
7 agement Agency.

8 (E) The Bureau of Indian Affairs.

9 (F) The Office of Science and Technology  
10 Policy.

11 (G) The Public Safety Communications  
12 Research Program.

13 (H) Providers of commercial mobile data  
14 service and vendors of equipment, devices, and  
15 software used to provide and access such serv-  
16 ice.

17 (i) AUDITS AND REPORTS BY GAO.—

18 (1) AUDITS.—

19 (A) IN GENERAL.—The financial trans-  
20 actions of the Corporation for any fiscal year  
21 during which Federal funds are available to fi-  
22 nance any portion of its operations shall be au-  
23 dited annually by the Comptroller General of  
24 the United States in accordance with the prin-  
25 ciples and procedures applicable to commercial

1 corporate transactions and under such rules  
2 and regulations as may be prescribed by the  
3 Comptroller General.

4 (B) LOCATION.—Any audit conducted  
5 under subparagraph (A) shall be conducted at  
6 the place or places where accounts of the Cor-  
7 poration are normally kept.

8 (C) ACCESS TO CORPORATION BOOKS AND  
9 DOCUMENTS.—

10 (i) IN GENERAL.—For purposes of an  
11 audit conducted under subparagraph (A),  
12 the representatives of the Comptroller Gen-  
13 eral shall—

14 (I) have access to all books, ac-  
15 counts, records, reports, files, and all  
16 other papers, things, or property be-  
17 longing to or in use by the Corpora-  
18 tion that pertain to the financial  
19 transactions of the Corporation and  
20 are necessary to facilitate the audit;  
21 and

22 (II) be afforded full facilities for  
23 verifying transactions with the bal-  
24 ances or securities held by deposi-  
25 tories, fiscal agents, and custodians.

1                   (ii) REQUIREMENT.—All books, ac-  
2                   counts, records, reports, files, papers, and  
3                   property of the Corporation shall remain in  
4                   the possession and custody of the Corpora-  
5                   tion.

6                   (2) REPORTS.—

7                   (A) IN GENERAL.—The Comptroller Gen-  
8                   eral of the United States shall submit a report  
9                   of each audit conducted under paragraph  
10                  (1)(A) to—

11                  (i) the appropriate committees of Con-  
12                  gress;

13                  (ii) the President; and

14                  (iii) the Corporation.

15                  (B) CONTENTS.—Each report submitted  
16                  under subparagraph (A) shall contain—

17                  (i) such comments and information as  
18                  the Comptroller General determines nec-  
19                  essary to inform Congress of the financial  
20                  operations and condition of the Corpora-  
21                  tion;

22                  (ii) any recommendations of the  
23                  Comptroller General relating to the finan-  
24                  cial operations and condition of the Cor-  
25                  poration; and

1 (iii) a description of any program, ex-  
2 penditure, or other financial transaction or  
3 undertaking of the Corporation that was  
4 observed during the course of the audit,  
5 which, in the opinion of the Comptroller  
6 General, has been carried on or made with-  
7 out the authority of law.

8 (j) ANNUAL REPORT TO CONGRESS.—

9 (1) IN GENERAL.—Not later than 1 year after  
10 the date of enactment of this Act, and each year  
11 thereafter, the Corporation shall submit an annual  
12 report covering the preceding fiscal year to the ap-  
13 propriate committees of Congress.

14 (2) REQUIRED CONTENT.—The report required  
15 under paragraph (1) shall include—

16 (A) a comprehensive and detailed report of  
17 the operations, activities, financial condition,  
18 and accomplishments of the Corporation under  
19 this section;

20 (B) an analysis of the continued need for  
21 the Program Management Office and opportu-  
22 nities for reductions in staffing levels or scope  
23 of work in light of progress made in network  
24 deployment, including the requests for pro-  
25 posals process; and

1 (C) such recommendations or proposals for  
2 legislative or administrative action as the Cor-  
3 poration considers appropriate.

4 (3) AVAILABILITY TO TESTIFY.—The directors,  
5 employees, and agents and the Chief Executive Offi-  
6 cer of the Corporation shall be available to testify  
7 before the appropriate committees of the Congress  
8 with respect to—

9 (A) the report required under paragraph  
10 (1);

11 (B) the report of any audit made by the  
12 Comptroller General under subsection (i); or

13 (C) any other matter which such commit-  
14 tees may consider appropriate.

15 (k) PROHIBITION AGAINST NEGOTIATION WITH  
16 FOREIGN GOVERNMENTS.—The Corporation may not ne-  
17 gotiate or enter into any agreements with a foreign gov-  
18 ernment on behalf of the United States.

19 (l) USE OF MAILS.—The Corporation may use the  
20 United States mails in the same manner and under the  
21 same conditions as the departments and agencies of the  
22 United States.

1 **SEC. 202. PUBLIC SAFETY BROADBAND NETWORK.**

2 (a) ESTABLISHMENT.—The Corporation shall ensure  
3 the establishment of a nationwide, interoperable public  
4 safety broadband network.

5 (b) NETWORK COMPONENTS.—The public safety  
6 broadband network shall be based on a single, national  
7 network architecture that evolves with technological ad-  
8 vancements and initially consists of the following:

9 (1) A core network that—

10 (A) consists of national and regional data  
11 centers, and other elements and functions that  
12 may be distributed geographically, all of which  
13 shall be based on commercial standards; and

14 (B) provides the connectivity between—

15 (i) the radio access network; and

16 (ii) the public Internet or the public  
17 switched network, or both.

18 (2) A radio access network that—

19 (A) is deployed on a State-by-State or  
20 multi-State basis;

21 (B) consists of all cell site equipment, an-  
22 tennas, and backhaul equipment, based on com-  
23 mercial standards, that are required to enable  
24 wireless communications with devices using the  
25 public safety broadband spectrum; and

1 (C) shall be developed, constructed, man-  
2 aged, maintained, and operated taking into ac-  
3 count the plans developed in the State, local,  
4 and tribal planning and implementation grant  
5 program under section 212.

6 (c) DEPLOYMENT STANDARDS.—The Corporation  
7 shall, through the administration of the requests-for-pro-  
8 posals process and oversight of contracts delegated to the  
9 Program Management Office—

10 (1) ensure that the core network and the radio  
11 access network are deployed as networks are typi-  
12 cally deployed by commercial mobile data service  
13 providers;

14 (2) promote competition in the public safety  
15 equipment market by requiring that equipment for  
16 use on the public safety broadband network be—

17 (A) built to open, nonproprietary, commer-  
18 cial standards;

19 (B) capable of being used by any public  
20 safety entity and accessed by devices manufac-  
21 tured by multiple vendors; and

22 (C) backward-compatible with prior gen-  
23 erations of commercial mobile service and com-  
24 mercial mobile data service networks to the ex-  
25 tent typically deployed by providers of commer-

1           cial mobile service and commercial mobile data  
2           service; and

3           (3) ensure that the public safety broadband net-  
4           work is integrated with public safety answering  
5           points, or the equivalent of public safety answering  
6           points, and with networks for the provision of Next  
7           Generation 9–1–1 services (as defined in section  
8           231).

9           (d) **PROCUREMENT.**—In all procurement related to  
10          the core network and the radio access network, the Cor-  
11          poration shall use an open, competitive bidding process  
12          that—

13               (1) details the required framework and architec-  
14               ture of such networks, the general specifications of  
15               the work requested, and the service-delivery respon-  
16               sibilities of successful bidders;

17               (2) provides for the award of subcontracts; and

18               (3) prohibits, except in the case of minor up-  
19               grades—

20                       (A) sole-source contracts; and

21                       (B) requirements for design proprietary to  
22                       any individual vendor.

23           (e) **NETWORK INFRASTRUCTURE AND DEVICE CRI-**  
24          **TERIA.**—The Director of NIST, in consultation with the  
25          Corporation and the Commission, shall develop and peri-

1 odically update a list of approved devices and components  
2 meeting appropriate protocols and standards. A device or  
3 component may not be used on the public safety  
4 broadband network unless it appears on such list.

5 **SEC. 203. PROGRAM MANAGEMENT OFFICE.**

6 (a) ESTABLISHMENT.—The Corporation shall estab-  
7 lish and staff a Program Management Office within the  
8 Corporation, or award a network management services  
9 contract to a private entity to establish and staff such an  
10 office. Any such contract shall be awarded through an  
11 open, competitive bidding process and shall be subject to  
12 approval by the Secretary of Commerce.

13 (b) ACCOUNTABILITY.—The actions of the Program  
14 Management Office shall be subject to review by the Cor-  
15 poration.

16 (c) INDEPENDENCE.—For the duration of any con-  
17 tract between the Program Management Office and the  
18 Corporation, the Program Management Office may not  
19 have a material financial interest in the outcome of any  
20 request for proposals of the Corporation or a material fi-  
21 nancial interest in any contract or agreement entered into  
22 by the Corporation.

23 (d) DUTIES.—Subject to the determination of the  
24 Corporation of the continuing need and appropriate scale

1 of the Program Management Office, the Program Man-  
2 agement Office shall—

3 (1) be responsible for carrying out the day-to-  
4 day activities of the Corporation, including ensuring  
5 uniformity of deployments of and upgrades to the  
6 public safety broadband network to preserve nation-  
7 wide interoperability and economies of scale in net-  
8 work equipment and device costs;

9 (2) develop and recommend for adoption by the  
10 Corporation a nationwide plan for the deployment of  
11 the public safety broadband network;

12 (3) create a template for use by a State Public  
13 Safety Broadband Office receiving a grant under  
14 section 212(a) in transmitting the plans developed  
15 under such section to the Program Management Of-  
16 fice;

17 (4) create, for approval by the Corporation—

18 (A) baseline criteria for a request for pro-  
19 posals for the construction, management, main-  
20 tenance, and operation of the core network; and

21 (B) baseline criteria for requests for pro-  
22 posals for the construction, management, main-  
23 tenance, and operation of the radio access net-  
24 work;

1           (5) in consultation with State Public Safety  
2 Broadband Offices, evaluate responses to the re-  
3 quests for proposals described in paragraph (4);

4           (6) administer and oversee, and verify and vali-  
5 date the performance of, contracts entered into by  
6 the Corporation with entities the proposals of which  
7 the Corporation accepts;

8           (7) in consultation with State Public Safety  
9 Broadband Offices, the Office of Emergency Com-  
10 munications in the Department of Homeland Secu-  
11 rity, and the Commission, implement an awareness  
12 campaign in order to stimulate nationwide adoption  
13 of the public safety broadband network by public  
14 safety entities;

15          (8) in consultation with State Public Safety  
16 Broadband Offices, assess the progress of the con-  
17 struction and adoption of the public safety  
18 broadband network and report to the Corporation  
19 regarding such progress at such intervals as the  
20 Corporation requests, but no less frequently than bi-  
21 annually; and

22          (9) in consultation with State Public Safety  
23 Broadband Offices, develop a strategy for the Cor-  
24 poration on the distribution of public funding pro-  
25 vided under section 401(b)(4) for the construction,

1 management, maintenance, and operation of the  
2 public safety broadband network.

3 (e) DEVELOPMENT AND EVALUATION OF REQUESTS  
4 FOR PROPOSALS.—In developing requests for proposals  
5 with respect to the core network and the radio access net-  
6 work, the Program Management Office shall, on a State-  
7 by-State or multi-State basis, seek proposals and rec-  
8 ommend for acceptance by the Corporation proposals  
9 that—

10 (1) are based on commercial standards and are  
11 backward-compatible with existing commercial mo-  
12 bile service and commercial mobile data service net-  
13 works;

14 (2) maximize use of existing infrastructure of  
15 commercial entities and of Federal, State, and tribal  
16 entities, including existing public safety infrastruc-  
17 ture;

18 (3) provide for the selection on a localized basis  
19 of network options that remain consistent with the  
20 national network architecture;

21 (4) incorporate deployable network assets, ve-  
22 hicular repeaters, and other equipment as a means  
23 to provide additional coverage and capacity as may  
24 be required;

25 (5) ensure a nationwide level of interoperability;

1           (6) provide economies of scale in equipment and  
2           device costs comparable to those in the commercial  
3           marketplace, including the costs of devices capable  
4           of operating in Band Class 14;

5           (7) promote competition in the network equip-  
6           ment and device markets;

7           (8) ensure coverage of rural and underserved  
8           areas;

9           (9) take into account the need for the relocation  
10          of any incumbent public safety narrowband oper-  
11          ations from the public safety broadband spectrum;

12          (10) enable technology upgrades at a pace com-  
13          parable to that occurring in the commercial mobile  
14          service and commercial mobile data service market-  
15          places;

16          (11) ensure the reliability, security, and resil-  
17          iency of the network, including through measures  
18          for—

19                 (A) protecting and monitoring the  
20                 cybersecurity of the network; and

21                 (B) managing supply chain risks to the  
22                 network; and

23          (12) incorporate results from the 700 MHz  
24          demonstration network managed by the Public Safe-  
25          ty Communications Research Program.

1 (f) CONSULTATION WITH TECHNICAL AND OPER-  
2 ATIONS ADVISORY BODY.—In carrying out its responsibil-  
3 ities, the Program Management Office shall regularly meet  
4 and consult with the Technical and Operations Advisory  
5 Body established under section 201(h).

6 **SEC. 204. REPRESENTATION BEFORE STANDARDS SETTING**  
7 **ENTITIES.**

8 The Corporation, in consultation with the Director of  
9 NIST, the Commission, and the Technical and Operations  
10 Advisory Body established under section 201(h), shall rep-  
11 resent the interests of Federal departments and agencies  
12 and public safety entities using the public safety  
13 broadband network before any appropriate standards de-  
14 velopment organizations that address issues that in the  
15 judgment of the Corporation are relevant and important  
16 to the public safety broadband network.

17 **SEC. 205. GAO REPORT ON SATELLITE BROADBAND.**

18 Not later than 2 years after the date of the enact-  
19 ment of this Act, the Comptroller General of the United  
20 States shall conduct a study and submit to the appropriate  
21 committees of Congress a report on the current and future  
22 capabilities of fixed and mobile satellite broadband for use  
23 by public safety entities.

1 **SEC. 206. ACCESS TO FEDERAL SUPPLY SCHEDULES.**

2 Section 502 of title 40, United States Code, is  
3 amended—

4 (1) by redesignating subsection (f) as sub-  
5 section (g); and

6 (2) by inserting after subsection (e) the fol-  
7 lowing new subsection:

8 “(f) USE OF SUPPLY SCHEDULES BY PUBLIC SAFE-  
9 TY BROADBAND CORPORATION FOR CERTAIN GOODS AND  
10 SERVICES.—

11 “(1) IN GENERAL.—The Administrator may  
12 provide, to the extent practicable, for the use by the  
13 Public Safety Broadband Corporation of Federal  
14 supply schedules for the following:

15 “(A) Roaming and priority access services  
16 offered by providers of commercial mobile serv-  
17 ice and commercial mobile data service.

18 “(B) Broadband network equipment, de-  
19 vices, and applications that are suitable for use  
20 on the public safety broadband network.

21 “(2) DEFINITIONS.—In this subsection—

22 “(A) the terms ‘commercial mobile data  
23 service’ and ‘public safety broadband network’  
24 have the meanings given such terms in section  
25 2 of the Wireless Innovation and Public Safety  
26 Act of 2011;

1           “(B) the term ‘commercial mobile service’  
2           has the meaning given such term in section  
3           332(d)(1) of the Communications Act of 1934  
4           (47 U.S.C. 332(d)(1)); and

5           “(C) the term ‘Public Safety Broadband  
6           Corporation’ means the corporation established  
7           under section 201(a)(1) of the Wireless Innova-  
8           tion and Public Safety Act of 2011.”.

9   **SEC. 207. FEDERAL INFRASTRUCTURE SHARING.**

10          The Administrator of General Services shall establish  
11         rules to allow the Corporation, on behalf of public safety  
12         entities, to have access to such components of Federal in-  
13         frastructure as are appropriate for the construction and  
14         maintenance of the public safety broadband network.

15   **SEC. 208. INITIAL FUNDING FOR CORPORATION.**

16         (a) IN GENERAL.—There is appropriated to the As-  
17         sistant Secretary \$50,000,000 for use in accordance with  
18         subsection (b), to remain available until the commence-  
19         ment of incentive auctions to be carried out under sub-  
20         paragraph (G) of section 309(j)(8) of the Communications  
21         Act of 1934, as added by section 302(a), or the auction  
22         of spectrum pursuant to subsection (a)(1) or (b)(1) of sec-  
23         tion 301.

24         (b) USE OF FUNDS.—The Assistant Secretary shall  
25         use the funds appropriated under subsection (a)—

1           (1) for reasonable administrative expenses and  
2 other costs associated with the establishment of the  
3 Corporation; and

4           (2) subject to subsection (c), for transfer to the  
5 Corporation of an amount the Assistant Secretary  
6 considers necessary for the Corporation to carry out  
7 its duties and responsibilities under this title and  
8 title I prior to the 1st fiscal year for which the Cor-  
9 poration projects that the fees collected under sec-  
10 tion 209 will be sufficient to cover the total expenses  
11 of the Corporation for such fiscal year.

12       (c) CONDITIONS.—The Assistant Secretary may not  
13 transfer any funds under subsection (b)(2) unless the Cor-  
14 poration files with the Assistant Secretary—

15           (1) an estimated budget for the period between  
16 the filing and the beginning of the 1st fiscal year for  
17 which the Corporation projects that the fees col-  
18 lected under section 209 will be sufficient to cover  
19 the total expenses of the Corporation for such fiscal  
20 year; and

21           (2) a statement of the anticipated use of the  
22 funds transferred.

23       (d) REINVESTMENT OF EXCESS FUNDS.—Beginning  
24 with the 1st fiscal year in which the Corporation collects  
25 fees under section 209 in excess of the total expenses of

1 the Corporation in carrying out its duties and responsibil-  
2 ities under this title and title I for such fiscal year, the  
3 Corporation shall use any remaining amount of the funds  
4 transferred under subsection (b)(2) only to ensure the con-  
5 struction, management, maintenance, and operation of the  
6 public safety broadband network.

7 **SEC. 209. PERMANENT SELF-FUNDING OF CORPORATION**  
8 **AND DUTY TO COLLECT CERTAIN FEES.**

9 (a) IN GENERAL.—The Corporation is authorized to  
10 assess and collect the following fees:

11 (1) NETWORK USER FEES.—A user or subscrip-  
12 tion fee from each public safety entity and Federal  
13 department or agency that seeks access to or use of  
14 the public safety broadband network.

15 (2) SHARING ARRANGEMENT FEES.—A fee from  
16 each entity with which the Corporation enters into  
17 a sharing arrangement under section 104.

18 (b) ESTABLISHMENT OF FEE AMOUNTS.—The total  
19 amount of the fees assessed for each fiscal year under this  
20 section shall be sufficient, and to the extent practicable  
21 shall not exceed the amount necessary, to cover the total  
22 expenses of the Corporation in carrying out its duties and  
23 responsibilities under this title and title I for such fiscal  
24 year.

1 (c) REQUIRED REINVESTMENT OF EXCESS  
2 FUNDS.—If, in a fiscal year, the Corporation collects fees  
3 under this section in excess of the total expenses of the  
4 Corporation in carrying out its duties and responsibilities  
5 under this title and title I for such fiscal year, the Cor-  
6 poration shall use the excess only to ensure the construc-  
7 tion, management, maintenance, and operation of the pub-  
8 lic safety broadband network.

9 **Subtitle B—State, Local, and Tribal**  
10 **Planning and Implementation**

11 **SEC. 211. STATE, LOCAL, AND TRIBAL PLANNING AND IM-**  
12 **PLEMENTATION FUND.**

13 (a) ESTABLISHMENT.—There is established in the  
14 Treasury of the United States a fund to be known as the  
15 State, Local, and Tribal Planning and Implementation  
16 Fund.

17 (b) PURPOSE.—The Assistant Secretary shall estab-  
18 lish and administer the grant program under section 212  
19 using the funds deposited in the State, Local, and Tribal  
20 Planning and Implementation Fund.

21 (c) CREDITING OF RECEIPTS.—There shall be depos-  
22 ited into or credited to the State, Local, and Tribal Plan-  
23 ning and Implementation Fund—

24 (1) any amounts specified in section 401; and

1           (2) any amounts borrowed by the Assistant  
2 Secretary under subsection (d).

3 (d) BORROWING AUTHORITY.—

4           (1) IN GENERAL.—The Assistant Secretary  
5 may borrow from the general fund of the Treasury  
6 beginning on October 1, 2011, such sums as may be  
7 necessary, but not to exceed \$250,000,000, to imple-  
8 ment section 212.

9           (2) REIMBURSEMENT.—The Assistant Sec-  
10 retary shall reimburse the general fund of the Treas-  
11 ury, without interest, for any amounts borrowed  
12 under paragraph (1) as funds are deposited into the  
13 State, Local, and Tribal Planning and Implementa-  
14 tion Fund.

15 **SEC. 212. STATE, LOCAL, AND TRIBAL PLANNING AND IM-**  
16 **PLEMENTATION GRANT PROGRAM.**

17           (a) ESTABLISHMENT OF GRANT PROGRAM.—The As-  
18 sistant Secretary, in consultation with the Corporation,  
19 shall take such action as is necessary to establish a grant  
20 program to make grants to each State Public Safety  
21 Broadband Office established under subsection (d) to as-  
22 sist State, local, and tribal public safety entities within  
23 such State in carrying out the following activities:

24           (1) Identifying and planning the most efficient  
25 and effective use and integration by such entities of

1 the spectrum and the infrastructure, equipment, and  
2 other architecture associated with the public safety  
3 broadband network to satisfy the wireless commu-  
4 nications and data services needs of such entities.

5 (2) Identifying opportunities for creating a con-  
6 sortium with one or more other States to assist the  
7 Program Management Office in developing a single  
8 request for proposals to serve the common network  
9 requirements of the States in the consortium.

10 (3) Identifying the particular assets and spe-  
11 cialized needs of the public safety entities located  
12 within such State for inclusion in requests for pro-  
13 posals with respect to the radio access network.  
14 Such assets may include available towers and infra-  
15 structure. Such needs may include the projected  
16 number of users, preferred buildout timeframes, spe-  
17 cial coverage needs, special hardening, reliability, se-  
18 curity, and resiliency needs, local user priority as-  
19 signments, and integration needs of public safety an-  
20 swering points and emergency operations centers.

21 (4) Transmitting the plans developed under this  
22 subsection to the Program Management Office using  
23 the template developed under section 203(d)(3).

24 (b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

1           (1) IN GENERAL.—The Federal share of the  
2 cost of any activity carried out using a grant under  
3 this section may not exceed 80 percent of the eligible  
4 costs of carrying out that activity, as determined by  
5 the Assistant Secretary, in consultation with the  
6 Corporation.

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

12          (c) PROGRAMMATIC REQUIREMENTS.—Not later than  
13 6 months after the date of the incorporation of the Cor-  
14 poration under section 201(a), the Assistant Secretary, in  
15 consultation with the Corporation, shall establish require-  
16 ments relating to the grant program to be carried out  
17 under this section, including the following:

18           (1) Defining eligible costs for purposes of sub-  
19 section (b)(1).

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

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

24          (d) STATE PUBLIC SAFETY BROADBAND OFFICES.—  
25 A State wishing to receive a grant under this section shall

1 establish a State Public Safety Broadband Office to carry  
2 out the activities described in subsection (a). The Assist-  
3 ant Secretary may not accept a grant application unless  
4 such application certifies that the State has established  
5 such an office.

6 **SEC. 213. PUBLIC SAFETY WIRELESS FACILITIES DEPLOY-**  
7 **MENT.**

8 (a) **IN GENERAL.**—Notwithstanding section 704 of  
9 the Telecommunications Act of 1996 (Public Law 104–  
10 104) or any other provision of law, a State or local govern-  
11 ment may not deny, and shall approve, any eligible facili-  
12 ties request for a modification of an existing wireless tower  
13 that does not substantially change the physical dimensions  
14 of such tower.

15 (b) **ELIGIBLE FACILITIES REQUEST.**—In this sec-  
16 tion, the term “eligible facilities request” means a request  
17 that—

18 (1) is for a modification of an existing wireless  
19 tower that involves—

20 (A) collocation of new transmission equip-  
21 ment;

22 (B) removal of transmission equipment; or

23 (C) replacement of transmission equip-  
24 ment; and

1           (2) is made by an entity that enters into a con-  
2           tract with the Corporation to construct, manage,  
3           maintain, or operate the public safety broadband  
4           network for purposes of performing work under such  
5           contract.

6       **Subtitle C—Public Safety Commu-**  
7       **nications Research and Devel-**  
8       **opment**

9       **SEC. 221. NIST-DIRECTED PUBLIC SAFETY WIRELESS COM-**  
10                   **MUNICATIONS RESEARCH AND DEVELOP-**  
11                   **MENT.**

12       (a) IN GENERAL.—From amounts made available  
13       from the Public Safety Trust Fund established under sec-  
14       tion 401, the Director of NIST, in consultation with the  
15       Commission, the Secretary of Homeland Security, and the  
16       National Institute of Justice of the Department of Justice,  
17       as appropriate, shall conduct research and assist with the  
18       development of standards, technologies, and applications  
19       to advance wireless public safety communications.

20       (b) REQUIRED ACTIVITIES.—In carrying out sub-  
21       section (a), the Director of NIST, in consultation with the  
22       Corporation and the Technical and Operations Advisory  
23       Body established under section 201(h), shall—

24           (1) document public safety wireless communica-  
25           tions requirements;

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

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

10          (4) accelerate the development of mission crit-  
11          ical voice communications, including device-to-device  
12          talkaround capability over broadband networks, pub-  
13          lic safety prioritization, authentication capabilities,  
14          and standard application programming interfaces, if  
15          necessary and practical;

16          (5) accelerate the development of communica-  
17          tions technology and equipment that can facilitate  
18          the eventual migration of public safety narrowband  
19          communications to the public safety broadband net-  
20          work;

21          (6) ensure the development and testing of new,  
22          interoperable, nonproprietary broadband technologies  
23          (including applications, devices, and device compo-  
24          nents) that are designed to open standards to meet  
25          the needs of public safety entities;



1 means a system comprised of common control units,  
2 telephone sets, control hardware and software and  
3 adjunct systems, including network and premises  
4 based systems, such as Centrex and VoIP, as well as  
5 PBX, Hybrid, and Key Telephone Systems (as clas-  
6 sified by the Commission under part 68 of title 47,  
7 Code of Federal Regulations) and includes systems  
8 owned or leased by governmental agencies and non-  
9 profit entities, as well as for profit businesses.

10 (4) OFFICE.—The term “Office” means the 9–  
11 1–1 Implementation Coordination Office established  
12 under section 158 of the National Telecommuni-  
13 cations and Information Administration Organiza-  
14 tion Act (47 U.S.C. 942), as amended by this Act.

15 (5) PUBLIC SAFETY ANSWERING POINT.—The  
16 term “public safety answering point” has the mean-  
17 ing given the term in section 222 of the Communica-  
18 tions Act of 1934 (47 U.S.C. 222).

19 **SEC. 232. COORDINATION OF 9–1–1 IMPLEMENTATION.**

20 Section 158 of the National Telecommunications and  
21 Information Administration Organization Act (47 U.S.C.  
22 942) 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 5-year duration of such pro-  
5                   gram.

6                   “(B) SUBMISSION TO CONGRESS.—Not  
7                   later than 90 days after the date of enactment  
8                   of the Wireless Innovation and Public Safety  
9                   Act of 2011, the Assistant Secretary and the  
10                  Administrator shall submit the management  
11                  plan developed under subparagraph (A) to—

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

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

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

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

1           “(B) develop, collect, and disseminate in-  
2           formation concerning practices, procedures, and  
3           technology used in the implementation of 9–1–  
4           1 services, E9–1–1 services, and Next Genera-  
5           tion 9–1–1 services;

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

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

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

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

22          “(b) 9–1–1, E9–1–1 AND NEXT GENERATION 9–1–  
23          1 IMPLEMENTATION GRANTS.—

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

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

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

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

21           “(2) MATCHING REQUIREMENT.—The Federal  
22           share of the cost of a project eligible for a grant  
23           under this section shall not exceed 80 percent. The  
24           non-Federal share of the cost shall be provided from

1 non-Federal sources unless waived by the Assistant  
2 Secretary and the Administrator.

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

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

9 “(i) has coordinated its application  
10 with the public safety answering points lo-  
11 cated within the jurisdiction of such entity;

12 “(ii) has designated a single officer or  
13 governmental body of the entity to serve as  
14 the coordinator of implementation of 9–1–  
15 1 services, except that such designation  
16 need not vest such coordinator with direct  
17 legal authority to implement 9–1–1 serv-  
18 ices, E9–1–1 services, or Next Generation  
19 9–1–1 services or to manage emergency  
20 communications operations;

21 “(iii) has established a plan for the  
22 coordination and implementation of 9–1–1  
23 services, E9–1–1 services, and Next Gen-  
24 eration 9–1–1 services; and

1                   “(iv) has integrated telecommuni-  
2                   cations services involved in the implemen-  
3                   tation and delivery of 9–1–1 services, E9–  
4                   1–1 services, and Next Generation 9–1–1  
5                   services; or

6                   “(B) in the case of an eligible entity that  
7                   is not a State, the entity has complied with  
8                   clauses (i), (iii), and (iv) of subparagraph (A),  
9                   and the State in which it is located has com-  
10                  plied with clause (ii) of such subparagraph.

11                  “(4) CRITERIA.—Not later than 120 days after  
12                  the submission of the report required under section  
13                  237 of the Wireless Innovation and Public Safety  
14                  Act of 2011, the Assistant Secretary and the Admin-  
15                  istrator shall issue regulations, after providing the  
16                  public with notice and an opportunity to comment,  
17                  prescribing the criteria for selection for grants under  
18                  this section. The criteria shall include performance  
19                  requirements and a timeline for completion of any  
20                  project to be financed by a grant under this section.  
21                  The Assistant Secretary and the Administrator shall  
22                  update such regulations as necessary.

23                  “(c) DIVERSION OF 9–1–1 CHARGES.—

24                  “(1) DESIGNATED 9–1–1 CHARGES.—For the  
25                  purposes of this subsection, the term ‘designated 9–

1 1–1 charges’ means any taxes, fees, or other charges  
2 imposed by a State or other taxing jurisdiction that  
3 are designated or presented as dedicated to deliver  
4 or improve 9–1–1 services, E9–1–1 services, or Next  
5 Generation 9–1–1 services.

6 “(2) CERTIFICATION.—Each applicant for a  
7 matching grant under this section shall certify to the  
8 Assistant Secretary and the Administrator at the  
9 time of application, and each applicant that receives  
10 such a grant shall certify to the Assistant Secretary  
11 and the Administrator annually thereafter during  
12 any period of time during which the funds from the  
13 grant are available to the applicant, that no portion  
14 of any designated 9–1–1 charges imposed by a State  
15 or other taxing jurisdiction within which the appli-  
16 cant is located are being obligated or expended for  
17 any purpose other than the purposes for which such  
18 charges are designated or presented during the pe-  
19 riod beginning 180 days immediately preceding the  
20 date of the application and continuing through the  
21 period of time during which the funds from the  
22 grant are available to the applicant.

23 “(3) CONDITION OF GRANT.—Each applicant  
24 for a grant under this section shall agree, as a con-  
25 dition of receipt of the grant, that if the State or

1 other taxing jurisdiction within which the applicant  
2 is located, during any period of time during which  
3 the funds from the grant are available to the appli-  
4 cant, obligates or expends designated 9–1–1 charges  
5 for any purpose other than the purposes for which  
6 such charges are designated or presented, eliminates  
7 such charges, or re-designates such charges for pur-  
8 poses other than the implementation or operation of  
9 9–1–1 services, E9–1–1 services, or Next Generation  
10 9–1–1 services, all of the funds from such grant  
11 shall be returned to the Office.

12 “(4) PENALTY FOR PROVIDING FALSE INFOR-  
13 MATION.—Any applicant that provides a certification  
14 under paragraph (1) knowing that the information  
15 provided in the certification was false shall—

16 “(A) not be eligible to receive the grant  
17 under subsection (b);

18 “(B) return any grant awarded under sub-  
19 section (b) during the time that the certification  
20 was not valid; and

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

23 “(d) AUTHORIZATION AND TERMINATION.—

24 “(1) AUTHORIZATION.—

1           “(A) IN GENERAL.—There are authorized  
2           to be appropriated to the Secretary of Com-  
3           merce, for the purposes of carrying out grants  
4           under this section, \$250,000,000 total for the  
5           5-year period described in subparagraph (C).

6           “(B) LIMITATION.—Of the amounts made  
7           available to the Secretary of Commerce under  
8           this paragraph in a fiscal year, not more than  
9           5 percent of such amounts may be obligated or  
10          expended to cover the administrative costs of  
11          carrying out this section.

12          “(C) PERIOD.—The 5-year period under  
13          subparagraph (A) begins on the first day of the  
14          fiscal year that begins following the date of the  
15          submission of the report required under section  
16          237 of the Wireless Innovation and Public Safe-  
17          ty Act of 2011.

18          “(2) TERMINATION.—Effective on the day after  
19          the end of the 5-year period described in paragraph  
20          (1)(C), the authority provided by this section termi-  
21          nates and this section shall have no effect.

22          “(e) DEFINITIONS.—In this section:

23                 “(1) 9–1–1 SERVICES.—The term ‘9–1–1 serv-  
24                 ices’ includes both E9–1–1 services and Next Gen-  
25                 eration 9–1–1 services.

1           “(2) E9-1-1 SERVICES.—The term ‘E9-1-1  
2 services’ means both phase I and phase II enhanced  
3 9-1-1 services, as described in section 20.18 of the  
4 Commission’s regulations (47 C.F.R. 20.18), as in  
5 effect on the date of enactment of the Wireless Inno-  
6 vation and Public Safety Act of 2011, or as subse-  
7 quently revised by the Commission.

8           “(3) ELIGIBLE ENTITY.—

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

14           “(B) INSTRUMENTALITIES.—The term ‘eli-  
15 gible entity’ includes public authorities, boards,  
16 commissions, and similar bodies created by 1 or  
17 more eligible entities described in subparagraph  
18 (A) to provide 9-1-1 service, E9-1-1 services,  
19 or Next Generation 9-1-1 services.

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

1           “(4) EMERGENCY CALL.—The term ‘emergency  
2 call’ means any real-time communication with a pub-  
3 lic safety answering point or other emergency man-  
4 agement or response agency, including—

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

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

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

15          “(A) provides standardized interfaces from  
16 emergency call and message services to support  
17 emergency communications;

18          “(B) processes all types of emergency calls,  
19 including voice, text, data, and multimedia in-  
20 formation;

21          “(C) acquires and integrates additional  
22 emergency call data useful to call routing and  
23 handling;

24          “(D) delivers the emergency calls, mes-  
25 sages, and data to the appropriate public safety

1           answering point and other appropriate emer-  
2           gency entities;

3           “(E) supports data or video communica-  
4           tions needs for coordinated incident response  
5           and management; and

6           “(F) provides broadband service to public  
7           safety answering points or other first responder  
8           entities.

9           “(6) OFFICE.—The term ‘Office’ means the 9–  
10          1–1 Implementation Coordination Office.

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

15          “(8) STATE.—The term ‘State’ means any  
16          State of the United States, the District of Columbia,  
17          Puerto Rico, American Samoa, Guam, the United  
18          States Virgin Islands, the Northern Mariana Is-  
19          lands, and any other territory or possession of the  
20          United States.”.

21   **SEC. 233. REQUIREMENTS FOR MULTI-LINE TELEPHONE**  
22                                   **SYSTEMS.**

23          (a) IN GENERAL.—Not later than 270 days after the  
24          date of enactment of this Act, the Administrator of Gen-  
25          eral Services, in conjunction with the Office, shall issue

1 a report to Congress identifying the 9–1–1 capabilities of  
2 the multi-line telephone system in use by all Federal agen-  
3 cies in all Federal buildings and properties.

4 (b) COMMISSION ACTION.—

5 (1) IN GENERAL.—Not later than 90 days after  
6 the date of enactment of this Act, the Commission  
7 shall issue a public notice seeking comment on the  
8 feasibility of requiring MLTS manufacturers to in-  
9 clude within all such systems manufactured or sold  
10 after a date certain, to be determined by the Com-  
11 mission, one or more mechanisms to provide a suffi-  
12 ciently precise indication of a 9–1–1 caller’s location,  
13 while avoiding the imposition of undue burdens on  
14 MLTS manufacturers, providers, and operators.

15 (2) SPECIFIC REQUIREMENT.—The public no-  
16 tice under paragraph (1) shall seek comment on the  
17 National Emergency Number Association’s “Tech-  
18 nical Requirements Document On Model Legislation  
19 E9–1–1 for Multi-Line Telephone Systems” (NENA  
20 06–750, Version 2).

21 **SEC. 234. GAO STUDY OF STATE AND LOCAL USE OF 9–1–1**  
22 **SERVICE CHARGES.**

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

1           (1) the imposition of taxes, fees, or other  
2 charges imposed by States or political subdivisions  
3 of States that are designated or presented as dedi-  
4 cated to improve emergency communications serv-  
5 ices, including 9–1–1 services or enhanced 9–1–1  
6 services, or related to emergency communications  
7 services operations or improvements; and

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

10       (b) REPORT.—Not later than 18 months after initi-  
11 ating the study required by subsection (a), the Comp-  
12 troller General shall prepare and submit a report on the  
13 results of the study to the Committee on Commerce,  
14 Science, and Transportation of the Senate and the Com-  
15 mittee on Energy and Commerce of the House of Rep-  
16 resentatives setting forth the findings, conclusions, and  
17 recommendations, if any, of the study, including—

18           (1) the identity of each State or political sub-  
19 division that imposes such taxes, fees, or other  
20 charges; and

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

1 **SEC. 235. PARITY OF PROTECTION FOR PROVISION OR USE**  
2 **OF NEXT GENERATION 9-1-1 SERVICE.**

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

10 (1) the release of subscriber information related  
11 to emergency calls or emergency services;

12 (2) the use or provision of 9-1-1 services, E9-  
13 1-1 services, or Next Generation 9-1-1 services;  
14 and

15 (3) other matters related to 9-1-1 services,  
16 E9-1-1 services, or Next Generation 9-1-1 services.

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

1 **SEC. 236. COMMISSION PROCEEDING ON AUTODIALING.**

2 (a) IN GENERAL.—Not later than 90 days after the  
3 date of enactment of this Act, the Commission shall ini-  
4 tiate a proceeding to create a specialized Do-Not-Call reg-  
5 istry for public safety answering points.

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

9 (1) permit verified public safety answering  
10 point administrators or managers to register the  
11 telephone numbers of all 9–1–1 trunks and other  
12 lines used for the provision of emergency services to  
13 the public or for communications between public  
14 safety agencies;

15 (2) provide a process for verifying, no less fre-  
16 quently than once every 7 years, that registered  
17 numbers should continue to appear upon the reg-  
18 istry;

19 (3) provide a process for granting and tracking  
20 access to the registry by the operators of automatic  
21 dialing equipment;

22 (4) protect the list of registered numbers from  
23 disclosure or dissemination by parties granted access  
24 to the registry; and

1           (5) prohibit the use of automatic dialing or  
2           “robocall” equipment to establish contact with reg-  
3           istered numbers.

4           (c) ENFORCEMENT.—The Commission shall—

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

9           (2) establish monetary penalties for violations  
10          of the prohibition on automatically dialing registered  
11          numbers established pursuant to subsection (b)(5) of  
12          not less than \$10,000 per call nor more than  
13          \$100,000 per call; and

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

20   **SEC. 237. NHTSA REPORT ON COSTS FOR REQUIREMENTS**  
21                   **AND SPECIFICATIONS OF NEXT GENERATION**  
22                   **9-1-1 SERVICES.**

23          (a) IN GENERAL.—Using amounts made available  
24          from the Public Safety Trust Fund under section 401, not  
25          later than 1 year after the date of enactment of this Act,

1 the Administrator of the National Highway Traffic Safety  
2 Administration, in consultation with the Commission, the  
3 Secretary of Homeland Security, and the Office, shall pre-  
4 pare and submit to Congress a report that analyzes and  
5 determines detailed costs for specific Next Generation 9-  
6 1-1 service requirements and specifications.

7 (b) CONTENTS.—The report required under sub-  
8 section (a) shall include the following:

9 (1) How costs would be allocated geographically  
10 or among public safety answering points, broadband  
11 service providers, and third-party providers of Next  
12 Generation 9-1-1 services.

13 (2) An assessment of the current state of Next  
14 Generation 9-1-1 service readiness among public  
15 safety answering points.

16 (3) How differences in public safety answering  
17 points' access to broadband across the United States  
18 may affect costs.

19 (4) A technical analysis and cost study of dif-  
20 ferent delivery platforms, such as wireline, wireless,  
21 and satellite.

22 (5) An assessment of the architectural charac-  
23 teristics, feasibility, and limitations of Next Genera-  
24 tion 9-1-1 service delivery.

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

3           (7) Standards and protocols for Next Genera-  
4           tion 9–1–1 service and for incorporating Voice over  
5           Internet Protocol and real-time text standards.

6   **SEC. 238. FCC RECOMMENDATIONS FOR LEGAL AND STATU-**  
7                           **TORY FRAMEWORK FOR NEXT GENERATION**  
8                           **9–1–1 SERVICES.**

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

20                   (1) A legal and regulatory framework for the  
21                   development of Next Generation 9–1–1 services and  
22                   the transition from legacy 9–1–1 to Next Generation  
23                   9–1–1 services.

1           (2) Legal mechanisms to ensure efficient and  
2 accurate transmission of 9–1–1 caller information to  
3 emergency management or response agencies.

4           (3) Recommendations for removing jurisdic-  
5 tional barriers and inconsistent legacy regulations,  
6 including—

7           (A) proposals that would require States to  
8 remove regulatory impediments to Next Genera-  
9 tion 9–1–1 services development, while recog-  
10 nizing the appropriate role of the States;

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

13           (C) preempting inconsistent State regula-  
14 tions.

## 15   **TITLE III—SPECTRUM AUCTION** 16                                   **AUTHORITY**

### 17   **SEC. 301. DEADLINES FOR AUCTION OF CERTAIN SPEC-** 18                                   **TRUM.**

19           (a) IN GENERAL.—

20           (1) AUCTION.—The Commission shall, through  
21 competitive bidding under section 309(j) of the Com-  
22 munications Act of 1934 (47 U.S.C. 309(j)), assign  
23 licenses for the use of the electromagnetic spectrum  
24 described in paragraph (2) in accordance with the  
25 timetable set forth in paragraph (3).

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

3           (A) The frequencies from 2155 megahertz  
4       to 2180 megahertz.

5           (B) The frequencies from 1755 megahertz  
6       to 1780 megahertz, except that if—

7           (i) the President determines that such  
8       frequencies cannot be reallocated for non-  
9       Federal use due to the need to protect in-  
10      cumbent Federal operations from inter-  
11      ference; and

12          (ii) the President identifies other spec-  
13      trum the reallocation for non-Federal use  
14      of which better serves the public interest,  
15      convenience, and necessity and that can  
16      reasonably be expected to produce com-  
17      parable auction receipts;

18      the spectrum described in this subparagraph  
19      shall be the spectrum identified by the Presi-  
20      dent under clause (ii).

21          (C) The frequencies from 1695 megahertz  
22      to 1710 megahertz, except for the geographic  
23      exclusion zones (as such zones may be amend-  
24      ed) identified in the report of the NTIA pub-  
25      lished in October 2010 and entitled “An Assess-

1           ment of Near-Term Viability of Accommodating  
2           Wireless Broadband Systems in 1675–1710  
3           MHz, 1755–1780 MHz, 3500–3650 MHz, and  
4           4200–4220 MHz, 4380–4400 MHz Bands”.

5           (D) 15 megahertz of contiguous spectrum  
6           identified by the Commission to be paired with  
7           the spectrum described in subparagraph (C).

8           (E) The frequencies from 1780 megahertz  
9           to 1850 megahertz, except that if—

10           (i) the President determines that such  
11           frequencies cannot be reallocated for non-  
12           Federal use due to the need to protect in-  
13           cumbent Federal operations from inter-  
14           ference; and

15           (ii) the President identifies other spec-  
16           trum the reallocation for non-Federal use  
17           of which better serves the public interest,  
18           convenience, and necessity and that can  
19           reasonably be expected to produce com-  
20           parable auction receipts;

21           the spectrum described in this subparagraph  
22           shall be the spectrum identified by the Presi-  
23           dent under clause (ii).

1           (3) TIMETABLE.—Notwithstanding paragraph  
2           (15)(A) of such section 309(j), the Commission shall  
3           complete all actions necessary in order to—

4                   (A) in the case of licenses for the use of  
5           the spectrum described in subparagraphs (A)  
6           and (B) of paragraph (2)—

7                           (i) commence the bidding process not  
8                   later than January 31, 2014; and

9                           (ii) deposit the available proceeds in  
10           accordance with paragraph (8) of such sec-  
11           tion not later than June 30, 2014;

12                   (B) in the case of licenses for the use of  
13           the spectrum described in subparagraphs (C)  
14           and (D) of paragraph (2)—

15                           (i) commence the bidding process not  
16                   later than January 31, 2018; and

17                           (ii) deposit the available proceeds in  
18           accordance with paragraph (8) of such sec-  
19           tion not later than June 30, 2018; and

20                   (C) in the case of licenses for the use of  
21           the spectrum described in subparagraph (E) of  
22           paragraph (2)—

23                           (i) commence the bidding process not  
24                   later than January 31, 2020; and

1 (ii) deposit the available proceeds in  
2 accordance with paragraph (8) of such sec-  
3 tion not later than June 30, 2020.

4 (4) NOTIFICATION TO PRESIDENT.—Not later  
5 than 6 months before each auction of frequencies  
6 under paragraph (1) in which any frequency as-  
7 signed to a Federal Government station will be auc-  
8 tioned, the Commission shall notify the President of  
9 the date when such auction will begin and the fre-  
10 quencies to be auctioned.

11 (5) WITHDRAWAL FROM FEDERAL USE.—Not-  
12 withstanding section 1062(b) of the National De-  
13 fense Authorization Act for Fiscal Year 2000 (Pub-  
14 lic Law 106–65; 47 U.S.C. 921 note), upon receipt  
15 of a notification from the Commission under para-  
16 graph (4) with respect to an auction of frequencies,  
17 the President shall withdraw the assignment to a  
18 Federal Government station of any such frequency.

19 (6) DELAYED OR PHASED REALLOCATION OF  
20 CERTAIN FEDERAL SPECTRUM.—If the President de-  
21 termines that reallocation for non-Federal use of the  
22 spectrum described in subparagraph (E) of para-  
23 graph (2) must be delayed or conducted in phases  
24 to ensure protection from interference of or con-  
25 tinuity of incumbent Federal operations, the Presi-

1       dent may delay the withdrawal under paragraph (5)  
2       of the assignment of such spectrum to a Federal  
3       Government station until such time as the President  
4       considers necessary to ensure such protection, but in  
5       no case later than January 31, 2020.

6       (b) AUCTION OF CERTAIN OTHER SPECTRUM.—

7           (1) AUCTION.—In accordance with the time-  
8       table set forth in paragraph (2), the Commission  
9       shall assign through competitive bidding under sec-  
10      tion 309(j) of the Communications Act of 1934 (47  
11      U.S.C. 309(j)), or reallocate for unlicensed use, the  
12      electromagnetic spectrum between the frequencies  
13      from 3550 megahertz to 3650 megahertz, except for  
14      the geographic exclusion zones (as such zones may  
15      be amended) identified in the report of the NTLA  
16      published in October 2010 and entitled “An Assess-  
17      ment of Near-Term Viability of Accommodating  
18      Wireless Broadband Systems in 1675–1710 MHz,  
19      1755–1780 MHz, 3500–3650 MHz, and 4200–4220  
20      MHz, 4380–4400 MHz Bands”.

21           (2) TIMETABLE.—Notwithstanding paragraph  
22      (15)(A) of such section, the Commission shall com-  
23      plete all actions necessary in order to—

24                   (A) commence the bidding process, or com-  
25                   mence reallocation for unlicensed use, not later

1           than 3 years after the date of the enactment of  
2           this Act; and

3                   (B) deposit the available proceeds in ac-  
4           cordance with paragraph (8) of such section not  
5           later than 6 months thereafter.

6           (3) NOTIFICATION TO PRESIDENT.—Not later  
7           than 6 months before each auction of frequencies  
8           under paragraph (1), or the reallocation for unli-  
9           censed use of any frequency described in such para-  
10          graph, the Commission shall notify the President of  
11          the date when such auction will begin or such re-  
12          allocation will occur and the frequencies to be auc-  
13          tioned or reallocated.

14                  (4) WITHDRAWAL FROM FEDERAL USE.—Upon  
15          receipt of a notification from the Commission under  
16          paragraph (3) with respect to an auction or realloca-  
17          tion of frequencies, the President shall withdraw the  
18          assignment to a Federal Government station of any  
19          such frequency.

20          (c) AUCTION PROCEEDS.—Section 309(j)(8) of the  
21          Communications Act of 1934 (47 U.S.C. 309(j)(8)) is  
22          amended—

23                  (1) in subparagraph (A), by striking “(B), (D),  
24          and (E),” and inserting “(B), (D), (E), (F), and  
25          (G),”;

1 (2) in subparagraph (C)—

2 (A) in clause (i), by striking “subpara-  
3 graph (E)(ii)” and inserting “subparagraphs  
4 (D)(ii), (E)(ii), (F), and (G)(iv)”; and

5 (B) in clause (iii)—

6 (i) by striking the period at the end  
7 and inserting a semicolon;

8 (ii) by striking “shall be” and insert-  
9 ing the following:

10 “(I) before the date of the enact-  
11 ment of the Wireless Innovation and  
12 Public Safety Act of 2011, shall be”;  
13 and

14 (iii) by adding at the end the fol-  
15 lowing:

16 “(II) during the 10-year period  
17 beginning on the date of the enact-  
18 ment of the Wireless Innovation and  
19 Public Safety Act of 2011, shall be  
20 transferred to the Public Safety  
21 Broadband Corporation established  
22 under section 201(a)(1) of such Act  
23 for use by the Corporation to carry  
24 out its duties and responsibilities  
25 under titles I and II of such Act; and

1                   “(III) after such period, shall be  
2                   transferred to the general fund of the  
3                   Treasury for the sole purpose of def-  
4                   icit reduction.”;

5                   (3) in subparagraph (D)—

6                   (A) by striking the heading and inserting  
7                   “PROCEEDS FROM REALLOCATED FEDERAL  
8                   SPECTRUM”;

9                   (B) by striking “Cash” and inserting the  
10                  following:

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

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

14                  “(ii) CERTAIN OTHER PROCEEDS.—  
15                  Except as provided in subparagraph (B),  
16                  in the case of proceeds (including deposits  
17                  and upfront payments from successful bid-  
18                  ders) attributable to the auction of eligible  
19                  frequencies described in paragraph (2) of  
20                  section 113(g) of the National Tele-  
21                  communications and Information Adminis-  
22                  tration Organization Act that are required  
23                  to be auctioned by subsection (a)(1) or  
24                  (b)(1) of section 301 of the Wireless Inno-  
25                  vation and Public Safety Act of 2011, such

1                   portion of such proceeds as is necessary to  
2                   cover the relocation costs and sharing costs  
3                   (as defined in paragraph (3) of such sec-  
4                   tion 113(g)) of Federal entities relocated  
5                   from or sharing such eligible frequencies  
6                   shall be deposited in the Spectrum Reloca-  
7                   tion Fund. The remainder of such proceeds  
8                   shall be deposited in the Public Safety  
9                   Trust Fund established by section  
10                  401(a)(1) of such Act.”; and

11                  (4) by adding at the end the following new sub-  
12                  paragraph:

13                         “(F) CERTAIN PROCEEDS DESIGNATED  
14                         FOR PUBLIC SAFETY TRUST FUND.—Except as  
15                         provided in subparagraphs (B) and (D), the  
16                         proceeds (including deposits and upfront pay-  
17                         ments from successful bidders) from the use of  
18                         a system of competitive bidding under this sub-  
19                         section pursuant to subsections (a)(1) and  
20                         (b)(1) of section 301 of the Wireless Innovation  
21                         and Public Safety Act of 2011 shall be depos-  
22                         ited in the Public Safety Trust Fund estab-  
23                         lished by section 401(a)(1) of such Act.”.

24                  (d) EXTENSION OF AUCTION AUTHORITY.—Section  
25                  309(j)(11) of the Communications Act of 1934 (47 U.S.C.

1 309(j)(11)) is amended by striking “2012” and inserting  
2 “2021”.

3 **SEC. 302. INCENTIVE AUCTION AUTHORITY.**

4 (a) IN GENERAL.—Section 309(j)(8) of the Commu-  
5 nications Act of 1934, as amended by section 301(c), is  
6 further amended by adding at the end the following new  
7 subparagraph:

8 “(G) INCENTIVE AUCTION AUTHORITY.—

9 “(i) IN GENERAL.—If the Commission  
10 determines that it is consistent with the  
11 public interest in utilization of the spec-  
12 trum for a licensee to voluntarily relinquish  
13 some or all of its licensed rights for the  
14 use of spectrum in order to permit—

15 “(I) through competitive bidding  
16 under this subsection, the assignment  
17 of initial licenses subject to new serv-  
18 ice rules, on a flexible-use basis to the  
19 extent technologically feasible; or

20 “(II) the allocation of spectrum  
21 for unlicensed use;

22 the Commission may disburse to such li-  
23 censee, from the proceeds from competitive  
24 bidding for any spectrum usage rights  
25 made available by reason of

1           relinquishments under this subparagraph,  
2           an amount that the Commission considers  
3           appropriate, based on the value of the  
4           rights relinquished by such licensee.

5           “(ii) FACTORS FOR CONSIDER-  
6           ATION.—In considering whether to accept  
7           the voluntary relinquishment of licensed  
8           spectrum usage rights of a licensee and  
9           share proceeds with such licensee under  
10          clause (i), the Commission shall consider  
11          the following factors:

12           “(I) The conditions under which  
13           such licensee could maintain the li-  
14           cense and whether such licensee is in  
15           compliance with the license terms.

16           “(II) The extent to which such  
17           relinquishment would serve the public  
18           interest, convenience, and necessity.

19           “(iii) COVERAGE AREA REQUIRE-  
20           MENTS.—In assigning licenses under this  
21           subparagraph, the Commission shall make  
22           all reasonable efforts to ensure that there  
23           is an adequate opportunity for applicants  
24           to submit bids for licenses covering both

1 large and small geographic areas, as such  
2 areas are determined by the Commission.

3 “(iv) TREATMENT OF REVENUES.—  
4 Except as provided in subparagraph (B),  
5 all proceeds (including deposits and up-  
6 front payments from successful bidders)  
7 from the auction of spectrum usage rights  
8 made available by relinquishments under  
9 this subparagraph shall be deposited in the  
10 Public Safety Trust Fund established by  
11 section 401(a)(1) of the Wireless Innova-  
12 tion and Public Safety Act of 2011.”.

13 (b) SPECIAL RULES FOR TELEVISION BROADCAST  
14 SPECTRUM.—

15 (1) GENERAL AUTHORITY TO REORGANIZE.—In  
16 order to create a geographically contiguous band of  
17 spectrum across the United States, the Commission  
18 shall—

19 (A) create a framework to make available  
20 such portions of the television broadcast spec-  
21 trum as the Commission considers appropriate;  
22 and

23 (B) require television broadcast station li-  
24 censees and other licensees to relocate, as the  
25 Commission considers appropriate.

1           (2) VOLUNTARY NATURE OF INCENTIVE AUC-  
2           TIONS.—Except as provided in paragraphs (3) and  
3           (4), reclamation or modification of spectrum usage  
4           rights of a television broadcast station licensee for  
5           the purpose of providing spectrum usage rights to  
6           carry out an incentive auction under subparagraph  
7           (G) of section 309(j)(8) of the Communications Act  
8           of 1934, as added by subsection (a), shall be on a  
9           voluntary basis.

10           (3) RECLAMATION IN EXCHANGE FOR RIGHTS  
11           TO SUBSTANTIALLY EQUIVALENT SPECTRUM.—

12           (A) IN GENERAL.—The Commission may  
13           reclaim the spectrum usage rights of a tele-  
14           vision broadcast station licensee for the purpose  
15           of providing spectrum usage rights to carry out  
16           an incentive auction under section 309(j)(8)(G)  
17           of the Communications Act of 1934 if the Com-  
18           mission assigns to such licensee the rights to  
19           use an identical amount of contiguous spec-  
20           trum, in the same geographic market.

21           (B) SUBSTANTIAL EQUIVALENCE.—The  
22           Commission shall ensure, to the extent tech-  
23           nically feasible, in the public interest, and con-  
24           sistent with the goals of the auction, that spec-  
25           trum usage rights assigned under subparagraph

1 (A) enable a licensee to offer service that is  
2 substantially similar in service contour, popu-  
3 lation covered, and amount of harmful inter-  
4 ference to the service offered by such licensee  
5 on the spectrum the rights to which are re-  
6 claimed by the Commission under such sub-  
7 paragraph.

8 (C) RELOCATION COSTS.—The costs in-  
9 curred by a licensee in relocating to an identical  
10 amount of spectrum under subparagraph (A)  
11 shall be paid from the Incentive Auction Relo-  
12 cation Fund established by paragraph (6).

13 (4) MODIFICATION OF RIGHTS AND COMPENSA-  
14 TION.—

15 (A) MODIFICATION.—If the Commission  
16 determines that it is in the public interest to  
17 modify the spectrum usage rights of a television  
18 broadcast station licensee for the purpose of  
19 providing spectrum usage rights to carry out an  
20 incentive auction under section 309(j)(8)(G) of  
21 the Communications Act of 1934, the Commis-  
22 sion may make the modification and com-  
23 pensate such licensee for the reduction in spec-  
24 trum usage rights from the Incentive Auction  
25 Relocation Fund established by paragraph (6).

1 (B) LEAST MODIFICATION TECHNICALLY  
2 FEASIBLE.—To the extent technically feasible  
3 and in the public interest, in making a modi-  
4 fication of the spectrum usage rights of a tele-  
5 vision broadcast station licensee under subpara-  
6 graph (A), the Commission shall make reason-  
7 able efforts to—

8 (i) preserve the amount of population  
9 covered by the signal of such licensee with-  
10 in the service area of such licensee; and

11 (ii) avoid any substantial increase in  
12 harmful interference to the signal of such  
13 licensee as a result of the modification.

14 (5) LIMITATIONS.—

15 (A) CO-LOCATION.—In the reorganization  
16 of the television broadcast spectrum under this  
17 subsection—

18 (i) the Commission may not involun-  
19 tarily co-locate multiple television broad-  
20 cast station licensees on the same channel;  
21 and

22 (ii) each television broadcast station  
23 licensee voluntarily electing to be co-lo-  
24 cated shall have the carriage rights under  
25 sections 338, 614, and 615 of the Commu-

1                    communications Act of 1934 (47 U.S.C. 338;  
2                    534; 535) that it would have had if it had  
3                    been the sole television broadcast station  
4                    licensee located at the shared location on  
5                    November 30, 2010.

6                    (B) NO INVOLUNTARY RELOCATION FROM  
7                    UHF TO VHF.—In the reorganization of the tel-  
8                    evision broadcast spectrum under this sub-  
9                    section, the Commission may not involuntarily  
10                  reassign a licensee from a television channel lo-  
11                  cated between 470 megahertz and 608 mega-  
12                  hertz to a television channel located between 54  
13                  megahertz and 216 megahertz.

14                  (6) ESTABLISHMENT OF INCENTIVE AUCTION  
15                  RELOCATION FUND.—

16                  (A) IN GENERAL.—There is established in  
17                  the Treasury of the United States a fund to be  
18                  known as the Incentive Auction Relocation  
19                  Fund.

20                  (B) DEPOSITS.—There shall be deposited  
21                  in the Incentive Auction Relocation Fund the  
22                  amounts specified in section 401(b)(2).

23                  (C) AVAILABILITY.—Amounts in the In-  
24                  centive Auction Relocation Fund shall be avail-  
25                  able to the Assistant Secretary for use—

1 (i) without fiscal year limitation;  
2 (ii) without further appropriation;  
3 (iii) in the case of availability for pay-  
4 ment of the costs of a particular television  
5 broadcast station licensee described in sub-  
6 paragraph (D)(i)(I), for a period not to ex-  
7 ceed 18 months following the latest of—

8 (I) completion of the auction  
9 under section 309(j) of the Commu-  
10 nications Act of 1934 (47 U.S.C.  
11 309(j)) from which such amounts  
12 were derived;

13 (II) the issuance by the Commis-  
14 sion to such licensee of a construction  
15 permit to allow such licensee to  
16 change channels or geographic loca-  
17 tions; or

18 (III) notification by such licensee  
19 to the Assistant Secretary that such  
20 licensee has incurred or will incur  
21 costs as a result of such a change;

22 (iv) in the case of availability for pay-  
23 ment of costs of a particular multichannel  
24 video programming distributor described in  
25 subparagraph (D)(i)(II), for a period not

1 to exceed 18 months following the later  
2 of—

3 (I) completion of the auction  
4 under section 309(j) of the Commu-  
5 nications Act of 1934 (47 U.S.C.  
6 309(j)) from which such amounts  
7 were derived; or

8 (II) notification by such multi-  
9 channel video programming dis-  
10 tributor to the Assistant Secretary  
11 that such multichannel video pro-  
12 gramming distributor has incurred or  
13 will incur such costs; and

14 (v) before January 1, 2018.

15 (D) USE OF FUNDS.—

16 (i) IN GENERAL.—Amounts in the In-  
17 centive Auction Relocation Fund may only  
18 be used by the Assistant Secretary, in con-  
19 sultation with the Commission, to cover—

20 (I) the costs, including the costs  
21 of new equipment, installation, and  
22 construction (including the costs of  
23 tower, antenna, transmitter, and  
24 transmission line upgrades), incurred

1 by television broadcast station licens-  
2 ees as a result of—

3 (aa) relocation to an iden-  
4 tical amount of contiguous spec-  
5 trum under paragraph (3); or

6 (bb) modification of spec-  
7 trum usage rights under para-  
8 graph (4);

9 (II) the costs of multichannel  
10 video programming distributors (as  
11 defined in section 602(13) of the  
12 Communications Act of 1934 (47  
13 U.S.C. 522(13))) to continue com-  
14 plying with any carriage obligations  
15 under sections 338, 614, and 615 of  
16 such Act (47 U.S.C. 338; 534; 535),  
17 if such costs were incurred as a result  
18 of—

19 (aa) voluntary relinquish-  
20 ment by television broadcast sta-  
21 tion licensees of spectrum usage  
22 rights under section 309(j)(8)(G)  
23 of such Act;

24 (bb) relocation of television  
25 broadcast station licensees to an

1 identical amount of contiguous  
2 spectrum under paragraph (3);  
3 or

4 (cc) modification of the  
5 spectrum usage rights of tele-  
6 vision broadcast station licensees  
7 under paragraph (4); and

8 (III) the expenses incurred by  
9 the Assistant Secretary in admin-  
10 istering the Fund.

11 (ii) PROHIBITION.—Amounts in the  
12 Incentive Auction Relocation Fund may  
13 not be used to cover—

14 (I) lost revenues; or

15 (II) costs incurred by a television  
16 broadcast station licensee as a result  
17 of a voluntary relinquishment of  
18 rights.

19 (iii) REASONABLENESS.—The Assist-  
20 ant Secretary may only make payments  
21 under clause (i) to cover costs that were  
22 reasonably incurred, as determined by the  
23 Assistant Secretary, in consultation with  
24 the Commission.

1           (7) CONFIDENTIALITY.—The Commission shall  
2           protect the confidentiality of the identity of a tele-  
3           vision broadcast station licensee offering to relin-  
4           quish spectrum usage rights under section  
5           309(j)(8)(G) of the Communications Act of 1934  
6           until the relinquishment becomes effective.

7           (8) DEADLINES FOR REORGANIZATION OF TEL-  
8           VISION BROADCAST SPECTRUM.—

9           (A) RULEMAKING.—Not later than 18  
10           months after the date of the enactment of this  
11           Act, the Commission shall complete a rule-  
12           making proceeding to establish a process for  
13           carrying out the reorganization of the television  
14           broadcast spectrum under this subsection.

15           (B) AUCTIONS.—The Commission shall  
16           take all actions necessary in order to, with re-  
17           spect to the portions of the television broadcast  
18           spectrum made available through the reorga-  
19           nization under this subsection—

20           (i) not later than January 31, 2016—

21           (I) commence the bidding process  
22           under section 309(j)(8)(G) of the  
23           Communications Act of 1934 to as-  
24           sign initial licenses subject to new

1 service rules, on a flexible-use basis to  
2 the extent technologically feasible; or

3 (II) allocate such spectrum for  
4 unlicensed use; and

5 (ii) not later than June 30, 2016, de-  
6 posit the available proceeds in accordance  
7 with such section.

8 (9) LIMITATION.—During the period beginning  
9 on the date of the enactment of this Act and ending  
10 on June 30, 2016, the Commission may conduct  
11 only 1 process involving reorganization of the tele-  
12 vision broadcast spectrum under this subsection.

13 (10) CERTAIN PROVISIONS INAPPLICABLE.—  
14 The following provisions of the Communications Act  
15 of 1934 shall not apply in the case of the reorga-  
16 nization of television broadcast spectrum under this  
17 subsection or the auction under section 309(j)(8)(G)  
18 of such Act of the spectrum made available through  
19 such reorganization: section 307(b), the 2nd and 3rd  
20 sentences and subparagraphs (A) and (F) of section  
21 309(j)(3), subparagraphs (A), (C), and (D) of sec-  
22 tion 309(j)(4), section 309(j)(15)(A), section 316,  
23 and section 331.

24 (11) DEFINITIONS.—In this subsection:

1 (A) TELEVISION BROADCAST SPECTRUM.—

2 The term “television broadcast spectrum”  
3 means the portions of the electromagnetic spec-  
4 trum between the frequencies from 54 mega-  
5 hertz to 72 megahertz, from 76 megahertz to  
6 88 megahertz, from 174 megahertz to 216  
7 megahertz, from 470 megahertz to 608 mega-  
8 hertz, and from 614 megahertz to 698 mega-  
9 hertz.

10 (B) TELEVISION BROADCAST STATION LI-

11 CENSEE.—The term “television broadcast sta-  
12 tion licensee” means the licensee of—

13 (i) a full-power television station; or

14 (ii) low-power television station that  
15 has been accorded primary status as a  
16 Class A television licensee under section  
17 73.6001(a) of title 47, Code of Federal  
18 Regulations.

19 (12) EXPIRATION.—The preceding paragraphs  
20 of this subsection, except paragraphs (6) and (11),  
21 shall not apply after June 30, 2016.

22 (c) INCENTIVE AUCTIONS TO REPURPOSE CERTAIN  
23 MOBILE SATELLITE SERVICE SPECTRUM FOR TERRES-  
24 TRIAL BROADBAND USE.—

1           (1) IN GENERAL.—To the extent that the Com-  
2           mission makes available, after the date of the enact-  
3           ment of this Act, initial spectrum licenses for the  
4           use of some or all of the spectrum described in para-  
5           graph (2) for terrestrial broadband use, such li-  
6           censes shall be assigned through a system of com-  
7           petitive bidding under section 309(j) of the Commu-  
8           nications Act of 1934 (47 U.S.C. 309(j)), including,  
9           as appropriate, paragraph (8)(G) of such section.

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

12                   (A) The frequencies from 1525 megahertz  
13                   to 1544 megahertz, from 1545 megahertz to  
14                   1559 megahertz, from 1626.5 megahertz to  
15                   1645.5 megahertz, and from 1646.5 megahertz  
16                   to 1660.5 megahertz (the L band).

17                   (B) The frequencies from 1610 megahertz  
18                   to 1626.5 megahertz and from 2483.5 mega-  
19                   hertz to 2500 megahertz (the Big LEO band).

20                   (C) The frequencies from 2000 megahertz  
21                   to 2020 megahertz and from 2180 megahertz  
22                   to 2200 megahertz (the S band).

23           (3) RETENTION OF COMMISSION AUTHORITY.—  
24           Nothing in this subsection shall modify or restrict  
25           the authority of the Commission to grant a waiver

1 under section 316 of the Communications Act of  
2 1934 (47 U.S.C. 316) to an existing mobile satellite  
3 service licensee to afford such licensee additional  
4 flexibility to provide terrestrial broadband services.

5 **TITLE IV—PUBLIC SAFETY**  
6 **TRUST FUND**

7 **SEC. 401. PUBLIC SAFETY TRUST FUND.**

8 (a) ESTABLISHMENT OF PUBLIC SAFETY TRUST  
9 FUND.—

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

13 (2) DEPOSIT OF RECEIPTS.—

14 (A) IN GENERAL.—There shall be depos-  
15 ited in the Public Safety Trust Fund the pro-  
16 ceeds from the auction of spectrum required to  
17 be deposited in the Fund by subparagraphs  
18 (D)(ii), (F), and (G) of section 309(j)(8) of the  
19 Communications Act of 1934, as added by sec-  
20 tions 301(c)(3)(C), 301(c)(4), and 302(a), re-  
21 spectively.

22 (B) AVAILABILITY.—Amounts deposited in  
23 the Public Safety Trust Fund in accordance  
24 with subparagraph (A) shall remain available  
25 through fiscal year 2021. After the end of such

1           fiscal year, such amounts shall be deposited in  
2           the general fund of the Treasury, where such  
3           amounts shall be dedicated for the sole purpose  
4           of deficit reduction.

5           (b) USE OF FUND.—Amounts deposited in the Public  
6 Safety Trust Fund shall be used in the following manner:

7           (1) PAYMENT OF INCENTIVE AMOUNTS.—

8                   (A) DISBURSALS.—Amounts in the Public  
9 Safety Trust Fund shall be used to make the  
10 disbursements permitted by section 309(j)(8)(G)(i)  
11 of the Communications Act of 1934 to licensees  
12 who voluntarily relinquished licensed spectrum  
13 usage rights under such section.

14                   (B) NOTIFICATION TO CONGRESS.—

15                           (i) IN GENERAL.—At least 3 months  
16 before any incentive auction conducted  
17 under section 309(j)(8)(G) of the Commu-  
18 nications Act of 1934, the Chairman of the  
19 Commission, in consultation with the Di-  
20 rector of the Office of Management and  
21 Budget, shall notify the appropriate com-  
22 mittees of Congress—

23   (I) of the methodology for calcu-  
24 lating any disbursements described in sub-

1 paragraph (A) that will be made from  
2 the proceeds of such auction; and

3 (II) that such methodology con-  
4 siders the value of the spectrum vol-  
5 untarily relinquished in its current use  
6 and the timeliness with which the li-  
7 censee cleared its use of such spec-  
8 trum.

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

12 (I) the Committee on Commerce,  
13 Science, and Transportation of the  
14 Senate;

15 (II) the Committee on Appropria-  
16 tions 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.

23 (2) INCENTIVE AUCTION RELOCATION FUND.—  
24 Not less than 5 percent but not more than  
25 \$1,000,000,000 of the amounts in the Public Safety

1 Trust Fund shall be deposited in the Incentive Auc-  
2 tion Relocation Fund established by section  
3 302(b)(6)(A).

4 (3) STATE, LOCAL, AND TRIBAL PLANNING AND  
5 IMPLEMENTATION FUND.—\$250,000,000 shall be  
6 deposited in the State, Local, and Tribal Planning  
7 and Implementation Fund established by section  
8 211(a).

9 (4) PUBLIC SAFETY BROADBAND CORPORA-  
10 TION.—\$11,000,000,000 shall be deposited with the  
11 Public Safety Broadband Corporation established  
12 under section 201(a) for ensuring the construction,  
13 management, maintenance, and operation of the  
14 public safety broadband network.

15 (5) PUBLIC SAFETY RESEARCH AND DEVELOP-  
16 MENT.—\$40,000,000 per year for each of the fiscal  
17 years 2012 through 2016 shall be made available for  
18 use by the Director of NIST to carry out the re-  
19 search program established under section 221.

20 (6) NHTSA REPORT ON NEXT GENERATION 9-  
21 1-1 SERVICES.—\$2,000,000 shall be made available  
22 for fiscal years 2012 and 2013 for use by the Ad-  
23 ministrator of the National Highway Traffic Safety  
24 Administration to prepare the report on Next Gen-  
25 eration 9-1-1 services required by section 237.

1           (7) DEFICIT REDUCTION.—Any amounts re-  
2           maining in the Public Safety Trust Fund after the  
3           deduction of the amounts required by paragraphs  
4           (1) through (6) shall be deposited in the general  
5           fund of the Treasury, where such amounts shall be  
6           dedicated for the sole purpose of deficit reduction.

7           (c) INVESTMENT.—Amounts in the Public Safety  
8           Trust Fund shall be invested in accordance with section  
9           9702 of title 31, United States Code, and any interest on,  
10          and proceeds from, any such investment shall be credited  
11          to, and become a part of, the Fund.

## 12           **TITLE V—SPECTRUM POLICY**

### 13           **SEC. 501. SPECTRUM INVENTORY.**

14          Part B of title I of the National Telecommunications  
15          and Information Administration Organization Act (47  
16          U.S.C. 921 et seq.) is amended by adding at the end the  
17          following:

#### 18           **“SEC. 119. SPECTRUM INVENTORY.**

19           “(a) RADIO SPECTRUM INVENTORY.—In order to  
20           promote the efficient use of the electromagnetic spectrum,  
21           the Assistant Secretary and the Commission shall coordi-  
22           nate and carry out each of the following activities not later  
23           than 1 year after the date of enactment of this section:

24                   “(1) Except as provided in subsection (e), cre-  
25           ate an inventory of each radio spectrum band of fre-

1 frequencies listed in the United States Table of Fre-  
2 quency Allocations, from 225 megahertz to, at a  
3 minimum, 3.7 gigahertz, and to 10 gigahertz unless  
4 the Assistant Secretary and the Commission deter-  
5 mine that the burden of expanding the inventory  
6 outweighs the benefit, that includes—

7 “(A) the radio services authorized to oper-  
8 ate in each band of frequencies;

9 “(B) the identity of each Federal or non-  
10 Federal user within each such radio service au-  
11 thorized to operate in each band of frequencies;

12 “(C) the activities, capabilities, functions,  
13 or missions (including whether such activities,  
14 capabilities, functions, or missions are space-  
15 based, air-based, or ground-based) supported by  
16 the transmitters, end-user terminals or receiv-  
17 ers, or other radio frequency devices authorized  
18 to operate in each band of frequencies;

19 “(D) the total amount of spectrum, by  
20 band of frequencies, assigned or licensed to  
21 each Federal or non-Federal user (in percent-  
22 age terms and in sum) and the geographic  
23 areas covered by their respective assignments or  
24 licenses; and

25 “(E) to the greatest extent possible—

1           “(i) the approximate number of trans-  
2           mitters, end-user terminals or receivers, or  
3           other radio frequency devices authorized to  
4           operate, as appropriate to characterize the  
5           extent of use of each radio service in each  
6           band of frequencies;

7           “(ii) an approximation of the extent  
8           to which each Federal or non-Federal user  
9           is using, by geography, each band of fre-  
10          quencies, such as the amount and percent-  
11          age of time of use, number of end users,  
12          or other measures as appropriate to the  
13          particular band and radio service;

14          “(iii) contour maps or other informa-  
15          tion that illustrates the coverage area, re-  
16          ceiver performance, and other parameters  
17          relevant to an assessment of the avail-  
18          ability of spectrum in each band;

19          “(iv) for each band or range of fre-  
20          quencies, the identity of each entity offer-  
21          ing unlicensed services and the types and  
22          approximate number of unlicensed inten-  
23          tional radiators verified or certified by the  
24          Commission that are authorized to operate;  
25          and

1                   “(v) for non-Federal users, any com-  
2                   mercial names under which facilities-based  
3                   service is offered to the public using the  
4                   spectrum of the non-Federal user, includ-  
5                   ing the commercial names under which the  
6                   spectrum is being offered through resale.

7                   “(2) Except as provided in subsection (e), cre-  
8                   ate a centralized portal or Web site to make the in-  
9                   ventory of the bands of frequencies required under  
10                  paragraph (1) available to the public.

11                  “(b) USE OF AGENCY RESOURCES.—In creating the  
12                  inventory described in subsection (a)(1), the Assistant  
13                  Secretary and the Commission shall first use agency re-  
14                  sources, including existing databases, field testing, and  
15                  recordkeeping systems, and only request information from  
16                  Federal and non-Federal users if such information cannot  
17                  be obtained using such agency resources.

18                  “(c) REPORTS.—

19                  “(1) IN GENERAL.—Except as provided in sub-  
20                  section (e), not later than 2 years after the date of  
21                  enactment of this section and biennially thereafter,  
22                  the Assistant Secretary and the Commission shall  
23                  submit a report to the Committee on Commerce,  
24                  Science, and Transportation of the Senate and to

1 the Committee on Energy and Commerce of the  
2 House of Representatives containing—

3 “(A) the results of the inventory created  
4 under subsection (a)(1), including any update  
5 to the information in the inventory pursuant to  
6 subsection (d);

7 “(B) a description of any information the  
8 Assistant Secretary or the Commission deter-  
9 mines is necessary for such inventory but that  
10 is unavailable; and

11 “(C) a description of any information not  
12 provided by any Federal or non-Federal user in  
13 accordance with subsections (e)(1)(B)(ii) and  
14 (e)(2)(C)(ii).

15 “(2) RELOCATION REPORT.—

16 “(A) IN GENERAL.—Except as provided in  
17 subsection (e), the Assistant Secretary and the  
18 Commission shall submit a report to the Com-  
19 mittee on Commerce, Science, and Transpor-  
20 tation of the Senate and the Committee on En-  
21 ergy and Commerce of the House of Represent-  
22 atives containing a recommendation of which  
23 spectrum, if any, should be reallocated or other-  
24 wise made available for shared access and an

1 explanation of the basis for that recommenda-  
2 tion.

3 “(B) DEADLINES.—The report required  
4 under subparagraph (A) shall be submitted not  
5 later than 2 years after the date of enactment  
6 of this section and every 2 years thereafter.

7 “(3) INVENTORY REPORT.—If the Assistant  
8 Secretary and the Commission have not conducted  
9 an inventory under subsection (a) to 10 gigahertz at  
10 least 90 days before the third report required under  
11 paragraph (1) is submitted, the Assistant Secretary  
12 and the Commission shall include an evaluation in  
13 such report and in every report thereafter of wheth-  
14 er the burden of expanding the inventory to 10  
15 gigahertz outweighs the benefit until such time as  
16 the Assistant Secretary and the Commission have  
17 conducted the inventory to 10 gigahertz.

18 “(d) MAINTENANCE AND UPDATING OF INFORMA-  
19 TION.—After the creation of the inventory required by  
20 subsection (a)(1), the Assistant Secretary and the Com-  
21 mission shall make all reasonable efforts to maintain and  
22 update the information required under such subsection on  
23 a quarterly basis, including when there is a transfer or  
24 auction of a license or a change in a permanent assign-  
25 ment or license.

1           “(e) NATIONAL SECURITY AND PUBLIC SAFETY IN-  
2 FORMATION.—

3           “(1) NONDISCLOSURE.—

4                   “(A) IN GENERAL.—If the head of an ex-  
5           ecutive agency of the Federal Government de-  
6           termines that public disclosure of certain infor-  
7           mation held by that agency or a licensee of non-  
8           Federal spectrum and required by subsection  
9           (a), (c), or (d) would reveal classified national  
10          security information or other information for  
11          which there is a legal basis for nondisclosure  
12          and such public disclosure would be detrimental  
13          to national security, homeland security, or pub-  
14          lic safety, the agency head shall notify the As-  
15          sistant Secretary of that determination and  
16          shall include descriptions of the activities, capa-  
17          bilities, functions, or missions (including wheth-  
18          er they are space-based, air-based, or ground-  
19          based) supported by the information being with-  
20          held.

21                   “(B) INFORMATION PROVIDED.—The  
22          agency head shall provide to the Assistant Sec-  
23          retary—

24                           “(i) the publicly releasable informa-  
25                           tion required by subsection (a)(1);

1           “(ii) to the maximum extent prac-  
2           ticable, a summary description, suitable for  
3           public release, of the classified national se-  
4           curity information or other information for  
5           which there is a legal basis for nondisclo-  
6           sure; and

7           “(iii) a classified annex, under appro-  
8           priate cover, containing the classified na-  
9           tional security information or other infor-  
10          mation for which there is a legal basis for  
11          nondisclosure that the agency head has de-  
12          termined must be withheld from public dis-  
13          closure.

14          “(2) PUBLIC SAFETY NONDISCLOSURE.—

15          “(A) IN GENERAL.—If a licensee of non-  
16          Federal spectrum determines that public disclo-  
17          sure of certain information held by that licensee  
18          and required to be submitted by subsection (a),  
19          (c), or (d) would reveal information for which  
20          public disclosure would be detrimental to public  
21          safety, or the licensee is otherwise prohibited by  
22          law from disclosing the information, the licensee  
23          may petition the Commission for a partial or  
24          total exemption from inclusion on the central-

1            ized portal or Web site under subsection (a)(2)  
2            and in the report required by subsection (c).

3            “(B) BURDEN.—The licensee seeking an  
4            exemption under this paragraph bears the bur-  
5            den of justifying the exemption and shall pro-  
6            vide clear and convincing evidence to support  
7            such an exemption.

8            “(C) INFORMATION REQUIRED.—If an ex-  
9            emption is granted under this paragraph, the li-  
10           licensee shall provide to the Commission—

11                    “(i) the publicly releasable informa-  
12                    tion required by subsection (a)(1) for the  
13                    inventory;

14                    “(ii) to the maximum extent prac-  
15                    ticable, a summary description, suitable for  
16                    public release, of the information for which  
17                    public disclosure would be detrimental to  
18                    public safety or the licensee is otherwise  
19                    prohibited by law from disclosing; and

20                    “(iii) an annex, under appropriate  
21                    cover, containing the information that the  
22                    Commission has determined should be  
23                    withheld from public disclosure.

24            “(3) ADDITIONAL DISCLOSURE.—The annexes  
25            required under paragraphs (1)(B)(iii) and (2)(C)(iii)

1 shall be provided to the congressional committees  
2 listed in subsection (c), but shall not be disclosed to  
3 the public under subsection (a) or subsection (d) or  
4 provided to any unauthorized person through any  
5 other means.

6 “(4) NATIONAL SECURITY COUNCIL CONSULTA-  
7 TION.—Prior to the release of the inventory under  
8 subsection (a), any updates to the inventory result-  
9 ing from subsection (d), or the submission of a re-  
10 port under subsection (c)(1), the Assistant Secretary  
11 and the Commission shall consult with the National  
12 Security Council for a period not to exceed 30 days  
13 for the purposes of determining what additional in-  
14 formation, if any, shall be withheld from the public.

15 “(f) PROPRIETARY INFORMATION.—In creating and  
16 maintaining the inventory, centralized portal or Web site,  
17 and reports under this section, the Assistant Secretary  
18 and the Commission shall follow their rules and practice  
19 regarding confidential and proprietary information. Noth-  
20 ing in this subsection shall be construed to compel the  
21 Commission to make publicly available any confidential or  
22 proprietary information.”.

1 **SEC. 502. FEDERAL SPECTRUM PLANNING.**

2 (a) REVIEW OF EVALUATION PROCESS.—Not later  
3 than 6 months after the date of enactment of this Act,  
4 the Comptroller General of the United States shall—

5 (1) conduct a review of the processes that Fed-  
6 eral entities utilize to evaluate the spectrum needs of  
7 such entities;

8 (2) make recommendations on how to improve  
9 such processes; and

10 (3) submit to the appropriate committees of  
11 Congress a report on the review and recommenda-  
12 tions made pursuant to paragraphs (1) and (2).

13 (b) REVISION OF EVALUATION PROCESS.—

14 (1) IN GENERAL.—Not later than 1 year after  
15 the date of enactment of this Act, each Federal enti-  
16 ty shall update or revise the process used by such  
17 entity to evaluate the proposed spectrum needs of  
18 such entity, or establish such a process, taking into  
19 account any applicable recommendations made in  
20 the report required by subsection (a).

21 (2) REQUIRED INCLUSIONS.—

22 (A) ANALYSIS OF OPTIONS.—Each process  
23 described in paragraph (1), whether newly es-  
24 tablished, updated, or revised, shall include an  
25 analysis and assessment of—

1 (i) the options available to the Federal  
2 entity to obtain communications services  
3 that are the most spectrum-efficient; and

4 (ii) the effective alternatives available  
5 to such entity that will permit the entity to  
6 continue to satisfy the mission require-  
7 ments of the entity.

8 (B) ANALYSIS SUBMITTED TO NTIA.—The  
9 analysis and assessment carried out under sub-  
10 paragraph (A) shall be submitted by the Fed-  
11 eral entity to the Assistant Secretary at the  
12 same time that the entity seeks certification or  
13 recertification, if applicable, of spectrum sup-  
14 port from the NTIA pursuant to the require-  
15 ments of the National Telecommunications and  
16 Information Administration Organization Act  
17 (47 U.S.C. 901 et seq.) and OMB Circular A-  
18 11.

19 (c) SPECTRUM PLANS OF FEDERAL ENTITIES.—

20 (1) IN GENERAL.—Not later than 2 years after  
21 the date of enactment of this Act, and every 2 years  
22 thereafter, each Federal entity shall provide an enti-  
23 ty-specific strategic spectrum plan to the Assistant  
24 Secretary and the Director of the Office of Manage-  
25 ment and Budget.

1           (2) REQUIRED INCLUSIONS.—Each strategic  
2 spectrum plan submitted under paragraph (1) shall  
3 include—

4           (A) the spectrum requirements of the enti-  
5 ty;

6           (B) the planned uses of new technologies  
7 or expanded services requiring spectrum over a  
8 period of time to be determined by the entity;

9           (C) suggested spectrum-efficient ap-  
10 proaches to meeting the spectrum requirements  
11 identified under subparagraph (A); and

12           (D) progress reports on the activities of  
13 the entity to improve its spectrum management.

14       (d) CLASSIFIED NATIONAL SECURITY INFORMATION  
15 AND CERTAIN OTHER INFORMATION.—

16           (1) IN GENERAL.—The head of a Federal entity  
17 shall take the actions described in paragraph (2) if  
18 such head determines that disclosure of information  
19 required by subsection (c) would reveal—

20           (A) information that is classified in accord-  
21 ance with Executive Order 13526 (75 Fed. Reg.  
22 707) or any successor Executive order estab-  
23 lishing or modifying the uniform system for  
24 classifying, safeguarding, and declassifying na-  
25 tional security information; or

1 (B) other information for which there is a  
2 legal basis for nondisclosure and the public dis-  
3 closure of which would be detrimental to na-  
4 tional security, homeland security, or public  
5 safety.

6 (2) ACTIONS DESCRIBED.—The actions de-  
7 scribed in this paragraph are the following:

8 (A) Notification to the Assistant Secretary  
9 of the determination under paragraph (1).

10 (B) Provision to the Assistant Secretary  
11 of—

12 (i) the publicly releasable information  
13 required by subsection (c);

14 (ii) to the maximum extent prac-  
15 ticable, a summary description, suitable for  
16 public release, of the classified information  
17 or other information for which there is a  
18 legal basis for nondisclosure; and

19 (iii) a classified annex, under appro-  
20 priate cover, containing the classified infor-  
21 mation or other information for which  
22 there is a legal basis for nondisclosure that  
23 the head of the Federal entity has deter-  
24 mined must be withheld from public dislo-  
25 sure.

1           (3) ANNEX RESTRICTION.—The Assistant Sec-  
2       retary shall make an annex described in paragraph  
3       (2)(B)(iii) available to the Secretary of Commerce  
4       and the Director of the Office of Management and  
5       Budget. Neither the Assistant Secretary, the Sec-  
6       retary of Commerce, nor the Director of the Office  
7       of Management and Budget may make any such  
8       annex available to the public or to any unauthorized  
9       person through any other means.

10       (e) FEDERAL STRATEGIC SPECTRUM PLAN.—

11           (1) DEVELOPMENT AND SUBMISSION.—

12           (A) IN GENERAL.—The Secretary of Com-  
13       merce shall develop a Federal Strategic Spec-  
14       trum Plan, in coordination with the Assistant  
15       Secretary and the Director of the Office of  
16       Management and Budget.

17           (B) SUBMISSION TO CONGRESS.—Not later  
18       than 6 months after the date by which the ini-  
19       tial entity-specific strategic spectrum plans are  
20       required to be submitted to the Assistant Sec-  
21       retary under subsection (c)(1), the Secretary of  
22       Commerce shall, consistent with the require-  
23       ments set forth in subsection (d)(3), submit the  
24       Federal Strategic Spectrum Plan developed

1 under subparagraph (A) to the appropriate  
2 committees of Congress.

3 (C) NONDISCLOSURE OF ANNEXES.—The  
4 Federal Strategic Spectrum Plan required to be  
5 submitted under subparagraph (B) shall be  
6 submitted in unclassified form, but shall in-  
7 clude, if appropriate, 1 or more annexes as pro-  
8 vided for by subsection (d)(2)(B)(iii). No con-  
9 gressional committee may make any such annex  
10 available to the public or to any unauthorized  
11 person.

12 (D) CLASSIFIED ANNEXES.—If the Federal  
13 Strategic Spectrum Plan includes a classified  
14 annex as provided for by subsection  
15 (d)(2)(B)(iii), the Secretary of Commerce  
16 shall—

17 (i) submit the classified annex only to  
18 the appropriate committees of Congress  
19 with primary oversight jurisdiction for the  
20 user entities or licensees concerned; and

21 (ii) provide notice of the submission to  
22 the other appropriate committees of Con-  
23 gress.

24 (E) DEFINITION.—In this subsection, the  
25 term “appropriate committees of Congress”

1 means the Committee on Commerce, Science,  
2 and Transportation of the Senate, the Com-  
3 mittee on Energy and Commerce of the House  
4 of Representatives, and any other congressional  
5 committee with primary oversight jurisdiction  
6 for the user entity or licensees concerned.

7 (2) INCORPORATION OF ENTITY PLANS.—The  
8 Federal Strategic Spectrum Plan developed under  
9 paragraph (1)(A) shall incorporate, consistent with  
10 the requirements of subsection (d)(3), the initial en-  
11 tity-specific strategic spectrum plans submitted  
12 under subsection (c)(1).

13 (3) REQUIRED INCLUSIONS.—The Federal  
14 Strategic Spectrum Plan developed under paragraph  
15 (1)(A) shall include—

16 (A) information on how spectrum assigned  
17 to and used by Federal entities is being used;

18 (B) opportunities to increase efficient use  
19 of infrastructure and spectrum assigned to and  
20 used by Federal entities;

21 (C) an assessment of the future spectrum  
22 needs of the Federal Government; and

23 (D) plans to incorporate such needs in the  
24 frequency assignment, equipment certification,  
25 and review processes of the Assistant Secretary.

1           (4) UPDATES.—The Secretary of Commerce  
2 shall revise and update the Federal Strategic Spec-  
3 trum Plan developed under paragraph (1)(A) to take  
4 into account the biennial submission of the entity-  
5 specific strategic spectrum plans submitted under  
6 subsection (c)(1).

7           (f) NATIONAL STRATEGIC SPECTRUM PLAN.—

8           (1) IN GENERAL.—Not later than 4 years after  
9 the date of enactment of this Act, and every 4 years  
10 thereafter, the Assistant Secretary and the Commis-  
11 sion, in consultation with other Federal departments  
12 and agencies, State, local, and tribal entities, and  
13 commercial spectrum interests, shall develop a quad-  
14 rennial National Strategic Spectrum Plan.

15           (2) REQUIRED INCLUSION.—A National Stra-  
16 tegic Spectrum Plan developed under paragraph (1)  
17 shall include the following:

18           (A) The Federal Strategic Spectrum Plan  
19 developed under paragraph (1)(A) of subsection  
20 (e), as updated under paragraph (4) of such  
21 subsection.

22           (B) Long-range spectrum planning for  
23 both Federal and non-Federal users, including  
24 commercial users and State and local govern-  
25 ment users.

1 (C) An identification of new technologies  
2 or expanded services requiring spectrum.

3 (D) An identification and analysis of the  
4 nature and characteristics of the new radio  
5 communication systems required and the nature  
6 and characteristics of the spectrum required.

7 (E) An identification and analysis of effi-  
8 cient approaches to meeting the future spec-  
9 trum requirements of all users, including—

10 (i) requiring certain standards-based  
11 technologies that improve spectrum effi-  
12 ciencies;

13 (ii) spectrum sharing and reuse op-  
14 portunities;

15 (iii) possible reallocation; and

16 (iv) any other approaches that pro-  
17 mote efficient use of spectrum.

18 (F) An evaluation of current spectrum  
19 auction processes to determine the effectiveness  
20 of such processes in—

21 (i) promoting competition;

22 (ii) improving the efficiency of spec-  
23 trum use; and

1 (iii) maximizing the full economic  
2 value of the spectrum to consumers, indus-  
3 try, and taxpayers.

4 **SEC. 503. REALLOCATING FEDERAL SPECTRUM FOR COM-**  
5 **MERCIAL PURPOSES AND FEDERAL SPEC-**  
6 **TRUM SHARING.**

7 (a) **ELIGIBLE FEDERAL ENTITIES.**—Section  
8 113(g)(1) of the National Telecommunications and Infor-  
9 mation Administration Organization Act (47 U.S.C.  
10 923(g)(1)) is amended to read as follows:

11 “(1) **ELIGIBLE FEDERAL ENTITIES.**—Any Fed-  
12 eral entity that operates a Federal Government sta-  
13 tion authorized to use a band of frequencies speci-  
14 fied in paragraph (2) and that incurs relocation  
15 costs or sharing costs because of planning for a po-  
16 tential auction of spectrum frequencies, a planned  
17 auction of spectrum frequencies, or the reallocation  
18 of spectrum frequencies from Federal use to exclu-  
19 sive non-Federal use or to shared use shall receive  
20 payment for such relocation costs or sharing costs  
21 from the Spectrum Relocation Fund, in accordance  
22 with section 118. For purposes of this paragraph,  
23 Federal power agencies exempted under subsection  
24 (c)(4) that choose to relocate from the frequencies  
25 identified for reallocation pursuant to subsection (a)

1 are eligible to receive payment under this para-  
2 graph.”.

3 (b) ELIGIBLE FREQUENCIES.—Section 113(g)(2)(B)  
4 of the National Telecommunications and Information Ad-  
5 ministration Organization Act (47 U.S.C. 923(g)(2)(B))  
6 is amended to read as follows:

7 “(B) any other band of frequencies reallo-  
8 cated from Federal use to non-Federal or  
9 shared use, whether for licensed or unlicensed  
10 use, after January 1, 2003, that is assigned—

11 “(i) by competitive bidding pursuant  
12 to section 309(j) of the Communications  
13 Act of 1934 (47 U.S.C. 309(j)); or

14 “(ii) as a result of an Act of Congress  
15 or any other administrative or executive di-  
16 rection.”.

17 (c) RELOCATION COSTS AND SHARING COSTS DE-  
18 FINED.—Section 113(g)(3) of the National Telecommuni-  
19 cations and Information Administration Organization Act  
20 (47 U.S.C. 923(g)(3)) is amended to read as follows:

21 “(3) RELOCATION COSTS AND SHARING COSTS  
22 DEFINED.—

23 “(A) IN GENERAL.—For purposes of this  
24 subsection, the term ‘relocation costs’ or ‘shar-  
25 ing costs’ means the costs incurred by a Fed-

1           eral entity in connection with the auction (or a  
2           potential or planned auction) of spectrum fre-  
3           quencies previously assigned to such entity, or  
4           the sharing of spectrum frequencies assigned to  
5           such entity (including the auction or a potential  
6           or planned auction of the rights to use spec-  
7           trum frequencies on a shared basis with such  
8           entity), respectively, in order to achieve com-  
9           parable capability of systems as before the relo-  
10          cation or the sharing arrangement. Such term  
11          includes, with respect to relocation or sharing,  
12          as the case may be—

13                   “(i) the costs of any modification or  
14                   replacement of equipment, spares, associ-  
15                   ated ancillary equipment, software, facili-  
16                   ties, operating manuals, training costs, or  
17                   regulations that are attributable to reloca-  
18                   tion or sharing;

19                   “(ii) the costs of all engineering,  
20                   equipment, software, site acquisition, and  
21                   construction, as well as any legitimate and  
22                   prudent transaction expense, including  
23                   term-limited Federal civil servant and con-  
24                   tractor staff necessary to carry out the re-  
25                   location or sharing activities of an eligible

1 Federal entity, and reasonable additional  
2 costs incurred by the Federal entity that  
3 are attributable to relocation or sharing,  
4 including increased recurring costs associ-  
5 ated with the replacement of facilities;

6 “(iii) the costs of research, engineer-  
7 ing studies, economic analyses, or other ex-  
8 penses reasonably incurred in connection  
9 with—

10 “(I) calculating the estimated re-  
11 location costs or sharing costs that  
12 are provided to the Commission pur-  
13 suant to paragraph (4);

14 “(II) determining the technical or  
15 operational feasibility of relocation to  
16 1 or more potential relocation bands;  
17 or

18 “(III) planning for or managing  
19 a relocation or sharing project (includ-  
20 ing spectrum coordination with auc-  
21 tion winners) or potential relocation  
22 or sharing project;

23 “(iv) the one-time costs of any modi-  
24 fication of equipment reasonably nec-  
25 essary—

1                   “(I) to accommodate commercial  
2                   use of shared frequencies; or

3                   “(II) in the case of eligible fre-  
4                   quencies reallocated for exclusive com-  
5                   mercial use and assigned through a  
6                   competitive bidding process under sec-  
7                   tion 309(j) of the Communications  
8                   Act of 1934 (47 U.S.C. 309(j)) but  
9                   with respect to which a Federal entity  
10                  retains primary allocation or protected  
11                  status for a period of time after the  
12                  completion of the competitive bidding  
13                  process, to accommodate shared Fed-  
14                  eral and non-Federal use of such fre-  
15                  quencies for such period;

16                  “(v) the costs associated with the ac-  
17                  celerated replacement of systems and  
18                  equipment if such acceleration is necessary  
19                  to ensure the timely relocation of systems  
20                  to a new frequency assignment or the time-  
21                  ly accommodation of sharing of Federal  
22                  frequencies; and

23                  “(vi) the costs of the use of commer-  
24                  cial systems (including systems not uti-  
25                  lizing spectrum) to replace Federal systems

1 discontinued or relocated pursuant to this  
2 Act, including lease (including lease of  
3 land), subscription, and equipment costs  
4 over an appropriate period, such as the an-  
5 ticipated life of an equivalent Federal sys-  
6 tem or other period determined by the Di-  
7 rector of the Office of Management and  
8 Budget.

9 “(B) COMPARABLE CAPABILITY OF SYS-  
10 TEMS.—For purposes of subparagraph (A),  
11 comparable capability of systems—

12 “(i) may be achieved by relocating a  
13 Federal Government station to a new fre-  
14 quency assignment, by relocating a Federal  
15 Government station to a different geo-  
16 graphic location, by modifying Federal  
17 Government equipment to mitigate inter-  
18 ference or use less spectrum, in terms of  
19 bandwidth, geography, or time, and there-  
20 by permitting spectrum sharing (including  
21 sharing among relocated Federal entities  
22 and incumbents to make spectrum avail-  
23 able for non-Federal use) or relocation, or  
24 by utilizing an alternative technology; and

1                   “(ii) includes the acquisition of state-  
2                   of-the-art replacement systems intended to  
3                   meet comparable operational scope, which  
4                   may include incidental increases in  
5                   functionality.”.

6           (d) CERTAIN PROCEDURAL REQUIREMENTS.—Sec-  
7           tion 113(g) of the National Telecommunications and In-  
8           formation Administration Organization Act (47 U.S.C.  
9           923(g)) is amended—

10           (1) in paragraph (4)(A)—

11                   (A) by inserting “or sharing costs” after  
12                   “relocation costs”; and

13                   (B) by inserting “or sharing” after “such  
14                   relocation”;

15           (2) in paragraph (5)—

16                   (A) by inserting “or sharing costs” after  
17                   “relocation costs”; and

18                   (B) by inserting “or sharing” after “for  
19                   relocation”; and

20           (3) in paragraph (6)—

21                   (A) in the 1st sentence, by inserting “and  
22                   the timely implementation of arrangements for  
23                   the sharing of such frequencies” before the pe-  
24                   riod at the end;

25                   (B) in the 2nd sentence—

1 (i) by striking “by relocating to a new  
2 frequency assignment or by utilizing an al-  
3 ternative technology”;

4 (ii) by inserting “or limit” after “ter-  
5 minate”; and

6 (iii) by inserting “or sharing arrange-  
7 ment has been implemented” before the  
8 period at the end; and

9 (C) in the 3rd sentence, by inserting “or  
10 sharing” after “relocation”.

11 (e) SPECTRUM SHARING AGREEMENTS.—Section  
12 113(g) of the National Telecommunications and Informa-  
13 tion Administration Organization Act, as amended by sub-  
14 section (d), is further amended by adding at the end the  
15 following:

16 “(7) SPECTRUM SHARING AGREEMENTS.—A  
17 Federal entity is permitted to allow access to its fre-  
18 quency assignments by a non-Federal entity upon  
19 approval of the NTIA, in consultation with the Di-  
20 rector of the Office of Management and Budget.  
21 Such non-Federal entities shall comply with all ap-  
22 plicable rules of the Commission and the NTIA, in-  
23 cluding any regulations promulgated pursuant to  
24 this section. Any remuneration associated with such  
25 access shall be deposited into the Spectrum Reloca-

1        tion Fund established under section 118. The costs  
2        incurred by a Federal entity as a result of allowing  
3        such access are sharing costs for which the entity is  
4        eligible for payment from the Fund for the purposes  
5        specified in paragraph (3). The revenue associated  
6        with such access shall be at least 110 percent of the  
7        estimated Federal costs.”.

8        (f) SPECTRUM RELOCATION FUND.—Section 118 of  
9        the National Telecommunications and Information Ad-  
10        ministration Organization Act (47 U.S.C. 928) is amend-  
11        ed—

12            (1) in subsection (b), by inserting before the pe-  
13        riod at the end the following: “and any payments  
14        made by non-Federal entities for access to Federal  
15        spectrum pursuant to section 113(g)(7)”;

16            (2) by amending subsection (c) to read as fol-  
17        lows:

18        “(c) USE OF FUNDS.—

19            “(1) FUNDS FROM AUCTIONS.—The amounts in  
20        the Fund from auctions of eligible frequencies are  
21        authorized to be used to pay relocation costs or  
22        sharing costs, as defined in section 113(g)(3), of an  
23        eligible Federal entity incurring such costs with re-  
24        spect to relocation from any eligible frequency or the  
25        sharing of such frequency.

1           “(2) FUNDS FROM PAYMENTS BY NON-FED-  
2           ERAL ENTITIES.—The amounts in the Fund from  
3           payments by non-Federal entities for access to Fed-  
4           eral spectrum pursuant to section 113(g)(7) are au-  
5           thorized to be used to pay the sharing costs, as de-  
6           fined in section 113(g)(3), of an eligible Federal en-  
7           tity incurring such costs with respect to such access.

8           “(3) TRANSFER OF FUNDS.—

9           “(A) IN GENERAL.—Subject to subpara-  
10          graph (B), the Director of OMB may transfer  
11          at any time (including prior to any auction or  
12          contemplated auction or sharing initiative) such  
13          sums as may be available in the Fund to an eli-  
14          gible Federal entity to pay eligible relocation  
15          costs or sharing costs related to pre-auction es-  
16          timates or research, as such costs are described  
17          in section 113(g)(3)(A)(iii).

18          “(B) NOTIFICATION.—No funds may be  
19          transferred pursuant to subparagraph (A) un-  
20          less the notification provided under subsection  
21          (d)(2)(B) includes a certification from the Di-  
22          rector of OMB that—

23                  “(i) funds transferred before an auc-  
24                  tion will likely allow for timely implementa-  
25                  tion of relocation or sharing, thereby in-

1           creasing net expected auction proceeds by  
2           an amount equal to or greater than the  
3           time value of the amount of funds trans-  
4           ferred; and

5           “(ii) the auction is intended to occur  
6           not later than 5 years after transfer of  
7           funds.

8           “(C) APPLICABILITY.—

9           “(i) PRIOR COSTS INCURRED.—The  
10          Director of OMB may transfer up to  
11          \$10,000,000 from the Fund to eligible  
12          Federal entities for eligible relocation costs  
13          or sharing costs related to pre-auction esti-  
14          mates or research, as such costs are de-  
15          scribed in section 113(g)(3)(A)(iii), for  
16          costs incurred prior to the date of the en-  
17          actment of the Wireless Innovation and  
18          Public Safety Act of 2011, but after June  
19          28, 2010.

20          “(ii) SUPPLEMENT NOT SUPPLANT.—  
21          Any amounts transferred by the Director  
22          of OMB pursuant to clause (i) shall be in  
23          addition to any amounts that the Director  
24          of OMB may transfer for costs incurred  
25          after the date of the enactment of the

1 Wireless Innovation and Public Safety Act  
2 of 2011.”;

3 (3) in subsection (d)—

4 (A) in paragraph (1), by inserting “and  
5 sharing costs” after “relocation costs”;

6 (B) in paragraph (2)—

7 (i) in subparagraph (A), by inserting  
8 “or sharing” before the semicolon; and

9 (ii) in subparagraph (B)—

10 (I) by inserting “or sharing  
11 costs” after “relocation costs”; and

12 (II) by inserting “or sharing” be-  
13 fore the period at the end; and

14 (C) by amending paragraph (3) to read as  
15 follows:

16 “(3) REVERSION OF UNUSED FUNDS.—

17 “(A) IN GENERAL.—Any amounts in the  
18 Fund that are remaining after the payment of  
19 the relocation costs and sharing costs that are  
20 payable from the Fund shall revert to and be  
21 deposited in the general fund of the Treasury  
22 not later than 8 years after the date of the de-  
23 posit of such proceeds to the Fund, unless with-  
24 in 60 days in advance of the reversion of such  
25 funds, the Director of OMB, in consultation

1 with the NTIA, notifies the appropriate com-  
2 mittees of Congress that such funds are needed  
3 to complete or to implement current or future  
4 relocations or sharing initiatives.

5 “(B) DEFINITION.—In this paragraph, the  
6 term ‘appropriate committees of Congress’  
7 means—

8 “(i) the Committee on Appropriations  
9 of the Senate;

10 “(ii) the Committee on Commerce,  
11 Science, and Transportation of the Senate;

12 “(iii) the Committee on Appropria-  
13 tions of the House of Representatives; and

14 “(iv) the Committee on Energy and  
15 Commerce of the House of Representa-  
16 tives.”;

17 (4) in subsection (e)(2)—

18 (A) by inserting “or sharing costs” after  
19 “relocation costs”;

20 (B) by striking “entity’s relocation” and  
21 inserting “relocation of the entity or implemen-  
22 tation of the sharing arrangement by the enti-  
23 ty”; and

24 (C) by inserting “or the implementation of  
25 such arrangement” after “such relocation”; and

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

2 “(f) ADDITIONAL PAYMENTS FROM THE FUND.—

3 “(1) AMOUNTS AVAILABLE.—Notwithstanding  
4 subsections (c) through (e), after the date of the en-  
5 actment of the Wireless Innovation and Public Safe-  
6 ty Act of 2011, and following the credit of any  
7 amounts specified in subsection (b), there are hereby  
8 appropriated from the Fund and available to the Di-  
9 rector of OMB—

10 “(A) up to 10 percent of the amounts de-  
11 posited in the Fund from the auction of licenses  
12 for frequencies of spectrum vacated by Federal  
13 entities; and

14 “(B) up to 10 percent of the amounts de-  
15 posited in the Fund by non-Federal entities for  
16 sharing of Federal spectrum.

17 “(2) USE OF AMOUNTS.—The Director of  
18 OMB, in consultation with the NTIA, may use such  
19 amounts to make payments to eligible Federal enti-  
20 ties for the purpose of encouraging timely access to  
21 such spectrum, provided that—

22 “(A) any such payment by the Director of  
23 OMB is based on the market value of the spec-  
24 trum, the timeliness with which the Federal en-  
25 tity cleared its use of such spectrum, and the

1           need for such spectrum in order for the Federal  
2           entity to conduct its essential missions;

3           “(B) any such payment by the Director of  
4           OMB is used to carry out—

5           “(i) the purposes specified in clauses  
6           (i) through (vi) of section 113(g)(3)(A) to  
7           achieve enhanced capability for those sys-  
8           tems affected by reallocation of Federal  
9           spectrum for commercial use, or by sharing  
10          of Federal frequencies with non-Federal  
11          entities; and

12          “(ii) other communications, radar,  
13          and spectrum-using investments not di-  
14          rectly affected by such reallocation or shar-  
15          ing but essential for the missions of the  
16          Federal entity that is relocating its sys-  
17          tems or sharing frequencies;

18          “(C) the amount remaining in the Fund  
19          after any such payment by the Director of  
20          OMB is not less than 10 percent of the winning  
21          bids in the relevant auction, or is not less than  
22          10 percent of the payments from non-Federal  
23          entities in the relevant sharing agreement;

24          “(D) any such payment by the Director of  
25          OMB shall not be made until 30 days after the

1 Director has notified the Committees on Appro-  
2 priations and Commerce, Science, and Trans-  
3 portation of the Senate, and the Committees on  
4 Appropriations and Energy and Commerce of  
5 the House of Representatives; and

6 “(E) the Director of OMB shall make  
7 available from such amounts not more than  
8 \$3,000,000 per year for each of the fiscal years  
9 2012 through 2016 for use by the Assistant  
10 Secretary in carrying out the spectrum manage-  
11 ment activities of the Assistant Secretary under  
12 title V of the Wireless Innovation and Public  
13 Safety Act of 2011.”

14 (g) PUBLIC DISCLOSURE AND NONDISCLOSURE.—If  
15 the head of an executive agency of the Federal Govern-  
16 ment determines that public disclosure of any information  
17 contained in a notification or report required by section  
18 113 or 118 of the National Telecommunications and In-  
19 formation Administration Organization Act (47 U.S.C.  
20 923; 928) would reveal classified national security infor-  
21 mation or other information for which there is a legal  
22 basis for nondisclosure and such public disclosure would  
23 be detrimental to national security, homeland security,  
24 public safety, or jeopardize law enforcement investiga-  
25 tions, the head of the executive agency shall notify the As-

1   sistant Secretary of that determination prior to release of  
2   such classified information or other information. In that  
3   event, such classified information or other information  
4   shall be included in a separate annex, as needed. These  
5   annexes shall be provided to the subcommittee of primary  
6   jurisdiction of the congressional committee of primary ju-  
7   risdiction in accordance with appropriate national security  
8   stipulations but shall not be disclosed to the public or pro-  
9   vided to any unauthorized person through any other  
10  means.

11  **SEC. 504. STUDY ON SPECTRUM EFFICIENCY THROUGH RE-**  
12  **CEIVER STANDARDS.**

13       (a) **IN GENERAL.**—The Comptroller General of the  
14  United States shall conduct a study on efforts to ensure  
15  that each transmission system that employs radio spec-  
16  trum is designed and operated so that reasonable use of  
17  adjacent spectrum does not excessively impair the func-  
18  tioning of such system.

19       (b) **REQUIRED CONSIDERATIONS.**—At a minimum,  
20  the study required by subsection (a) shall consider—

21           (1) the value of—

22               (A) improving receiver standards as it re-  
23               lates to increasing spectral efficiency;

24               (B) improving operation of services in ad-  
25               jacent frequencies;

1 (C) narrowing the guard bands between  
2 adjacent spectrum use; and

3 (D) improving overall receiver performance  
4 for the end user;

5 (2) the role of manufacturers, commercial li-  
6 censees, and government users with respect to their  
7 transmission systems and use of adjacent spectrum  
8 described in subsection (a);

9 (3) the feasibility of industry self-compliance  
10 with respect to the design and operational require-  
11 ments of transmission systems and the reasonable  
12 use of adjacent spectrum described in subsection (a);  
13 and

14 (4) the value of action by the Commission and  
15 the Assistant Secretary to establish, by rule, tech-  
16 nical requirements or standards for non-Federal and  
17 Federal use, respectively, with respect to the reason-  
18 able use of adjacent spectrum described in sub-  
19 section (a).

20 (c) REPORT.—Not later than 1 year after the date  
21 of enactment of this Act, the Comptroller General of the  
22 United States shall submit a report to the appropriate  
23 committees of Congress on the results of the study re-  
24 quired by subsection (a).

1 (d) DEFINITION.—For purposes of this section, the  
2 term “transmission system” means any telecommuni-  
3 cations, broadcast, satellite, commercial mobile service, or  
4 other communications system that employs radio spec-  
5 trum.

6 **SEC. 505. STUDY ON UNLICENSED USE IN THE 5 GHZ BAND.**

7 (a) IN GENERAL.—The Assistant Secretary and the  
8 Commission shall, in consultation with the Secretary of  
9 Transportation and other stakeholders, conduct a study  
10 evaluating known and proposed spectrum-sharing tech-  
11 nologies and the risk to Federal and primary users if unli-  
12 censed U–NII devices were allowed to operate in the  
13 5350–5470 MHz band and the 5850–5925 MHz band.

14 (b) SUBMISSION.—Not later than 8 months after the  
15 date of the enactment of this Act, the Assistant Secretary  
16 and the Commission, acting jointly or separately, shall re-  
17 port on their findings under subsection (a) to the appro-  
18 priate committees of Congress.

19 (c) DEFINITIONS.—In this section:

20 (1) 5350–5470 MHZ BAND.—The term “5350–  
21 5470 MHz band” means the portion of the electro-  
22 magnetic spectrum between the frequencies from  
23 5350 megahertz to 5470 megahertz.

24 (2) 5850–5925 MHZ BAND.—The term “5850–  
25 5925 MHz band” means the portion of the electro-

1 magnetic spectrum between the frequencies from  
2 5850 megahertz to 5925 megahertz.

3 (3) U–NII DEVICES.—The term “U–NII de-  
4 vices” has the meaning given such term in section  
5 15.403(s) of title 47, Code of Federal Regulations,  
6 except for the frequency bands specified in such sec-  
7 tion.

8 **SEC. 506. REPORT ON AVAILABILITY OF WIRELESS EQUIP-**  
9 **MENT FOR THE 700 MHZ BAND.**

10 (a) IN GENERAL.—Not later than 90 days after the  
11 date of the enactment of this Act, and every 6 months  
12 thereafter until January 1, 2016, the Commission shall  
13 prepare and submit to the appropriate committees of Con-  
14 gress a report on—

15 (1) the availability of wireless equipment capa-  
16 ble of operating over all spectrum between the fre-  
17 quencies from 698 megahertz to 806 megahertz that  
18 is allocated by the Commission for paired commer-  
19 cial or public safety use; and

20 (2) the potential availability of wireless equip-  
21 ment capable of operating over spectrum made avail-  
22 able through reorganization of the television broad-  
23 cast spectrum under section 302(b) and the auction  
24 of such spectrum under subparagraph (G) of section

1       309(j)(8) of the Communications Act of 1934, as  
2       added by section 302(a).

3       (b) CONTENTS.—The Commission shall seek input  
4       from the commercial mobile data service industry and in-  
5       clude in the report required by subsection (a) an assess-  
6       ment of—

7           (1) the technical feasibility, and the potential  
8       impact on costs, size, battery consumption, and any  
9       other factor the Commission considers appropriate,  
10      of making equipment capable of operating over some  
11      or all of the spectrum described in paragraph (1) of  
12      such subsection;

13          (2) the timeframe for when wireless equipment  
14      capable of operating over some or all of such spec-  
15      trum will be available; and

16          (3) the feasibility of and progress towards mak-  
17      ing available wireless equipment that is capable of  
18      operating over some or all of the spectrum described  
19      in paragraph (2) of such subsection.

Amend the title so as to read: “A bill to provide for  
the creation of a public safety broadband network, to en-  
sure a more efficient and innovative allocation of the elec-  
tromagnetic spectrum, to permit the Federal Communica-

tions Commission to conduct incentive auctions, and for other purposes.”.

