

Calendar No. 546112TH CONGRESS
2^D SESSION**S. 911**

To establish the sense of Congress that Congress should enact, and the President should sign, bipartisan legislation to strengthen public safety and to enhance wireless communications.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2011

Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 14, 2012

Reported by Mr. ROCKEFELLER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To establish the sense of Congress that Congress should enact, and the President should sign, bipartisan legislation to strengthen public safety and to enhance wireless communications.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Strengthening Public-
3 safety and Enhancing Communications Through Reform,
4 Utilization, and Modernization Act” or the “SPECTRUM
5 Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that Congress should
8 enact, and the President should sign, bipartisan legislation
9 to strengthen public safety and to enhance wireless com-
10 munications by—

11 (1) providing sufficient wireless spectrum and
12 other resources to build a nationwide interoperable
13 wireless public safety broadband network;

14 (2) encouraging more efficient, flexible, and ef-
15 fective use of spectrum, a valuable and finite public
16 resource;

17 (3) promoting voluntary market mechanisms to
18 ensure the optimal allocation of spectrum;

19 (4) reforming the Federal Government’s spec-
20 trum management practices; and

21 (5) engaging in advanced research and develop-
22 ment into emerging wireless technologies.

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

24 (a) *SHORT TITLE.*—This Act may be cited as the
25 “Public Safety Spectrum and Wireless Innovation Act”.

1 (b) *TABLE OF CONTENTS.—The table of contents for*
 2 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—REALLOCATION OF PUBLIC SAFETY SPECTRUM

Sec. 101. Reallocation of D block to public safety.

Sec. 102. Flexible use of narrowband spectrum.

TITLE II—GOVERNANCE OF PUBLIC SAFETY SPECTRUM

Subtitle A—Public Safety Broadband Corporation

Sec. 201. Single public safety wireless network licensee.

Sec. 202. Establishment of Public Safety Broadband Corporation.

Sec. 203. Board of Directors of the Corporation.

Sec. 204. Officers, employees, and committees of the Corporation.

Sec. 205. Nonprofit and nonpolitical nature of the Corporation.

Sec. 206. Powers, duties, and responsibilities of the Corporation.

Sec. 207. Initial funding for the Corporation.

Sec. 208. Permanent self-funding; duty to assess and collect fees for network use.

Sec. 209. Audit and report.

Sec. 210. Annual report to Congress.

Sec. 211. Public safety roaming and priority access.

Sec. 212. Transitional analysis of public safety network attributes.

*Sec. 213. Prohibition on direct offering of commercial telecommunications service
 directly to consumers.*

Sec. 214. Provision of technical assistance.

Subtitle B—Public Safety Commitments

Sec. 221. State and Local Implementation Fund.

Sec. 222. State and local implementation.

Sec. 223. Public safety wireless communications research and development.

Sec. 224. Advanced information and communications technology research.

TITLE III—SPECTRUM AUCTION AUTHORITY

Sec. 301. Extension of auction authority.

Sec. 302. Auction of spectrum.

Sec. 303. Incentive auction authority.

Sec. 304. Efficient use of public safety spectrum.

Sec. 305. Report on satellite broadband.

Sec. 306. Federal infrastructure sharing.

Sec. 307. Report on unlicensed spectrum.

TITLE IV—PUBLIC SAFETY TRUST FUND

Sec. 401. Public Safety Trust Fund.

TITLE V—SPECTRUM POLICY

Subtitle A—Inventory and Planning

Sec. 501. Radio spectrum inventory.

Sec. 502. Federal spectrum planning.

Subtitle B—Markets

Sec. 511. Promoting secondary spectrum markets.

Sec. 512. Unlicensed use in 5 GHz.

Sec. 513. Experimental licenses.

Sec. 514. Repurposing Federal spectrum for commercial purposes and Federal spectrum sharing.

Sec. 515. Report on spectrum sharing.

Subtitle C—Efficiency and Management

Sec. 521. Functional responsibility of the NTIA to ensure efficient use of spectrum.

Sec. 522. Spectrum efficiency analytic tools.

Sec. 523. Study on receiver performance and spectrum efficiency.

Sec. 524. Frequency assignment.

Sec. 525. Spectrum opportunity cost transparency.

Sec. 526. System certification.

Sec. 527. Report to Congress on improving spectrum management.

Sec. 528. Wireless facilities deployment.

TITLE VI—STUDIES ON NEXT GENERATION 9-1-1 SERVICES

Sec. 601. Definitions.

Sec. 602. NHTSA report on costs for requirements and specifications of Next Generation 9-1-1 services.

Sec. 603. FCC recommendations for legal and statutory framework for Next Generation 9-1-1 services.

TITLE VII—MISCELLANEOUS

Sec. 701. Severability.

Sec. 702. Rule of construction.

TITLE VIII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT

Sec. 801. Budget compliance.

1 SEC. 2. DEFINITIONS.

2 *In this Act, the following definitions shall apply:*

3 *(1) 700 MHZ BAND.—The term “700 MHz band”*
4 *means the portion of the electromagnetic spectrum be-*
5 *tween the frequencies from 698 megahertz to 806*
6 *megahertz.*

7 *(2) 700 MHZ D BLOCK SPECTRUM.—The term*
8 *“700 MHz D block spectrum” means the portion of*

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

4 (3) *APPROPRIATE COMMITTEES OF CONGRESS.—*
5 *Except as otherwise specifically provided, the term*
6 *“appropriate committees of Congress” means—*

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

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

11 (4) *ASSISTANT SECRETARY.—The term “Assist-*
12 *ant Secretary” means the Assistant Secretary of Com-*
13 *merce for Communications and Information.*

14 (5) *COMMISSION.—The term “Commission”*
15 *means the Federal Communications Commission.*

16 (6) *CORPORATION.—The term “Corporation”*
17 *means the Public Safety Broadband Corporation es-*
18 *tablished under subtitle A of title II.*

19 (7) *EXISTING PUBLIC SAFETY BROADBAND SPEC-*
20 *TRUM.—The term “existing public safety broadband*
21 *spectrum” means the portion of the electromagnetic*
22 *spectrum between the frequencies—*

23 (A) *from 763 megahertz to 768 megahertz;*

24 (B) *from 793 megahertz to 798 megahertz;*

1 (C) from 768 megahertz to 769 megahertz;

2 and

3 (D) from 798 megahertz to 799 megahertz.

4 (8) *FEDERAL ENTITY*.—The term “Federal enti-
5 ty” has the same meaning as in section 113(i) of the
6 National Telecommunications and Information Ad-
7 ministration Organization Act (47 U.S.C. 923(i)).

8 (9) *NARROWBAND SPECTRUM*.—The term
9 “narrowband spectrum” means the portion of the elec-
10 tromagnetic spectrum between the frequencies from
11 769 megahertz to 775 megahertz and between the fre-
12 quencies from 799 megahertz to 805 megahertz.

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

15 (11) *NTIA*.—The term “NTIA” means the Na-
16 tional Telecommunications and Information Admin-
17 istration.

18 (12) *PUBLIC SAFETY ENTITY*.—The term “public
19 safety entity” means an entity that provides public
20 safety services.

21 (13) *PUBLIC SAFETY SERVICES*.—The term
22 “public safety services”—

23 (A) has the meaning given the term in sec-
24 tion 337(f) of the Communications Act of 1934
25 (47 U.S.C. 337(f)); and

1 (B) includes services provided by emergency
 2 response providers, as that term is defined in
 3 section 2 of the Homeland Security Act of 2002
 4 (6 U.S.C. 101).

5 **TITLE I—REALLOCATION OF**
 6 **PUBLIC SAFETY SPECTRUM**

7 **SEC. 101. REALLOCATION OF D BLOCK TO PUBLIC SAFETY.**

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

11 (b) *SPECTRUM ALLOCATION.*—Section 337(a) of the
 12 Communications Act of 1934 (47 U.S.C. 337(a)) is amend-
 13 ed—

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

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

18 **SEC. 102. FLEXIBLE USE OF NARROWBAND SPECTRUM.**

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

1 *forth under this Act. A renewal license granted under*
 2 *this paragraph shall be for a term of not to exceed 10*
 3 *years.*

4 *(c) FACILITATION OF TRANSITION.—The Commission*
 5 *shall take all actions necessary to facilitate the transition*
 6 *of the existing public safety broadband spectrum to the Pub-*
 7 *lic Safety Broadband Corporation established under section*
 8 *202.*

9 **SEC. 202. ESTABLISHMENT OF PUBLIC SAFETY BROADBAND**
 10 **CORPORATION.**

11 *(a) ESTABLISHMENT.—There is authorized to be estab-*
 12 *lished a private, nonprofit corporation, to be known as the*
 13 *“Public Safety Broadband Corporation”, which is neither*
 14 *an agency nor establishment of the United States Govern-*
 15 *ment or the District of Columbia Government.*

16 *(b) APPLICATION OF PROVISIONS.—The Corporation*
 17 *shall be subject to the provisions of this Act, and, to the*
 18 *extent consistent with this Act, to the District of Columbia*
 19 *Nonprofit Corporation Act (sec. 29–301.01 et seq., D.C. Of-*
 20 *ficial Code).*

21 *(c) RESIDENCE.—The Corporation shall have its place*
 22 *of business in the District of Columbia and shall be consid-*
 23 *ered, for purposes of venue in civil actions, to be a resident*
 24 *of the District of Columbia.*

1 (d) *POWERS UNDER DC ACT.*—*In order to carry out*
 2 *the duties and activities of the Corporation, the Corporation*
 3 *shall have the usual powers conferred upon a nonprofit cor-*
 4 *poration by the District of Columbia Nonprofit Corporation*
 5 *Act.*

6 (e) *INCORPORATION.*—*The members of the initial*
 7 *Board of Directors of the Corporation shall serve as*
 8 *incorporators and shall take whatever steps that are nec-*
 9 *essary to establish the Corporation under the District of Co-*
 10 *lumbia Nonprofit Corporation Act.*

11 **SEC. 203. BOARD OF DIRECTORS OF THE CORPORATION.**

12 (a) *MEMBERSHIP.*—*The management of the Corpora-*
 13 *tion shall be vested in a Board of Directors (referred to in*
 14 *this subtitle as the “Board”), which shall consist of the fol-*
 15 *lowing members:*

16 (1) *FEDERAL MEMBERS.*—*The following individ-*
 17 *uals, or their respective designees, shall serve as Fed-*
 18 *eral members:*

19 (A) *The Secretary of Commerce.*

20 (B) *The Secretary of Homeland Security.*

21 (C) *The Attorney General of the United*
 22 *States.*

23 (D) *The Director of the Office of Manage-*
 24 *ment and Budget.*

25 (2) *NON-FEDERAL MEMBERS.*—

1 (A) *IN GENERAL.*—*The Secretary of Com-*
2 *merce shall appoint 11 individuals to serve as*
3 *non-Federal members of the Board.*

4 (B) *STATE AND LOCAL INTERESTS TO BE*
5 *REPRESENTED.*—*In making appointments under*
6 *subparagraph (A), the Secretary of Commerce, in*
7 *consultation with the Secretary of Homeland Se-*
8 *curity and the Attorney General of the United*
9 *States, should—*

10 (i) *appoint at least 3 individuals to*
11 *represent the collective interests of the*
12 *States, localities, tribes, and territories;*

13 (ii) *seek to ensure geographic and re-*
14 *gional representation of the United States*
15 *in such appointments; and*

16 (iii) *seek to ensure rural and urban*
17 *representation in such appointments.*

18 (C) *PUBLIC SAFETY INTERESTS TO BE REP-*
19 *RESENTED.*—*In making appointments under*
20 *subparagraph (A), the Secretary of Commerce*
21 *should appoint at least 3 individuals who have*
22 *served or are currently serving as public safety*
23 *professionals.*

24 (D) *REQUIRED QUALIFICATIONS.*—

1 (i) *IN GENERAL.*—*Each non-Federal*
2 *member appointed under subparagraph (A)*
3 *should meet at least 1 of the following cri-*
4 *teria:*

5 (I) *PUBLIC SAFETY EXPERI-*
6 *ENCE.*—*Knowledge and experience in*
7 *the use of Federal, State, local, or trib-*
8 *al public safety or emergency response.*

9 (II) *TECHNICAL EXPERTISE.*—
10 *Technical expertise and fluency regard-*
11 *ing broadband communications, in-*
12 *cluding public safety communications.*

13 (III) *NETWORK EXPERTISE.*—*Ex-*
14 *pertise in building, deploying, and op-*
15 *erating commercial telecommuni-*
16 *cations networks.*

17 (IV) *FINANCIAL EXPERTISE.*—*Ex-*
18 *pertise in financing and funding tele-*
19 *communications networks.*

20 (ii) *EXPERTISE TO BE REP-*
21 *RESENTED.*—*In making appointments*
22 *under subparagraph (A), the Secretary of*
23 *Commerce shall appoint—*

1 (I) at least one individual who
2 satisfies the requirement under sub-
3 clause (II) of clause (i);

4 (II) at least one individual who
5 satisfies the requirement under sub-
6 clause (III) of clause (i); and

7 (III) at least one individual who
8 satisfies the requirement under sub-
9 clause (IV) of clause (i).

10 (E) INDEPENDENCE.—

11 (i) IN GENERAL.—Each non-Federal
12 member of the Board shall be independent
13 and neutral.

14 (ii) INDEPENDENCE DETERMINA-
15 TION.—In order to be considered inde-
16 pendent for purposes of this subparagraph,
17 a member of the Board—

18 (I) may not, other than in his or
19 her capacity as a member of the Board
20 or any committee thereof—

21 (aa) accept any consulting,
22 advisory, or other compensatory
23 fee from the Corporation; or

1 (bb) be a person associated
2 with the Corporation or with any
3 affiliated company thereof; and

4 (II) shall be disqualified from any
5 deliberation involving any transaction
6 of the Corporation in which the Board
7 member has a financial interest in the
8 outcome of the transaction.

9 (F) NOT OFFICERS OR EMPLOYEES.—The
10 non-Federal members of the Board shall not, by
11 reason of such membership, be considered to be
12 officers or employees of the United States Gov-
13 ernment or of the District of Columbia Govern-
14 ment.

15 (G) CITIZENSHIP.—No individual other
16 than a citizen of the United States may serve as
17 a non-Federal member of the Board.

18 (b) TERMS OF APPOINTMENT.—

19 (1) INITIAL APPOINTMENT DEADLINE.—Members
20 of the Board shall be appointed not later than 180
21 days after the date of the enactment of this Act.

22 (2) TERMS.—

23 (A) LENGTH.—

24 (i) FEDERAL MEMBERS.—Each Fed-
25 eral member of the Board shall serve as a

1 *member of the Board for the life of the Cor-*
2 *poration.*

3 (ii) *NON-FEDERAL MEMBERS.—The*
4 *term of office of each non-Federal member of*
5 *the Board shall be 3 years. No non-Federal*
6 *member of the Board may serve more than*
7 *2 consecutive full 3-year terms.*

8 (B) *EXPIRATION OF TERM.—Any member*
9 *whose term has expired may serve until such*
10 *member's successor has taken office, or until the*
11 *end of the calendar year in which such member's*
12 *term has expired, whichever is earlier.*

13 (C) *APPOINTMENT TO FILL VACANCY.—Any*
14 *non-Federal member appointed to fill a vacancy*
15 *occurring prior to the expiration of the term for*
16 *which that member's predecessor was appointed*
17 *shall be appointed for the remainder of the pred-*
18 *ecessor's term.*

19 (D) *STAGGERED TERMS.—With respect to*
20 *the initial non-Federal members of the Board—*

21 (i) *4 members shall serve for a term of*
22 *3 years;*

23 (ii) *4 members shall serve for a term of*
24 *2 years; and*

1 (iii) 3 members shall serve for a term
2 of 1 year.

3 (3) VACANCIES.—A vacancy in the membership
4 of the Board shall not affect the Board's powers, and
5 shall be filled in the same manner as the original
6 member was appointed.

7 (c) CHAIR.—

8 (1) SELECTION.—The Secretary of Commerce
9 shall select, from among the non-Federal members of
10 the Board, an individual to serve for a 2-year term
11 as Chair of the Board.

12 (2) CONSECUTIVE TERMS.—An individual may
13 not serve for more than 2 consecutive terms as Chair
14 of the Board.

15 (3) REMOVAL FOR CAUSE.—The Secretary of
16 Commerce may remove the Chair of the Board and
17 any non-Federal member for good cause.

18 (d) REMOVAL.—All members of the Board may by ma-
19 jority vote—

20 (1) remove any non-Federal member of the
21 Board from office for conduct determined by the
22 Board to be detrimental to the Board or Corporation;
23 and

24 (2) request that the Secretary of Commerce exer-
25 cise his or her authority to remove the Chair of the

1 *Board for conduct determined by the Board to be det-*
2 *rimonental to the Board or Corporation.*

3 *(e) MEETINGS.—*

4 *(1) FREQUENCY.—The Board shall meet in ac-*
5 *cordance with the bylaws of the Corporation—*

6 *(A) at the call of the Chairperson; and*

7 *(B) not less frequently than once each quar-*
8 *ter.*

9 *(2) TRANSPARENCY.—Meetings of the Board, in-*
10 *cluding any committee of the Board, shall be open to*
11 *the public. The Board may, by majority vote, close*
12 *any such meeting only for the time necessary to pre-*
13 *serve the confidentiality of commercial or financial*
14 *information that is privileged or confidential, to dis-*
15 *cuss personnel matters, or to discuss legal matters af-*
16 *fecting the Corporation, including pending or poten-*
17 *tial litigation.*

18 *(f) QUORUM.—Eight members of the Board shall con-*
19 *stitute a quorum, including at least 6 non-Federal members*
20 *of the Board.*

21 *(g) BYLAWS.—A majority of the members of the Board*
22 *of Directors may amend the bylaws of the Corporation.*

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

1 (i) *PROHIBITION ON COMPENSATION.*—A member of
 2 the Board of the Corporation shall serve without pay, and
 3 shall not otherwise benefit, directly or indirectly, as a result
 4 of their service to the Corporation, but shall be allowed a
 5 per diem allowance for travel expenses, at rates authorized
 6 for an employee of an agency under subchapter I of chapter
 7 57 of title 5, United States Code, while away from the home
 8 or regular place of business of the member in the perform-
 9 ance of the duties of the Corporation.

10 **SEC. 204. OFFICERS, EMPLOYEES, AND COMMITTEES OF**
 11 **THE CORPORATION.**

12 (a) *OFFICERS AND EMPLOYEES.*—

13 (1) *IN GENERAL.*—The Corporation shall have a
 14 Chief Executive Officer, and such other officers and
 15 employees as may be named and appointed by the
 16 Board for terms and at rates of compensation fixed
 17 by the Board pursuant to this subsection. The Chief
 18 Executive Officer may name and appoint such em-
 19 ployees as are necessary. All officers and employees
 20 shall serve at the pleasure of the Board.

21 (2) *LIMITATION.*—No individual other than a
 22 citizen of the United States may be an officer of the
 23 Corporation.

24 (3) *NONPOLITICAL NATURE OF APPOINTMENT.*—
 25 No political test or qualification shall be used in se-

1 *lecting, appointing, promoting, or taking other per-*
2 *sonnel actions with respect to officers, agents, or em-*
3 *ployees of the Corporation.*

4 (4) *COMPENSATION.—*

5 (A) *IN GENERAL.—The Board may hire and*
6 *fix the compensation of employees hired under*
7 *this subsection as may be necessary to carry out*
8 *the purposes of the Corporation.*

9 (B) *APPROVAL OF COMPENSATION BY FED-*
10 *ERAL MEMBERS.—Notwithstanding any other*
11 *provision of law, or any bylaw adopted by the*
12 *Corporation, all rates of compensation, including*
13 *benefit plans and salary ranges, for officers and*
14 *employees of the Board, shall be jointly approved*
15 *by the Federal members of the Board.*

16 (C) *LIMITATION ON OTHER COMPENSA-*
17 *TION.—No officer or employee of the Corporation*
18 *may receive any salary or other compensation*
19 *(except for compensation for services on boards of*
20 *directors of other organizations that do not re-*
21 *ceive funds from the Corporation, on committees*
22 *of such boards, and in similar activities for such*
23 *organizations) from any sources other than the*
24 *Corporation for services rendered during the pe-*

1 *riod of the employment of the officer or employee*
2 *by the Corporation.*

3 (5) *SERVICE ON OTHER BOARDS.*—*Service by*
4 *any officer on boards of directors of other organiza-*
5 *tions, on committees of such boards, and in similar*
6 *activities for such organizations shall be subject to an-*
7 *ual advance approval by the Board and subject to*
8 *the provisions of the Corporation’s Statement of Eth-*
9 *ical Conduct.*

10 (6) *RULE OF CONSTRUCTION.*—*No officer or em-*
11 *ployee of the Board or of the Corporation shall be con-*
12 *sidered to be an officer or employee of the United*
13 *States Government or of the government of the Dis-*
14 *trict of Columbia.*

15 (b) *ADVISORY COMMITTEES.*—*The Board—*

16 (1) *shall establish a standing public safety advi-*
17 *sory committee to assist the Board in carrying out its*
18 *duties and responsibilities under this subtitle; and*

19 (2) *may establish additional standing or ad hoc*
20 *committees, panels, or councils as the Board deter-*
21 *mines are necessary.*

22 (c) *SELECTION OF AGENTS, CONSULTANTS, AND EX-*
23 *PERTS.*—

1 (1) *IN GENERAL.*—*The Board shall select parties*
2 *to serve as its agents, consultants, or experts in a fair,*
3 *transparent, and objective manner.*

4 (2) *BINDING AND FINAL.*—*If the selection of an*
5 *agent, consultant, or expert satisfies the requirements*
6 *under paragraph (1), the selection of that agent, con-*
7 *sultant, or expert shall be final and binding.*

8 **SEC. 205. NONPROFIT AND NONPOLITICAL NATURE OF THE**
9 **CORPORATION.**

10 (a) *STOCK.*—*The Corporation shall have no power to*
11 *issue any shares of stock, or to declare or pay any divi-*
12 *dends.*

13 (b) *PROFIT.*—*No part of the income or assets of the*
14 *Corporation shall inure to the benefit of any director, offi-*
15 *cer, employee, or any other individual associated with the*
16 *Corporation, except as salary or reasonable compensation*
17 *for services.*

18 (c) *POLITICS.*—*The Corporation may not contribute to*
19 *or otherwise support any political party or candidate for*
20 *elective public office.*

21 (d) *PROHIBITION ON LOBBYING ACTIVITIES.*—*The*
22 *Corporation shall not engage in lobbying activities (as de-*
23 *finied in section 3(7) of the Lobbying Disclosure Act of 1995*
24 *(5 U.S.C. 1602(7))).*

1 **SEC. 206. POWERS, DUTIES, AND RESPONSIBILITIES OF THE**
2 **CORPORATION.**

3 (a) *GENERAL POWERS.*—*The Corporation shall have*
4 *the authority to do the following:*

5 (1) *To adopt and use a corporate seal.*

6 (2) *To have succession until dissolved by an Act*
7 *of Congress.*

8 (3) *To prescribe, through the actions of its*
9 *Board, bylaws not inconsistent with Federal law and*
10 *the laws of the District of Columbia, regulating the*
11 *manner in which the Corporation's general business*
12 *may be conducted and the manner in which the privi-*
13 *leges granted to the Corporation by law may be exer-*
14 *cised.*

15 (4) *To exercise, through the actions of its Board,*
16 *all powers specifically granted by the provisions of*
17 *this subtitle, and such incidental powers as shall be*
18 *necessary.*

19 (5) *To hold such hearings, sit and act at such*
20 *times and places, take such testimony, and receive*
21 *such evidence as the Corporation considers necessary*
22 *to carry out its responsibilities and duties.*

23 (6) *To obtain grants and funds from and make*
24 *contracts with individuals, private companies, orga-*
25 *nizations, institutions, and Federal, State, regional,*
26 *and local agencies.*

1 (7) *To accept, hold, administer, and utilize gifts,*
2 *donations, and bequests of property, both real and*
3 *personal, for the purposes of aiding or facilitating the*
4 *work of the Corporation.*

5 (8) *To issue notes or bonds to purchasers of such*
6 *instruments in the private capital markets.*

7 (9) *To incur indebtedness to carry out the pur-*
8 *poses of this subtitle.*

9 (10) *To spend funds under paragraph (6) in a*
10 *manner authorized by the Board, but only for pur-*
11 *poses that will advance or enhance public safety com-*
12 *munications consistent with this Act.*

13 (11) *To establish reserve accounts with funds*
14 *that the Corporation may receive from time to time*
15 *that exceed the amounts required by the Corporation*
16 *to timely pay its debt service and other obligations.*

17 (12) *To expend the funds placed in any reserve*
18 *accounts established under paragraph (11) (including*
19 *interest earned on any such amounts) in a manner*
20 *authorized by the Board, but only for purposes that—*

21 (A) *will advance or enhance public safety*
22 *communications consistent with this Act; or*

23 (B) *are otherwise approved by an Act of*
24 *Congress.*

1 (13) *To take such other actions as the Corpora-*
 2 *tion (through its Board) may from time to time deter-*
 3 *mine necessary, appropriate, or advisable to accom-*
 4 *plish the purposes of this subtitle.*

5 **(b) DUTY AND RESPONSIBILITY TO DEPLOY AND OP-**
 6 **ERATE A NATIONWIDE PUBLIC SAFETY INTEROPERABLE**
 7 **BROADBAND NETWORK.—**

8 (1) *IN GENERAL.—The Corporation shall hold*
 9 *the single public safety wireless license granted under*
 10 *section 201 and take all actions necessary to ensure*
 11 *the building, deployment, and operation of a nation-*
 12 *wide public safety interoperable broadband network*
 13 *in consultation with Federal, State, tribal, and local*
 14 *public safety entities, the Director of NIST, the Com-*
 15 *mission, and the public safety advisory committee es-*
 16 *tablished in section 204(b)(1), including by, at a min-*
 17 *imum—*

18 (A) *ensuring nationwide standards for use*
 19 *and access of the network;*

20 (B) *issuing open, transparent, and competi-*
 21 *tive requests for proposals to private sector enti-*
 22 *ties for the purposes of building, operating, and*
 23 *maintaining the network;*

24 (C) *encouraging that such requests leverage,*
 25 *to the maximum extent economically desirable,*

1 *existing commercial wireless infrastructure to*
2 *speed deployment of the network; and*

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

7 *(2) INTEROPERABILITY.—In carrying out the du-*
8 *ties and responsibilities of this subsection, including*
9 *issuing requests for proposals, the Corporation shall—*

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

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

18 *(i) built to open, non-proprietary, com-*
19 *mercially available standards;*

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

24 *(iii) backward-compatible with exist-*
25 *ing second and third generation commercial*

1 *networks to the extent that such capabilities*
2 *are necessary and technically and economi-*
3 *cally reasonable; and*

4 *(C) promote integration of the network with*
5 *public safety answering points or their equiva-*
6 *lent.*

7 *(3) RURAL COVERAGE.—In carrying out the du-*
8 *ties and responsibilities of this subsection, including*
9 *issuing requests for proposals, the Corporation, con-*
10 *sistent with the license granted under section 201,*
11 *shall require deployment phases with substantial*
12 *rural coverage milestones as part of each phase of the*
13 *construction and deployment of the network. To the*
14 *maximum extent economically desirable, such pro-*
15 *posals shall include partnerships with existing com-*
16 *mercial mobile providers to utilize cost-effective op-*
17 *portunities to speed deployment in rural areas.*

18 *(4) EXECUTION OF AUTHORITY.—In carrying*
19 *out the duties and responsibilities of this subsection,*
20 *the Corporation may—*

21 *(A) obtain grants from and make contracts*
22 *with individuals, private companies, and Fed-*
23 *eral, State, regional, and local agencies;*

24 *(B) hire or accept voluntary services of con-*
25 *sultants, experts, advisory boards, and panels to*

1 *aid the Corporation in carrying out such duties*
 2 *and responsibilities;*

3 (C) *receive payment for use of—*

4 (i) *network capacity licensed to the*
 5 *Corporation; and*

6 (ii) *network infrastructure constructed,*
 7 *owned, or operated by the Corporation; and*

8 (D) *take such other actions as may be nec-*
 9 *essary to accomplish the purposes set forth in*
 10 *this subsection.*

11 (c) *OTHER SPECIFIC DUTIES AND RESPONSIBIL-*
 12 *ITIES.—*

13 (1) *ESTABLISHMENT OF NETWORK POLICIES.—*

14 *In carrying out the requirements under subsection*
 15 *(b), the Corporation shall develop—*

16 (A) *requests for proposals with appro-*
 17 *priate—*

18 (i) *timetables for construction, includ-*
 19 *ing by taking into consideration the time*
 20 *needed to build out to rural areas and the*
 21 *advantages offered through partnerships*
 22 *with existing commercial providers under*
 23 *paragraph (3);*

24 (ii) *coverage areas, including coverage*
 25 *in rural and nonurban areas;*

- 1 (iii) service levels;
- 2 (iv) performance criteria; and
- 3 (v) other similar matters for the con-
- 4 struction and deployment of such network;
- 5 (B) the technical and operational require-
- 6 ments of the network;
- 7 (C) practices, procedures, and standards for
- 8 the management and operation of such network;
- 9 (D) terms of service for the use of such net-
- 10 work, including billing practices; and
- 11 (E) ongoing compliance review and moni-
- 12 toring of the—
- 13 (i) management and operation of such
- 14 network;
- 15 (ii) practices and procedures of the en-
- 16 tities operating on and the personnel using
- 17 such network; and
- 18 (iii) necessary training needs of net-
- 19 work operators and users.

20 (2) STATE AND LOCAL PLANNING.—

21 (A) REQUIRED CONSULTATION.—In devel-

22 oping requests for proposals and otherwise car-

23 rying out its responsibilities under this Act, the

24 Corporation shall consult with regional, State,

25 tribal, and local jurisdictions regarding the dis-

1 *tribution and expenditure of any amounts re-*
2 *quired to carry out the policies established under*
3 *paragraph (1), including with regard to the—*

4 *(i) construction of an Evolved Packet*
5 *Core and any Radio Access Network build*
6 *out;*

7 *(ii) placement of towers;*

8 *(iii) coverage areas of the network,*
9 *whether at the regional, State, tribal, or*
10 *local level;*

11 *(iv) adequacy of hardening, security,*
12 *reliability, and resiliency requirements;*

13 *(v) assignment of priority to local*
14 *users;*

15 *(vi) assignment of priority and selec-*
16 *tion of entities seeking access to or use of*
17 *the nationwide public safety interoperable*
18 *broadband network established under sub-*
19 *section (b); and*

20 *(vii) training needs of local users.*

21 *(B) METHOD OF CONSULTATION.—The con-*
22 *sultation required under subparagraph (A) shall*
23 *occur between the Corporation and the single of-*
24 *ficer or governmental body designated under sec-*
25 *tion 222(d).*

1 (3) *LEVERAGING EXISTING INFRASTRUCTURE.*—
2 *In carrying out the requirement under subsection (b),*
3 *the Corporation shall enter into agreements to utilize,*
4 *to the maximum extent economically desirable, exist-*
5 *ing—*

6 (A) *commercial or other communications*
7 *infrastructure; and*

8 (B) *Federal, State, tribal, or local infra-*
9 *structure.*

10 (4) *MAINTENANCE AND UPGRADES.*—*The Cor-*
11 *poration shall ensure the maintenance, operation, and*
12 *improvement of the nationwide public safety inter-*
13 *operable broadband network established under sub-*
14 *section (b), including by ensuring that the Corpora-*
15 *tion updates and revises any policies established*
16 *under paragraph (1) to take into account new and*
17 *evolving technologies.*

18 (5) *ROAMING AGREEMENTS.*—*The Corporation*
19 *shall negotiate and enter into, as it determines appro-*
20 *priate, roaming agreements with commercial network*
21 *providers to allow the nationwide public safety inter-*
22 *operable broadband network to roam onto commercial*
23 *networks and gain prioritization of public safety*
24 *communications over such networks in times of an*
25 *emergency.*

1 (6) *NETWORK INFRASTRUCTURE AND DEVICE*
2 *CRITERIA.*—*The Director of NIST, in consultation*
3 *with the Corporation and the Commission, shall en-*
4 *sure the development of a list of certified devices and*
5 *components meeting appropriate protocols and stand-*
6 *ards for public safety entities and commercial vendors*
7 *to adhere to, if such entities or vendors seek to have*
8 *access to, use of, or compatibility with the nationwide*
9 *public safety interoperable broadband network estab-*
10 *lished under subsection (b).*

11 (7) *REPRESENTATION BEFORE STANDARD SET-*
12 *TING ENTITIES.*—*The Director of NIST, in consulta-*
13 *tion with the Corporation, the Commission, and the*
14 *public safety advisory committee established under*
15 *section 204(b)(1), shall represent the interests of pub-*
16 *lic safety users of the nationwide public safety inter-*
17 *operable broadband network established under sub-*
18 *section (b) before any proceeding, negotiation, or*
19 *other matter in which a standards organization,*
20 *standards body, standards development organization,*
21 *or any other recognized standards-setting entity re-*
22 *garding the development of standards relating to*
23 *interoperability.*

24 (8) *PROHIBITION ON NEGOTIATION WITH FOR-*
25 *EIGN GOVERNMENTS.*—*The Corporation shall not have*

1 *the authority to negotiate or enter into any agree-*
2 *ments with a foreign government on behalf of the*
3 *United States.*

4 *(d) USE OF MAILS.—The Corporation may use the*
5 *United States mails in the same manner and under the*
6 *same conditions as the departments and agencies of the*
7 *United States.*

8 **SEC. 207. INITIAL FUNDING FOR THE CORPORATION.**

9 *(a) NTIA LOANS TO THE CORPORATION.—*

10 *(1) IN GENERAL.—Prior to the commencement of*
11 *incentive auctions to be carried out under section*
12 *309(j)(8)(F) of the Communications Act of 1934 or*
13 *the auction of spectrum pursuant to section 302, the*
14 *NTIA is authorized to make loans to the Corporation.*

15 *(2) CONDITION OF LOANS.—At the time of appli-*
16 *cation for, and as a condition to, any such loan, the*
17 *Corporation shall file with the NTIA a statement*
18 *with respect to the anticipated use of the proceeds of*
19 *the loan.*

20 *(3) NTIA APPROVAL.—If the NTIA determines*
21 *that such loan is necessary for the Corporation to*
22 *carry out its duties and responsibilities under this*
23 *subtitle and that the Corporation has submitted a*
24 *plan which provides as reasonable an assurance of*
25 *prompt repayment as may be feasible under the cir-*

1 *cumstances, then the NTIA shall so certify to the Sec-*
2 *retary of the Treasury, and issue notes or other obli-*
3 *gations to the Secretary of the Treasury pursuant to*
4 *subsection (b).*

5 *(b) NTIA NOTES ISSUED TO TREASURY.—*

6 *(1) IN GENERAL.—To enable the NTIA to make*
7 *loans under subsection (a), the NTIA is authorized to*
8 *issue to the Secretary of the Treasury notes or other*
9 *obligations, in such forms and denominations, bear-*
10 *ing such maturities, and subject to such terms and*
11 *conditions, as may be prescribed by the Secretary of*
12 *the Treasury.*

13 *(2) INTEREST ON NOTES.—*

14 *(A) ESTABLISHMENT.—Any notes or other*
15 *obligations issued pursuant to paragraph (1)*
16 *shall bear interest at a rate determined by the*
17 *Secretary of the Treasury, taking into consider-*
18 *ation the current average market yield on out-*
19 *standing marketable obligations of the United*
20 *States of comparable maturities during the*
21 *month preceding the issuance of the notes or*
22 *other obligations.*

23 *(B) REDUCTION.—The Secretary of the*
24 *Treasury may reduce the interest rate set forth*

1 *agreement” means a written agreement between*
 2 *the Corporation and secondary user to permit—*

3 *(i) access to network capacity on a sec-*
 4 *ondary basis for non-public safety services;*
 5 *and*

6 *(ii) the spectrum allocated to such enti-*
 7 *ty to be used for commercial transmissions*
 8 *along the dark fiber of the long-haul net-*
 9 *work of such entity.*

10 (3) *LEASE FEES RELATED TO NETWORK EQUIP-*
 11 *MENT AND INFRASTRUCTURE.—A fee from any entity*
 12 *that seeks access to or use of any equipment or infra-*
 13 *structure, including antennas or towers, constructed*
 14 *or otherwise owned by the Corporation.*

15 (b) *ESTABLISHMENT OF FEE AMOUNTS; PERMANENT*
 16 *SELF-FUNDING.—The total amount of the fees assessed for*
 17 *each fiscal year pursuant to this section shall be sufficient,*
 18 *and shall not exceed the amount necessary, to recoup the*
 19 *total expenses of the Corporation in carrying out its duties*
 20 *and responsibilities described under this subtitle for the fis-*
 21 *cal year involved.*

22 (c) *REQUIRED REINVESTMENT OF FUNDS.—The Cor-*
 23 *poration shall reinvest amounts received from the assess-*
 24 *ment of fees under this section in the nationwide public*
 25 *safety interoperable broadband network by using such funds*

1 *only for constructing, maintaining, or improving the net-*
2 *work.*

3 **SEC. 209. AUDIT AND REPORT.**

4 (a) *AUDIT.*—

5 (1) *IN GENERAL.*—*The financial transactions of*
6 *the Corporation for any fiscal year during which*
7 *Federal funds are available to finance any portion of*
8 *its operations shall be audited by the Comptroller*
9 *General of the United States annually in accordance*
10 *with the principles and procedures applicable to com-*
11 *mercial corporate transactions and under such rules*
12 *and regulations as may be prescribed by the Comp-*
13 *troller General. Each audit conducted by the Comp-*
14 *troller General under this paragraph shall be made*
15 *available to Congress.*

16 (2) *LOCATION.*—*Any audit conducted under*
17 *paragraph (1) shall be conducted at the place or*
18 *places where accounts of the Corporation are nor-*
19 *mally kept.*

20 (3) *ACCESS TO CORPORATION BOOKS AND DOCU-*
21 *MENTS.*—

22 (A) *IN GENERAL.*—*For purposes of an audit*
23 *conducted under paragraph (1), the representa-*
24 *tives of the Comptroller General shall—*

1 (i) have access to all books, accounts,
2 records, reports, files, and all other papers,
3 things, or property belonging to or in use by
4 the Corporation that pertain to the finan-
5 cial transactions of the Corporation and are
6 necessary to facilitate the audit; and

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

11 (B) *REQUIREMENT.*—All books, accounts,
12 records, reports, files, papers, and property of the
13 Corporation shall remain in the possession and
14 custody of the Corporation.

15 (b) *REPORT.*—

16 (1) *IN GENERAL.*—The Comptroller General of
17 the United States shall submit a report of each audit
18 conducted under subsection (a) to—

19 (A) the appropriate committees of Congress;

20 (B) the President; and

21 (C) the Corporation.

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

24 (A) such comments and information as the
25 Comptroller General determines necessary to in-

1 *form Congress of the financial operations and*
2 *condition of the Corporation;*

3 *(B) any recommendations of the Comp-*
4 *troller General relating to the financial oper-*
5 *ations and condition of the Corporation; and*

6 *(C) a description of any program, expendi-*
7 *ture, or other financial transaction or under-*
8 *taking of the Corporation that was observed dur-*
9 *ing the course of the audit, which, in the opinion*
10 *of the Comptroller General, has been carried on*
11 *or made without the authority of law.*

12 **SEC. 210. ANNUAL REPORT TO CONGRESS.**

13 *(a) IN GENERAL.—Not later than 1 year after the date*
14 *of enactment of this Act, and each year thereafter, the Cor-*
15 *poration shall submit an annual report covering the pre-*
16 *ceding fiscal year to the appropriate committees of Con-*
17 *gress.*

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

20 *(1) a comprehensive and detailed report of the*
21 *operations, activities, financial condition, and accom-*
22 *plishments of the Corporation under this section; and*

23 *(2) such recommendations or proposals for legis-*
24 *lative or administrative action as the Corporation*
25 *deems appropriate.*

1 (c) *AVAILABILITY TO TESTIFY.*—*The directors, officers,*
 2 *employees, and agents of the Corporation shall be available*
 3 *to testify before the appropriate committees of the Congress*
 4 *with respect to—*

5 (1) *the report required under subsection (a);*

6 (2) *the report of any audit made by the Comp-*
 7 *troller General under section 209; or*

8 (3) *any other matter which such committees may*
 9 *determine appropriate.*

10 **SEC. 211. PUBLIC SAFETY ROAMING AND PRIORITY ACCESS.**

11 *The Commission may adopt rules, if necessary in the*
 12 *public interest, to improve the ability of public safety net-*
 13 *works to roam onto commercial networks and to gain pri-*
 14 *ority access to commercial networks in an emergency if—*

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

17 (2) *the commercial network is reasonably com-*
 18 *pensated; and*

19 (3) *such access does not preempt or otherwise ter-*
 20 *minate or degrade all existing voice conversations or*
 21 *data sessions.*

22 **SEC. 212. TRANSITIONAL ANALYSIS OF PUBLIC SAFETY**
 23 **NETWORK ATTRIBUTES.**

24 (a) *ESTABLISHMENT OF EVALUATION FRAMEWORK.*—
 25 *Not later than 180 days after the date of enactment of this*

1 *Act, the Director of NIST, in consultation with the Sec-*
2 *retary of Homeland Security, the Attorney General, and the*
3 *Director of the Office of Management and Budget, shall de-*
4 *velop an evaluation framework. The development of such an*
5 *evaluation framework shall be informed by a study commis-*
6 *sioned by the Director of NIST and completed by an inde-*
7 *pendent and neutral agent, consultant, or expert, who has—*

8 (1) *at least 5 years of technical and economic ex-*
9 *perience in analyzing the costs and effectiveness of*
10 *communications networks; and*

11 (2) *agreed not to contract or subcontract with the*
12 *Corporation for at least 3 years from the date such*
13 *study is completed other than for follow-on and re-*
14 *lated studies.*

15 (b) *CONSIDERATIONS.—The evaluation framework re-*
16 *quired to be developed under subsection (a) shall take into*
17 *consideration the public safety network attributes identified*
18 *in a report completed by the Visiting Committee on Ad-*
19 *vanced Technology of NIST. The report required under this*
20 *subsection shall identify the desired attributes of the nation-*
21 *wide public safety interoperable broadband network to be*
22 *established under this title, as well as any other attributes*
23 *the Secretary of Commerce may request.*

1 (c) *REQUIRED EVALUATIONS.*—*The evaluation frame-*
2 *work required to be developed under subsection (a) shall*
3 *evaluate—*

4 (1) *the marginal cost of each public safety net-*
5 *work attribute in developing, deploying, and oper-*
6 *ating the nationwide public safety interoperable*
7 *broadband network to be established under this title;*

8 (2) *the benefit of each public safety network at-*
9 *tribute to the nationwide public safety interoperable*
10 *broadband network;*

11 (3) *the economic feasibility of requiring that*
12 *each public safety attribute be required as part of the*
13 *nationwide public safety interoperable broadband net-*
14 *work;*

15 (4) *the resulting competitive vendor supply eco-*
16 *system created by each public safety attribute that is*
17 *a part of the nationwide public safety interoperable*
18 *broadband network; and*

19 (5) *the level of variability in regional require-*
20 *ments for each public safety attribute that is a part*
21 *of the nationwide public safety interoperable*
22 *broadband network.*

23 (d) *PROVISION OF FRAMEWORK TO THE CORPORA-*
24 *TION.*—*The evaluation framework required to be developed*
25 *under subsection (a) shall be provided to the Board of Direc-*

1 *tors of the Corporation, and the Corporation shall utilize*
 2 *the findings of such framework to develop a cost-benefit*
 3 *analysis to inform the building, deployment, and operation*
 4 *of the nationwide public safety interoperable broadband*
 5 *network to be established under this title.*

6 *(e) OMB RESPONSIBILITY.—The Director of the Office*
 7 *of Management and Budget, or his designee, as a member*
 8 *of the Board of Directors of the Corporation, shall have the*
 9 *responsibility to ensure that evaluation framework required*
 10 *to be developed under subsection (a) is appropriately uti-*
 11 *lized by the Corporation.*

12 **SEC. 213. PROHIBITION ON DIRECT OFFERING OF COMMERCIAL TELECOMMUNICATIONS SERVICE DIRECTLY TO CONSUMERS.**

13 *(a) IN GENERAL.—The Corporation shall not offer,*
 14 *provide, or market commercial telecommunications or in-*
 15 *formation services directly to consumers.*

16 *(b) RULE OF CONSTRUCTION.—Nothing in this section*
 17 *shall be construed to prohibit the Corporation and a sec-*
 18 *ondary user from entering into a covered leasing agreement*
 19 *pursuant to section 208(a)(2)(B). Nothing in this section*
 20 *shall be construed to limit the Corporation from collecting*
 21 *lease fees related to network equipment and infrastructure*
 22 *pursuant to section 208(a)(3).*

1 **SEC. 214. PROVISION OF TECHNICAL ASSISTANCE.**

2 *The Commission may provide technical assistance to*
 3 *the Corporation and may take any action necessary to as-*
 4 *sist the Corporation in effectuating its duties and respon-*
 5 *sibilities under this subtitle.*

6 **Subtitle B—Public Safety**
 7 **Commitments**

8 **SEC. 221. STATE AND LOCAL IMPLEMENTATION FUND.**

9 (a) *ESTABLISHMENT.*—*There is established in the*
 10 *Treasury of the United States a fund to be known as the*
 11 *“State and Local Implementation Fund”.*

12 (b) *PURPOSE.*—*The Assistant Secretary shall establish*
 13 *and administer the grant program under section 222 using*
 14 *the funds deposited in the State and Local Implementation*
 15 *Fund.*

16 (c) *CREDITING OF RECEIPTS.*—*There shall be depos-*
 17 *ited into or credited to the State and Local Implementation*
 18 *Fund—*

19 (1) *any amounts specified in section 401; and*

20 (2) *any amounts borrowed by the Assistant Sec-*
 21 *retary under subsection (d).*

22 (d) *BORROWING AUTHORITY.*—

23 (1) *IN GENERAL.*—*The Assistant Secretary may*
 24 *borrow from the general fund of the Treasury begin-*
 25 *ning on October 1, 2011, such sums as may be nec-*

1 *essary, but not to exceed \$250,000,000, to implement*
2 *section 222.*

3 (2) *REIMBURSEMENT.—The Assistant Secretary*
4 *shall reimburse the general fund of the Treasury,*
5 *without interest, for any amounts borrowed under*
6 *subparagraph (A) as funds are deposited into the*
7 *State and Local Implementation Fund.*

8 **SEC. 222. STATE AND LOCAL IMPLEMENTATION.**

9 (a) *ESTABLISHMENT OF STATE AND LOCAL IMPLE-*
10 *MENTATION GRANT PROGRAM.—The Assistant Secretary, in*
11 *consultation with the Corporation, shall take such action*
12 *as is necessary to establish a grant program to make grants*
13 *to States to assist State, regional, tribal, and local jurisdic-*
14 *tions to identify, plan, and implement the most efficient*
15 *and effective way for such jurisdictions to utilize and inte-*
16 *grate the infrastructure, equipment, and other architecture*
17 *associated with the nationwide public safety interoperable*
18 *broadband network established under subtitle A to satisfy*
19 *the wireless communications and data services needs of that*
20 *jurisdiction, including with regards to coverage, siting, and*
21 *other needs.*

22 (b) *MATCHING REQUIREMENTS; FEDERAL SHARE.—*

23 (1) *IN GENERAL.—The Federal share of the cost*
24 *of any activity carried out using a grant under this*
25 *section may not exceed 80 percent of the eligible costs*

1 of carrying out that activity, as determined by the
2 Assistant Secretary, in consultation with the Cor-
3 poration.

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

9 (c) *PROGRAMMATIC REQUIREMENTS.*—Not later than
10 6 months after the establishment of the bylaws of the Cor-
11 poration pursuant to section 206, the Assistant Secretary,
12 in consultation with the Corporation, shall establish re-
13 quirements relating to the grant program to be carried out
14 under this section, including the following:

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

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

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

21 (d) *CERTIFICATION AND DESIGNATION OF OFFICER OR*
22 *GOVERNMENTAL BODY.*—In carrying out the grant pro-
23 gram established under this section, the Assistant Secretary
24 shall require each State to certify in its application for
25 grant funds that the State has designated a single officer

1 *or governmental body to serve as the coordinator of imple-*
2 *mentation of the grant funds.*

3 **SEC. 223. PUBLIC SAFETY WIRELESS COMMUNICATIONS RE-**
4 **SEARCH AND DEVELOPMENT.**

5 *(a) NIST DIRECTED RESEARCH AND DEVELOPMENT*
6 *PROGRAM.—From amounts made available from the Public*
7 *Safety Trust Fund established under section 401, the Direc-*
8 *tor of NIST, in consultation with the Commission, the Sec-*
9 *retary of Homeland Security, and the National Institute*
10 *of Justice of the Department of Justice, as appropriate,*
11 *shall conduct research and assist with the development of*
12 *standards, technologies, and applications to advance wire-*
13 *less public safety communications.*

14 *(b) REQUIRED ACTIVITIES.—In carrying out the re-*
15 *quirement under subsection (a), the Director of NIST, in*
16 *consultation with the Corporation and the public safety ad-*
17 *visory committee established under section 204(b)(1),*
18 *shall—*

19 *(1) document public safety wireless communica-*
20 *tions technical requirements;*

21 *(2) accelerate the development of the capability*
22 *for communications between currently deployed public*
23 *safety narrowband systems and the nationwide public*
24 *safety interoperable broadband network to be estab-*
25 *lished under this title;*

1 (3) *establish a research plan, and direct research,*
2 *that addresses the wireless communications needs of*
3 *public safety entities beyond what can be provided by*
4 *the current generation of broadband technology;*

5 (4) *accelerate the development of mission critical*
6 *voice, including device-to-device “talkaround” capa-*
7 *bility over broadband networks, public safety*
8 *prioritization, authentication capabilities, and stand-*
9 *ard application programming interfaces for the nation-*
10 *wide public safety interoperable broadband network to*
11 *be established under this title, if necessary and prac-*
12 *tical;*

13 (5) *accelerate the development of communications*
14 *technology and equipment that can facilitate the even-*
15 *tual migration of public safety narrowband commu-*
16 *nications to the nationwide public safety interoper-*
17 *able broadband network to be established under this*
18 *title; and*

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

22 **SEC. 224. ADVANCED INFORMATION AND COMMUNICA-**
23 **TIONS TECHNOLOGY RESEARCH.**

24 (a) **TELECOMMUNICATIONS INNOVATION ACCELERA-**
25 **TION.—**

1 (1) *IN GENERAL.*—*In order to accelerate the pace*
2 *of innovation with respect to advanced telecommuni-*
3 *cations capability (as such term is defined in section*
4 *706(c)(1) of the Telecommunications Act of 1996 (47*
5 *U.S.C. 1302), the Director of NIST and the Director*
6 *of the National Science Foundation shall expand ex-*
7 *isting programs to support and promote innovation*
8 *in the United States through transformative tele-*
9 *communications research.*

10 (2) *COMPETITIONS.*—*The Director of NIST and*
11 *the Director of the National Science Foundation shall,*
12 *on an annual basis, jointly solicit proposals to ad-*
13 *dress areas of national need for transformative tele-*
14 *communications research, as such areas are identified*
15 *by each of the Directors.*

16 (3) *TRANSFORMATIVE TELECOMMUNICATIONS RE-*
17 *SEARCH DEFINED.*—*In this section, the term “trans-*
18 *formative telecommunications research” means basic*
19 *research with respect to telecommunications, as that*
20 *term is defined in section 3(43) of the Communica-*
21 *tions Act of 1934 (47 U.S.C. 153(43)) that involves*
22 *ideas, discoveries, or tools that —*

23 (A) *radically change understanding of an*
24 *important existing scientific or engineering con-*
25 *cept or educational practice; or*

1 *(B) leads to the creation of a new paradigm*
2 *or field of science, engineering, or education re-*
3 *lated to telecommunications.*

4 *(b) ADVANCED COMMUNICATIONS SERVICES FOR ALL*
5 *AMERICANS.—The Director of NIST shall continue to sup-*
6 *port research and support standards development in ad-*
7 *vanced information and communications technologies fo-*
8 *cused on enhancing or facilitating the availability and af-*
9 *fordability of advanced communications services to all*
10 *Americans, in order to implement the Institute’s respon-*
11 *sibilities under section 2(c)(12) of the National Institute of*
12 *Standards and Technology Act (15 U.S.C. 272(c)(12)). The*
13 *Director of NIST shall support intramural research and co-*
14 *operative research with institutions of higher education (as*
15 *defined in section 101(a) of the Higher Education Act of*
16 *1965 (20 U.S.C. 1001(a))) and industry.*

17 *(c) EMERGING WIRELESS TECHNOLOGY RESEARCH.—*

18 *(1) IN GENERAL.—From amounts made avail-*
19 *able from the Public Safety Trust Fund established*
20 *under section 401, the Director of the National*
21 *Science Foundation shall expand existing grant pro-*
22 *grams to include transformative telecommunications*
23 *research relevant to emerging wireless technologies*
24 *that may enhance advanced communications services*
25 *or make such services more affordable for consumers.*

1 *Areas of research to be supported through these grants*
2 *may include—*

3 *(A) opportunistic spectrum sharing;*

4 *(B) wireless cyberphysical systems;*

5 *(C) more efficient use of the wireless spec-*
6 *trum;*

7 *(D) dynamic spectrum access, including*
8 *cognitive radio technologies;*

9 *(E) interference mitigation;*

10 *(F) emerging user interface and sensing*
11 *technologies;*

12 *(G) wireless ad hoc networks;*

13 *(H) network resiliency and cybersecurity;*

14 *(I) communications interoperability, par-*
15 *ticularly between heterogeneous network tech-*
16 *nologies;*

17 *(J) pervasive information technology;*

18 *(K) nanoelectronics for communications ap-*
19 *plications;*

20 *(L) low-power communications electronics;*

21 *(M) networking protocols and architectures;*

22 *and*

23 *(N) such other related areas as the Director*
24 *finds appropriate.*

1 (2) *APPLICATIONS.*—*The Director of the Na-*
2 *tional Science Foundation shall establish criteria for*
3 *the award of grants under paragraph (1). Grants*
4 *awarded under paragraph (1) shall be awarded on a*
5 *merit-reviewed competitive basis. The Director of the*
6 *National Science Foundation shall give priority to*
7 *grants that offer the potential for transformative*
8 *breakthroughs.*

9 (3) *LIMITATION ON USE.*—*Not more than 5 per-*
10 *cent of any amounts made available in a fiscal year*
11 *from the Public Safety Trust Fund established under*
12 *section 401 may be used by the Director of the Na-*
13 *tional Science Foundation to cover the administrative*
14 *expenses incurred in carrying out this subsection.*

15 (d) *DARPA RESEARCH.*—

16 (1) *IN GENERAL.*—*From amounts made avail-*
17 *able from the Public Safety Trust Fund established*
18 *under section 401, the Defense Advanced Research*
19 *Projects Agency (referred to in this subsection as*
20 *“DARPA”) shall conduct wireless communications re-*
21 *search to develop more secure, reliable, and flexible*
22 *radio-frequency systems for Federal wireless users.*
23 *Areas of research to be supported by this subsection*
24 *include, but are not limited to—*

1 (A) technologies to increase wireless data
2 transmission speeds to enable the next generation
3 of Federal networks;

4 (B) spectrum sharing and interference miti-
5 gation techniques to enable more efficient uses of
6 wireless spectrum;

7 (C) technologies to allow and foster the re-
8 allocation of spectrum, if appropriate, for non-
9 Federal use; and

10 (D) research that fosters the conversion of
11 the Department of Defense's wireless communica-
12 tions systems, and those of other Federal users,
13 to more advanced or more efficient systems.

14 (2) COOPERATION.—In carrying out this sub-
15 section, DARPA shall collaborate where appropriate
16 with NTIA, NIST, NSF, and other interested Federal
17 agencies.

18 (3) LIMITATION ON USE.—Not more than 5 per-
19 cent of any amounts made available in a fiscal year
20 from the Public Safety Trust Fund established under
21 section 401 may be used by DARPA to cover the ad-
22 ministrative expenses incurred in carrying out this
23 subsection.

24 (4) OMB REVIEW.—Amounts appropriated to
25 DARPA under this subsection shall be available upon

1 *approval by the Director of the Office of Management*
2 *and Budget of an implementation plan that has been*
3 *developed and submitted to the Director by the head*
4 *of DARPA.*

5 **TITLE III—SPECTRUM AUCTION**
6 **AUTHORITY**

7 **SEC. 301. EXTENSION OF AUCTION AUTHORITY.**

8 *Section 309(j)(11) of the Communications Act of 1934*
9 *(47 U.S.C. 309(j)(11)) is amended by striking “2012” and*
10 *inserting “2021”.*

11 **SEC. 302. AUCTION OF SPECTRUM.**

12 *(a) IDENTIFICATION OF SPECTRUM.—Not later than 1*
13 *year after the date of enactment of this Act, the Assistant*
14 *Secretary shall identify and make available for immediate*
15 *reallocation, at a minimum, 15 megahertz of contiguous*
16 *spectrum at frequencies located between 1675 megahertz and*
17 *1710 megahertz, inclusive, minus the geographic exclusion*
18 *zones, or any amendment thereof, identified in NTIA’s Oc-*
19 *tober 2010 report entitled “An Assessment of Near-Term Vi-*
20 *ability of Accommodating Wireless Broadband Systems in*
21 *1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and*
22 *4200–4220 MHz, 4380–4400 MHz Bands”.*

23 *(b) AUCTION.—Not later than January 31, 2014, the*
24 *Commission shall conduct the auctions of the following li-*
25 *censes, by commencing the bidding for:*

1 (1) *The spectrum between the frequencies of 1915*
2 *megahertz and 1920 megahertz, inclusive.*

3 (2) *The spectrum between the frequencies of 1995*
4 *megahertz and 2000 megahertz, inclusive.*

5 (3) *The spectrum between the frequencies of 2020*
6 *megahertz and 2025 megahertz, inclusive.*

7 (4) *The spectrum between the frequencies of 2155*
8 *megahertz and 2175 megahertz, inclusive.*

9 (5) *The spectrum between the frequencies of 2175*
10 *megahertz and 2180 megahertz, inclusive.*

11 (6) *The spectrum between the frequencies of 1755*
12 *megahertz and 1850 megahertz, inclusive.*

13 (7) *The spectrum identified pursuant to sub-*
14 *section (a).*

15 (c) *AUCTION ORGANIZATION.—The Commission may,*
16 *if technically feasible and consistent with the public inter-*
17 *est, combine the spectrum identified in paragraphs (4), (5),*
18 *and the portion of paragraph (6) between the frequencies*
19 *of 1755 megahertz and 1780 megahertz, inclusive, of sub-*
20 *section (b) in an auction of licenses for paired spectrum*
21 *blocks.*

22 (d) *FURTHER REALLOCATION OF CERTAIN OTHER*
23 *SPECTRUM.—*

24 (1) *COVERED SPECTRUM.—For purposes of this*
25 *subsection, the term “covered spectrum” means the*

1 *portion of the electromagnetic spectrum between the*
2 *frequencies of 3550 to 3650 megahertz, inclusive,*
3 *minus the geographic exclusion zones, or any amend-*
4 *ment thereof, identified in NTIA’s October 2010 re-*
5 *port entitled “An Assessment of Near-Term Viability*
6 *of Accommodating Wireless Broadband Systems in*
7 *1675–1710 MHz, 1755–1780 MHz, 3550–3650 MHz,*
8 *and 4200–4220 MHz, 4380–4400 MHz Bands”.*

9 (2) *IN GENERAL.*—*Consistent with requirements*
10 *of section 309(j) of the Communications Act of 1934,*
11 *the Commission shall reallocate covered spectrum for*
12 *assignment by competitive bidding unless the Presi-*
13 *dent of the United States determines that—*

14 (A) *such spectrum cannot be reallocated due*
15 *to the need to protect incumbent Federal systems*
16 *from interference; or*

17 (B) *allocation of other spectrum—*

18 (i) *better serves the public interest, con-*
19 *venience, and necessity; and*

20 (ii) *can reasonably be expected to*
21 *produce receipts comparable to what the*
22 *covered spectrum might auction for without*
23 *the geographic exclusion zones.*

24 (3) *ACTIONS REQUIRED IF COVERED SPECTRUM*
25 *CANNOT BE REALLOCATED.—*

1 (A) *IN GENERAL.*—*If the President makes a*
2 *determination under paragraph (2) that the cov-*
3 *ered spectrum cannot be reallocated, then the*
4 *President shall, within 1 year after the date of*
5 *such determination—*

6 (i) *identify alternative bands of fre-*
7 *quencies totaling more than 20 megahertz*
8 *and no more than 100 megahertz of spec-*
9 *trum used primarily by Federal agencies*
10 *that satisfy the requirements of clauses (i)*
11 *and (ii) of paragraph (2)(B);*

12 (ii) *report to the appropriate commit-*
13 *tees of Congress and the Commission an*
14 *identification of such alternative spectrum*
15 *for assignment by competitive bidding; and*

16 (iii) *make such alternative spectrum*
17 *for assignment immediately available for*
18 *reallocation.*

19 (B) *AUCTION.*—*If the President makes a de-*
20 *termination under paragraph (2) that the cov-*
21 *ered spectrum cannot be reallocated, the Commis-*
22 *sion shall commence the bidding of the alter-*
23 *native spectrum identified pursuant to subpara-*
24 *graph (A) within 3 years of the date of enact-*
25 *ment of this Act.*

1 (4) *ACTIONS REQUIRED IF COVERED SPECTRUM*
2 *CAN BE REALLOCATED.*—*If the President does not*
3 *make a determination under paragraph (1) that the*
4 *covered spectrum cannot be reallocated, the Commis-*
5 *sion shall commence the competitive bidding for the*
6 *covered spectrum within 3 years of the date of enact-*
7 *ment of this Act.*

8 (e) *PROCEEDS.*—*Notwithstanding section 309(j)(8)(A)*
9 *of the Communications Act of 1934, and except as provided*
10 *in subparagraphs (B), (C), and (D) of such section*
11 *309(j)(8), all proceeds (including deposits and up front*
12 *payments from successful bidders) from the auctions to be*
13 *carried out pursuant to subsections (b) and (d) shall be de-*
14 *posited with the Public Safety Trust Fund established*
15 *under section 401.*

16 (f) *AMENDMENTS TO DESIGN REQUIREMENTS RE-*
17 *LATED TO COMPETITIVE BIDDING.*—*Section 309(j) of the*
18 *Communications Act of 1934 (47 U.S.C. 309(j)) is amend-*
19 *ed—*

20 (1) *in paragraph (3)—*

21 (A) *in subparagraph (E)(ii), by striking “;*
22 *and” and inserting a semicolon;*

23 (B) *in subparagraph (F), by striking the*
24 *period at the end and inserting a semicolon; and*

25 (C) *by adding at the end the following:*

1 “(G) ensuring that there is an adequate op-
 2 portunity for applicants to obtain licenses cov-
 3 ering both large and small geographic areas, as
 4 such areas are determined by the Commission.”;
 5 and

6 (2) by amending clause (i) of the second sentence
 7 of paragraph (8)(C) to read as follows:

8 “(i) the deposits—
 9 “(I) of successful bidders of any
 10 auction conducted pursuant to sub-
 11 paragraph (F) or to section 302 of the
 12 Public Safety Spectrum and Wireless
 13 Innovation Act shall be paid to the
 14 Public Safety Trust Fund established
 15 under section 401 of such Act; and
 16 “(II) of successful bidders of any
 17 other auction shall be paid to the
 18 Treasury;”.

19 **SEC. 303. INCENTIVE AUCTION AUTHORITY.**

20 (a) *IN GENERAL.*—Paragraph (8) of section 309(j) of
 21 the Communications Act of 1934 (47 U.S.C. 309(j)) is
 22 amended—

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

1 (2) *by adding at the end the following:*

2 “(F) *INCENTIVE AUCTION AUTHORITY.—*

3 “(i) *AUTHORITY.—Notwithstanding*
4 *any other provision of law, if the Commis-*
5 *sion determines that it is consistent with*
6 *the public interest in utilization of the spec-*
7 *trum for a licensee to relinquish voluntarily*
8 *some or all of its licensed spectrum usage*
9 *rights in order to permit the assignment of*
10 *new initial licenses through a competitive*
11 *bidding process subject to new service rules,*
12 *or the designation of new spectrum for unli-*
13 *censed use, the Commission may disburse to*
14 *that licensee a portion of any auction pro-*
15 *ceeds that the Commission determines, in its*
16 *discretion, are attributable to the licensee’s*
17 *relinquished spectrum usage rights, pro-*
18 *vided that television broadcast stations re-*
19 *quired to be carried pursuant to sections*
20 *338, 614, or 615 that voluntarily elect to*
21 *share a channel shall retain the rights to*
22 *carriage set forth in such sections and the*
23 *rules of the Commission, as such rights*
24 *apply to such station at its shared location.*

25 “(ii) *PROHIBITION.—*

1 “(I) *IN GENERAL.*—*The Commis-*
2 *sion may not reclaim spectrum li-*
3 *censed on a primary basis to a tele-*
4 *vision broadcast station, directly or in-*
5 *directly, on an involuntary basis for*
6 *purposes of providing spectrum to*
7 *carry out an incentive auction under*
8 *this subparagraph.*

9 “(II) *EXCEPTION.*—*The Commis-*
10 *sion may reclaim spectrum licensed to*
11 *a television broadcast station licensee*
12 *for the purposes of providing spectrum*
13 *to carry out an incentive auction*
14 *under this subparagraph, only if the*
15 *Commission assigns an identical*
16 *amount of contiguous spectrum, located*
17 *between channels 14 and 50, in the*
18 *same geographic market, if the spec-*
19 *trum was reclaimed from between*
20 *channels 14 and 51, or located between*
21 *channels 2 and 13, inclusive, in the*
22 *same geographic market, to the tele-*
23 *vision broadcast station licensee if the*
24 *spectrum was reclaimed from between*
25 *channels 2 and 13, provided that—*

1 “(aa) the Commission may
2 not involuntarily co-locate mul-
3 tiple television broadcast station
4 licensees on the same channel; and

5 “(bb) television broadcast
6 stations required to be carried
7 pursuant to sections 338, 614, or
8 615 that voluntarily elect to share
9 a channel shall retain the rights
10 to carriage set forth in such sec-
11 tions and the rules of the Commis-
12 sion, as such rights apply to such
13 station at its shared location.

14 “(III) *REPACKING*.—When assign-
15 ing spectrum to television broadcast
16 station licensees pursuant to subclause
17 (II), if the Commission determines that
18 it is in the public interest to modify
19 the spectrum usage rights of any in-
20 cumbent licensee in order to facilitate
21 the assignment of such new initial li-
22 censes subject to new service rules, or
23 the designation of spectrum for an un-
24 licensed use, the Commission may dis-
25 burse to such licensee a portion of the

1 *auction proceeds for the purpose of re-*
2 *locating to any alternative frequency*
3 *or location that the Commission may*
4 *designate, and the Commission shall,*
5 *to the extent technically feasible and in*
6 *the public interest, make reasonable ef-*
7 *forts to—*

8 *“(aa) preserve the amount of*
9 *population covered by a licensee’s*
10 *signal within the licensee’s service*
11 *area;*

12 *“(bb) avoid any involuntary*
13 *increase in interference to the li-*
14 *cencee’s signal that may otherwise*
15 *result from new spectrum assign-*
16 *ments;*

17 *“(cc) allow licensees assigned*
18 *to broadcast channels 2 through 6*
19 *to relocate to channels in the*
20 *UHF range, if possible and con-*
21 *sistent with the goals of the incen-*
22 *tive auction, as determined by the*
23 *Commission; and*

24 *“(dd) allow low power tele-*
25 *vision broadcast licensees assigned*

1 to channels in the UHF range
2 that are impacted by relocation of
3 other licensees pursuant to this
4 subclause to relocate to channels
5 in the VHF range.

6 “(IV) UNLICENSED SPECTRUM.—
7 With respect to frequency bands be-
8 tween 54 and 72 MHz, 76 and 88
9 MHz, 174 and 216 MHz, 470 and 698
10 MHz, 84 MHz shall be assigned via a
11 competitive bidding process. A portion
12 of the proceeds from the competitive
13 bidding of the frequency bands identi-
14 fied in the prior sentence may, if con-
15 sistent with the public interest, be dis-
16 bursed to other licensees, for the pur-
17 pose of ensuring that unlicensed spec-
18 trum remains available in these fre-
19 quency bands, nationwide, and in each
20 local market.

21 “(iii) TREATMENT OF REVENUES.—
22 Notwithstanding subparagraph (A), and ex-
23 cept as provided in subparagraphs (B), (C),
24 and (D), all proceeds (including deposits
25 and up front payments from successful bid-

1 *ders) from the auction of spectrum under*
2 *this subparagraph shall be deposited with*
3 *the Public Safety Trust Fund established*
4 *under section 401 of the Public Safety Spec-*
5 *trum and Wireless Innovation Act.*

6 “(G) *ESTABLISHMENT OF INCENTIVE AUC-*
7 *TION RELOCATION FUND.—*

8 “(i) *IN GENERAL.—There is established*
9 *in the Treasury of the United States a fund*
10 *to be known as the ‘Incentive Auction Relo-*
11 *cation Fund’.*

12 “(ii) *ADMINISTRATION.—The Assistant*
13 *Secretary shall administer the Incentive*
14 *Auction Relocation Fund using the amounts*
15 *deposited pursuant to this section.*

16 “(iii) *CREDITING OF RECEIPTS.—*
17 *There shall be deposited into or credited to*
18 *the Incentive Auction Relocation Fund any*
19 *amounts specified in section 401 of the Pub-*
20 *lic Safety Spectrum and Wireless Innova-*
21 *tion Act.*

22 “(iv) *AVAILABILITY.—Amounts in the*
23 *Incentive Auction Relocation Fund shall be*
24 *available to the NTIA for use—*

1 “(I) for a period not to exceed 18
2 months following the later of—

3 “(aa) the completion of in-
4 centive auction from which such
5 amounts were derived; or

6 “(bb) the date on which the
7 Commission issues all the new
8 channel assignments pursuant to
9 any repacking required under
10 subparagraph (F)(ii); and

11 “(II) without further appropria-
12 tion.

13 “(v) *USE OF FUNDS.*—Amounts in the
14 Incentive Auction Relocation Fund may
15 only be used by the NTIA, in consultation
16 with the Commission, to cover—

17 “(I) the reasonable costs of tele-
18 vision broadcast stations that are relo-
19 cated to a different spectrum channel
20 or geographic location following an in-
21 centive auction under subparagraph
22 (F), or that are impacted by such relo-
23 cations, including to cover the cost of
24 new equipment, installation, and con-
25 struction; and

1 “(II) the costs incurred by multi-
2 channel video programming distribu-
3 tors for new equipment, installation,
4 and construction related to the car-
5 riage of such relocated stations or the
6 carriage of stations that voluntarily
7 elect to share a channel, but retain
8 their existing rights to carriage pursu-
9 ant to sections 338, 614, and 615.”.

10 (b) *INCENTIVE AUCTIONS TO REPURPOSE CERTAIN*
11 *MOBILE SATELLITE SERVICES SPECTRUM FOR TERRES-*
12 *TRIAL BROADBAND USE.*—*To the extent that the Commis-*
13 *sion makes available spectrum licenses on some or all of*
14 *the frequencies between 2000 and 2020 MHz and 2180 and*
15 *2200 MHz for terrestrial broadband use, such licenses shall*
16 *be assigned pursuant to the authority provided in section*
17 *309(j)(8) of the Communications Act of 1934 (47 U.S.C.*
18 *309(j)(8)), including, as appropriate, subparagraph (F) of*
19 *such section.*

20 (c) *SENSE OF CONGRESS.*—*It is the sense of Congress*
21 *that any spectrum identified for auction under this section*
22 *should be licensed—*

23 (1) *on a flexible use basis to the extent techno-*
24 *logically feasible; and*

1 (2) *consistent with the public interest, conven-*
2 *ience, and necessity.*

3 **SEC. 304. EFFICIENT USE OF PUBLIC SAFETY SPECTRUM.**

4 (a) *STUDY AND REPORT.*—*Not later than 180 days*
5 *after the date of enactment of this Act and not later than*
6 *every 2 years thereafter, the Commission shall conduct a*
7 *study and submit a report to the appropriate committees*
8 *of Congress and to the Corporation on the spectrum used*
9 *by public safety licensees or for public safety services pursu-*
10 *ant to section 337(f) of the Communications Act of 1934*
11 *(47 U.S.C. 337).*

12 (b) *REQUIREMENTS.*—*The report required under sub-*
13 *section (a) shall—*

14 (1) *inventory the spectrum assigned to public*
15 *safety use; and*

16 (2) *include—*

17 (A) *the amount of spectrum allocated to*
18 *public safety use;*

19 (B) *the number of licensees and amount of*
20 *spectrum assigned to each licensee;*

21 (C) *a general description of technologies*
22 *and systems in each band;*

23 (D) *an approximation of network coverage,*
24 *as appropriate, of major systems (such as an es-*

1 *timination of land mobile radio coverage by popu-*
2 *lation) in major metropolitan areas; and*

3 *(E) an approximate number of users of*
4 *major systems, such as the number of first re-*
5 *sponders using land mobile radio, in major*
6 *metro areas;*

7 *(3) assess if spectrum is adequate to meet the*
8 *current and future needs for public safety services;*
9 *and*

10 *(4) assess the opportunity for return of any ad-*
11 *ditional spectrum to the Commission for reallocation.*

12 **SEC. 305. REPORT ON SATELLITE BROADBAND.**

13 *Not later than 2 years after the date of enactment of*
14 *this Act, the Comptroller General of the United States shall*
15 *conduct a study and submit to the appropriate committees*
16 *of Congress a report on the current and future capabilities*
17 *of fixed and mobile satellite broadband to assist public safe-*
18 *ty entities during an emergency.*

19 **SEC. 306. FEDERAL INFRASTRUCTURE SHARING.**

20 *The Administrator of General Services shall establish*
21 *rules to allow public safety entities licensed or otherwise*
22 *permitted to use spectrum allocated to the Public Safety*
23 *Broadband Corporation to have access to those components*
24 *of Federal infrastructure appropriate for the construction*

1 *and maintenance of the nationwide public safety interoper-*
 2 *able broadband network to be established under title II.*

3 **SEC. 307. REPORT ON UNLICENSED SPECTRUM.**

4 *Not later than 5 years after the date of enactment of*
 5 *this Act, the Commission shall submit to the appropriate*
 6 *committees of Congress a report on—*

7 *(1) the status of development of any spectrum*
 8 *designated as unlicensed spectrum by the Commission*
 9 *under this Act; and*

10 *(2) the use of any unlicensed spectrum described*
 11 *in paragraph (1).*

12 **TITLE IV—PUBLIC SAFETY**
 13 **TRUST FUND**

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

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

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

20 *(2) CREDITING OF RECEIPTS.—*

21 *(A) IN GENERAL.—There shall be deposited*
 22 *into or credited to the Public Safety Trust Fund*
 23 *the proceeds from the auction of spectrum car-*
 24 *ried out pursuant to—*

25 *(i) section 302 of this Act; and*

1 (ii) section 309(j)(8)(F) of the Commu-
2 nications Act of 1934, as added by section
3 303 of this Act.

4 (B) AVAILABILITY.—Amounts deposited into
5 or credited to the Public Safety Trust Fund in
6 accordance with subparagraph (A) shall remain
7 available until the end of fiscal year 2021. Upon
8 the expiration of the period described in the
9 prior sentence such amounts shall be deposited in
10 the General Fund of the Treasury, where such
11 amounts shall be dedicated for the sole purpose
12 of deficit reduction.

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

15 (1) PAYMENT OF AUCTION INCENTIVE.—

16 (A) REQUIRED DISBURSALS.—Amounts in
17 the Public Safety Trust Fund shall be used to
18 make any required disbursement of payments to li-
19 censees required pursuant to—

20 (i) clause (i) and subclauses (III) and
21 (IV) of clause (ii) of section 309(j)(8)(F) of
22 the Communications Act of 1934; and

23 (ii) section 303(b) of this Act.

24 (B) NOTIFICATION TO CONGRESS.—

1 (i) *IN GENERAL.*—At least 3 months in
2 advance of any incentive auction conducted
3 pursuant to subparagraph (F) of section
4 309(j)(8) of the Communications Act of
5 1934, the Chairman of the Commission, in
6 consultation with the Director of the Office
7 of Management and Budget, shall notify the
8 appropriate committees of Congress—

9 (I) of the methodology for calcu-
10 lating the disbursement of payments to cer-
11 tain licensees required pursuant to
12 clause (i) and subclauses (III) and
13 (IV) of clause of (ii) of such section;
14 and

15 (II) that such methodology con-
16 siders the value of the spectrum volun-
17 tarily relinquished in its current use
18 and the timeliness with which the li-
19 censee will clear its use of such spec-
20 trum.

21 (ii) *DEFINITION.*—In this clause, the
22 term “appropriate committees of Congress”
23 means—

1 (I) *the Committee on Commerce,*
2 *Science, and Transportation of the*
3 *Senate;*

4 (II) *the Committee on Appropria-*
5 *tions of the Senate;*

6 (III) *the Committee on Energy*
7 *and Commerce of the House of Rep-*
8 *resentatives; and*

9 (IV) *the Committee on Appropria-*
10 *tions of the House of Representatives.*

11 (2) *INCENTIVE AUCTION RELOCATION FUND.—*
12 *Not less than 5 percent of the amounts in the Public*
13 *Safety Trust Fund but not more than \$1,000,000,000*
14 *shall be deposited in the Incentive Auction Relocation*
15 *Fund established under section 309(j)(8)(G) of the*
16 *Communications Act of 1934.*

17 (3) *STATE AND LOCAL IMPLEMENTATION*
18 *FUND.—\$250,000,000 shall be deposited in the State*
19 *and Local Implementation Fund established under*
20 *section 221.*

21 (4) *PUBLIC SAFETY BROADBAND CORPORA-*
22 *TION.—\$11,750,000,000 shall deposited with the Pub-*
23 *lic Safety Broadband Corporation established under*
24 *section 202, of which pursuant to its responsibilities*
25 *and duties set forth under section 206 to deploy and*

1 *operate a nationwide public safety interoperable*
2 *broadband network—*

3 *(A) not less than \$10,500,000,000 shall be*
4 *made available for any Radio Access Network*
5 *build out; and*

6 *(B) not less than \$1,250,000,000 shall be*
7 *made available to develop an Evolved Packet*
8 *Core.*

9 *(5) PUBLIC SAFETY RESEARCH AND DEVELOP-*
10 *MENT.—\$100,000,000 per year for each of the fiscal*
11 *years 2012 through 2016 shall be made available for*
12 *use by the Director of NIST to carry out the research*
13 *program established under section 223.*

14 *(6) ADVANCED INFORMATION AND TECHNOLOGY*
15 *RESEARCH.—\$200,000,000 per year for each of the*
16 *fiscal years 2012 through 2016 shall be made avail-*
17 *able to carry out the programs established under sec-*
18 *tion 224, of which—*

19 *(A) \$130,000,000 per year shall be made*
20 *available to the Director of the National Science*
21 *Foundation to carry out the grant program es-*
22 *tablished under section 224(c); and*

23 *(B) \$70,000,000 per year shall be made*
24 *available to DARPA to carry out the research*
25 *program established under section 224(d).*

1 (7) *DEFICIT REDUCTION.*—Any amounts remain-
 2 ing after the deduction of the amounts required under
 3 paragraphs (1) through (6) shall be deposited in the
 4 General Fund of the Treasury, where such amounts
 5 shall be dedicated for the sole purpose of deficit reduc-
 6 tion.

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

12 **TITLE V—SPECTRUM POLICY**
 13 **Subtitle A—Inventory and Planning**

14 **SEC. 501. RADIO SPECTRUM INVENTORY.**

15 (a) *SPECTRUM INVENTORY.*—Part I of title III of the
 16 Communications Act of 1934 (47 U.S.C. 301 et seq.) is
 17 amended by adding at the end the following:

18 **“SEC. 342. SPECTRUM INVENTORY.**

19 “(a) *RADIO SPECTRUM INVENTORY.*—Not later than
 20 180 days after the date of enactment of the Public Safety
 21 Spectrum and Wireless Innovation Act, and biennially
 22 thereafter, the Commission, in consultation with the NTIA
 23 and the Office of Science and Technology Policy, shall carry
 24 out the following activities:

1 “(1) *REPORT.*—*Prepare a report that includes*
2 *an inventory of each radio spectrum band, from 300*
3 *MHz to 3.5 GHz, at a minimum, managed by each*
4 *such agency. Except as provided in subsection (b), the*
5 *report shall include—*

6 “(A) *the licensee or government user author-*
7 *ized in the band;*

8 “(B) *the total spectrum authorized for each*
9 *licensee or government user (in percentage terms*
10 *and in sum) in the band;*

11 “(C) *the approximate number of transmit-*
12 *ters, end-user terminals, or receivers, excluding*
13 *unintended radiators, that have been deployed or*
14 *authorized, for each licensee or government user,*
15 *in the band; and*

16 “(D) *if such information is available—*

17 “(i) *the type of transmitters, end-user*
18 *terminals, or receivers, excluding unin-*
19 *tended radiators, operating in the band and*
20 *whether they are space-, air-, or ground-*
21 *based;*

22 “(ii) *the type of transmitters, end-user*
23 *terminals, or receivers, excluding unin-*
24 *tended radiators, authorized to operate in*

1 the band and whether they are space-, air-
2 , or ground-based;

3 “(iii) contour maps or other informa-
4 tion that illustrate the coverage area, re-
5 ceiver performance, and other parameters
6 relevant to an assessment of the availability
7 of spectrum in each band;

8 “(iv) the approximate geolocation of
9 base stations or fixed transmitters;

10 “(v) the approximate extent of use, by
11 geography, of each band of frequencies, such
12 as the amount and percentage of time of
13 use, number of end-users, or other measures
14 as appropriate to the particular band;

15 “(vi) the activities, capabilities, func-
16 tions, or missions supported by the trans-
17 mitters, end-user terminals, or receivers;
18 and

19 “(vii) the types of unlicensed devices
20 authorized to operate in the band.

21 “(2) *PUBLIC ACCESS.*—Create a centralized por-
22 tal or website utilizing data from the Commission
23 and the NTLA to make a centralized inventory of the
24 bands of each agency available to the public via an
25 Internet-accessible website.

1 “(3) *UPDATES.*—*Make all reasonable efforts to*
2 *maintain and update the information required under*
3 *paragraph (2) no less frequently than quarterly to re-*
4 *fect, at a minimum, any transfer or auction of li-*
5 *censes or change in allocation, assignment, or author-*
6 *ization.*

7 “(4) *FCC TO BEAR COSTS.*—*Notwithstanding*
8 *any other provision of law, all costs incurred by the*
9 *Commission and the NTIA in establishing and main-*
10 *taining the centralized inventory and the centralized*
11 *portal or website shall be borne exclusively by the*
12 *Commission.*

13 “(5) *PAPERWORK REDUCTION ACT EXEMPTION.*—
14 *Any forms prescribed by the Commission under this*
15 *section, and any information-gathering activities of*
16 *the Commission under this section, shall not be sub-*
17 *ject to the provisions of sections 3507 or 3512 of title*
18 *44, United States Code (44 U.S.C. 3507, 3512).*

19 “(b) *NATIONAL SECURITY; CLASSIFIED INFORMA-*
20 *TION.*—

21 “(1) *IN GENERAL.*—*If the head of a Federal*
22 *agency determines that disclosure of information re-*
23 *quired by subsection (a) would be harmful to the na-*
24 *tional security of the United States, the agency*
25 *shall—*

1 “(A) notify the NTIA of its determination;

2 and

3 “(B) provide to the NTIA—

4 “(i) the other publicly releasable infor-
5 mation required by subsection (a);

6 “(ii) to the maximum extent prac-
7 ticable, a summary description of the infor-
8 mation with respect to which the determina-
9 tion was made; and

10 “(iii) an annex containing the infor-
11 mation with respect to which the determina-
12 tion was made.

13 “(2) CLASSIFIED INFORMATION.—If the head of a
14 Federal agency determines that any information re-
15 quired by subsection (a) is classified in accordance
16 with Executive Order 13526 of December 29, 2009, or
17 any successor Executive Order establishing or modi-
18 fying the uniform system for classifying, safe-
19 guarding, and declassifying national security infor-
20 mation, the agency shall—

21 “(A) notify the NTIA of its determination;

22 and

23 “(B) provide to the NTIA—

24 “(i) the information required by sub-
25 section (a)(1) that is not classified;

1 “(ii) to the maximum extent prac-
2 ticable, a summary description of the infor-
3 mation that is classified; and

4 “(iii) an annex containing the infor-
5 mation that is classified.

6 “(3) ANNEX RESTRICTION.—The NTIA shall
7 make an annex described in paragraph (1)(B)(iii) or
8 (2)(B)(iii) available to the Commission. Neither the
9 NTIA nor the Commission may make any such annex
10 available to the public pursuant to subsection (a)(2)
11 or to any unauthorized person through any other
12 means.

13 “(c) PUBLIC SAFETY NONDISCLOSURE.—

14 “(1) IN GENERAL.—If a licensee of non-Federal
15 spectrum determines that public disclosure of certain
16 information held by that licensee and required to be
17 included in the report under subsection (a) would re-
18 veal information for which public disclosure would be
19 detrimental to public safety, or that the licensee is
20 otherwise prohibited by law from disclosing, the li-
21 censee may petition the Commission for a partial or
22 total exemption from inclusion on the centralized por-
23 tal or website under subsection (a)(2) and in the re-
24 ports required under subsection (d).

1 “(2) *BURDEN.*—*A licensee seeking an exemption*
2 *under this subsection bears the burden of justifying*
3 *the exemption and shall provide clear and convincing*
4 *evidence to support the requested exemption.*

5 “(3) *INFORMATION REQUIRED.*—*If the Commis-*
6 *sion grants an exemption under this subsection, the*
7 *licensee shall provide to the Commission—*

8 “(A) *the publicly releasable information re-*
9 *quired by subsection (a)(1) for the inventory;*

10 “(B) *to the maximum extent practicable, a*
11 *summary description, suitable for public release,*
12 *of the information for which public disclosure*
13 *would be detrimental to public safety or that the*
14 *licensee is prohibited by law from disclosing; and*

15 “(C) *an annex, under appropriate cover,*
16 *containing the information that the Commission*
17 *has determined should be withheld from public*
18 *disclosure.*

19 “(d) *INFORMING THE CONGRESS.*—

20 “(1) *IN GENERAL.*—*Except as provided in para-*
21 *graph (3), the NTIA and the Commission shall sub-*
22 *mit each report required by subsection (a)(1) to the*
23 *appropriate committees of Congress.*

24 “(2) *NONDISCLOSURE OF ANNEXES.*—*Each such*
25 *report shall be submitted in unclassified form, but*

1 *may include 1 or more annexes as provided for by*
2 *subsections (b)(1)(B)(iii), (b)(2)(B)(iii), and*
3 *(c)(3)(C). No Congressional committee may make any*
4 *such annex available to the public or to any unau-*
5 *thorized person.*

6 *“(3) CLASSIFIED ANNEXES.—If a report includes*
7 *a classified annex as provided for by subsection*
8 *(b)(2)(B)(iii), the NTIA and the Commission shall—*

9 *“(A) submit the classified annex only to the*
10 *appropriate committees of Congress with pri-*
11 *mary oversight jurisdiction for the user agencies*
12 *or licensees concerned; and*

13 *“(B) provide notice of the submission to the*
14 *other appropriate committees of Congress.*

15 *“(e) DEFINITIONS.—In this section:*

16 *“(1) APPROPRIATE COMMITTEES OF CON-*
17 *GRESS.—The term ‘appropriate committees of Con-*
18 *gress’ means the Committee on Commerce, Science,*
19 *and Transportation of the Senate, the Committee on*
20 *Energy and Commerce of the House of Representa-*
21 *tives, and any other congressional committee with*
22 *primary oversight jurisdiction for the user agencies or*
23 *licensees concerned.*

1 “(2) *NTIA*.—*The term ‘NTIA’ means the Na-*
2 *tional Telecommunications and Information Admin-*
3 *istration.*”.

4 **(b) *PROGRESS REPORT***.—*Within 180 days after the*
5 *date of enactment of this title, the Commission and the*
6 *NTIA shall provide an update as to the status of the inven-*
7 *tory and report required by section 342(a) of the Commu-*
8 *nications Act of 1934, as added by subsection (a), to the*
9 *appropriate committees of Congress.*

10 **SEC. 502. FEDERAL SPECTRUM PLANNING.**

11 **(a) *REVIEW OF EVALUATION PROCESS***.—*Not later*
12 *than 6 months after the date of enactment of this title, the*
13 *Comptroller General of the United States shall—*

14 (1) *conduct a review of the processes that Federal*
15 *entities utilize to evaluate their spectrum needs and*
16 *manage their spectrum resources;*

17 (2) *make recommendations on how to improve*
18 *such processes; and*

19 (3) *submit a written report to the appropriate*
20 *committees of Congress on the review, analysis, and*
21 *recommendations made pursuant to paragraphs (1)*
22 *and (2).*

23 **(b) *REVISION OF EVALUATION PROCESS***.—

24 (1) ***IN GENERAL***.—*Not later than 1 year after*
25 *the date of enactment of this title, each Federal entity*

1 *shall establish, update, or revise the process used by*
2 *such entity to evaluate their proposed spectrum needs,*
3 *taking into account any applicable recommendations*
4 *made in the report required under subsection (a).*

5 (2) *REQUIRED INCLUSIONS.—*

6 (A) *ANALYSIS OF OPTIONS.—Each process*
7 *described under paragraph (1), whether newly*
8 *established or otherwise revised, shall include an*
9 *analysis and assessment of—*

10 (i) *the options available to a Federal*
11 *entity to obtain associated communications*
12 *services that are the most spectrum-efficient;*
13 *and*

14 (ii) *the effective alternatives available*
15 *to such entity that will permit the entity to*
16 *continue to satisfy the mission requirements*
17 *of the entity.*

18 (B) *ANALYSIS SUBMITTED TO NTIA.—The*
19 *analysis and assessment carried out pursuant to*
20 *subparagraph (A) shall be submitted by the Fed-*
21 *eral entity to the NTIA at the same time that the*
22 *entity seeks certification or recertification, if ap-*
23 *plicable, of spectrum support from the NTIA*
24 *pursuant to the requirements of the National*
25 *Telecommunications and Information Adminis-*

1 *tration Organization Act and OMB Circular A-*
2 *11.*

3 *(c) SPECTRUM PLANS OF FEDERAL ENTITIES.—*

4 *(1) IN GENERAL.—Not later than 1 year after*
5 *the date of enactment of this title, and every 2 years*
6 *thereafter, each Federal entity shall provide an entity-*
7 *specific strategic spectrum plan to the Assistant Sec-*
8 *retary and the Director of the Office of Management*
9 *and Budget.*

10 *(2) REQUIRED INCLUSIONS.—Each strategic*
11 *spectrum plan submitted pursuant to paragraph (1)*
12 *shall include—*

13 *(A) the spectrum requirements of the entity;*

14 *(B) the planned uses of new technologies or*
15 *expanded services requiring spectrum over a pe-*
16 *riod of time agreed to by the entity;*

17 *(C) suggested spectrum-efficient approaches*
18 *to meeting the spectrum requirements identified*
19 *under subparagraph (A); and*

20 *(D) progress reports on what the entity is*
21 *doing to improve its spectrum management.*

22 *(d) NATIONAL SECURITY; CLASSIFIED INFORMA-*
23 *TION.—*

24 *(1) IN GENERAL.—If the head of a Federal entity*
25 *determines that disclosure of information required by*

1 subsection (c) would be harmful to the national secu-
2 rity of the United States, the entity shall—

3 (A) notify the NTIA of its determination;

4 and

5 (B) provide to the NTIA—

6 (i) the other publicly releasable infor-
7 mation required by subsection (c);

8 (ii) to the maximum extent prac-
9 ticable, a summary description of the infor-
10 mation with respect to which the determina-
11 tion was made; and

12 (iii) an annex containing the informa-
13 tion with respect to which the determina-
14 tion was made.

15 (2) *CLASSIFIED INFORMATION.*—If the head of a
16 Federal entity determines that any information re-
17 quired by subsection (c) is classified in accordance
18 with Executive Order 13526 of December 29, 2009, or
19 any successor Executive Order establishing or modi-
20 fying the uniform system for classifying, safe-
21 guarding, and declassifying national security infor-
22 mation, the entity shall—

23 (A) notify the NTIA of its determination;

24 and

25 (B) provide to the NTIA—

1 (i) the information required by sub-
2 section (c) that is not classified;

3 (ii) to the maximum extent prac-
4 ticable, a summary description of the infor-
5 mation that is classified; and

6 (iii) an annex containing the informa-
7 tion that is classified.

8 (3) *ANNEX RESTRICTION.*—*The NTIA shall make*
9 *an annex described in paragraph (1)(B)(iii) or*
10 *(2)(B)(iii) available to the Secretary of Commerce*
11 *and the Director of the Office of Management and*
12 *Budget. Neither the NTIA, the Secretary of Com-*
13 *merce, nor the Director of the Office of Management*
14 *and Budget may make any such annex available to*
15 *the public or to any unauthorized person through any*
16 *other means.*

17 (e) *FEDERAL STRATEGIC SPECTRUM PLAN.*—

18 (1) *DEVELOPMENT AND SUBMISSION.*—

19 (A) *IN GENERAL.*—*Not later than 6 months*
20 *after the receipt of the initial entity-specific stra-*
21 *tegic spectrum plans required under subsection*
22 *(c), the Secretary of Commerce shall develop a*
23 *Federal Strategic Spectrum Plan, in coordina-*
24 *tion with the Assistant Secretary and the Direc-*
25 *tor of the Office of Management and Budget.*

1 (B) *SUBMISSION TO CONGRESS.*—*Consistent*
2 *with the requirements set forth in subsection*
3 *(d)(3), the Secretary of Commerce shall submit*
4 *the Federal Strategic Spectrum Plan developed*
5 *under subparagraph (A) to the appropriate com-*
6 *mittees of Congress.*

7 (C) *NONDISCLOSURE OF ANNEXES.*—*The*
8 *Federal Strategic Spectrum Plan required to be*
9 *submitted under subparagraph (B) shall be sub-*
10 *mitted in unclassified form, but shall include, if*
11 *appropriate, 1 or more annexes as provided for*
12 *by subsections (d)(1)(B)(iii) and (d)(2)(B)(iii).*
13 *No Congressional committee may make any such*
14 *annex available to the public or to any unau-*
15 *thorized person.*

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

20 (i) *submit the classified annex only to*
21 *the appropriate committees of Congress with*
22 *primary oversight jurisdiction for the user*
23 *entities or licensees concerned; and*

1 (ii) provide notice of the submission to
2 the other appropriate committees of Con-
3 gress.

4 (E) *DEFINITION.*—In this subsection, the
5 term “appropriate committees of Congress”
6 means the Committee on Commerce, Science, and
7 Transportation of the Senate, the Committee on
8 Energy and Commerce of the House of Rep-
9 resentatives, and any other congressional com-
10 mittee with primary oversight jurisdiction for
11 the user entity or licensees concerned.

12 (2) *INCORPORATION OF ENTITY PLANS.*—The
13 Federal Strategic Spectrum Plan developed under
14 paragraph (1) shall incorporate, consistent with the
15 requirements of subsection (d), the initial entity-spe-
16 cific strategic spectrum plans submitted under sub-
17 section (c).

18 (3) *REQUIRED INCLUSIONS.*—The Federal Stra-
19 tegic Spectrum Plan developed under paragraph (1)
20 shall include—

21 (A) information on how spectrum assigned
22 and used by Federal entities is being used;

23 (B) opportunities to increase efficient use of
24 infrastructure and spectrum assigned and used
25 by Federal entities;

1 (C) *an assessment of the future spectrum*
2 *needs of the Federal Government; and*

3 (D) *plans to incorporate such needs in the*
4 *NTIA's frequency assignment, equipment certifi-*
5 *cation, and review processes.*

6 (4) *UPDATES.—The Secretary of Commerce shall*
7 *revise and update the Federal Strategic Spectrum*
8 *Plan developed under paragraph (1) accordingly pur-*
9 *suant to the biennial submission of the entity-specific*
10 *strategic spectrum plans submitted under subsection*
11 *(c).*

12 (f) *NATIONAL STRATEGIC SPECTRUM PLAN.—*

13 (1) *IN GENERAL.—Not later than 2 years after*
14 *the date of enactment of this title, the NTIA and the*
15 *Commission, in consultation with other Federal,*
16 *State, local, and tribal governments and commercial*
17 *spectrum interests, shall develop a quadrennial Na-*
18 *tional Strategic Spectrum Plan.*

19 (2) *REQUIRED INCLUSION.—The National Stra-*
20 *tegic Spectrum Plan shall include the following:*

21 (A) *The Federal Strategic Spectrum Plan*
22 *developed under subsection (e).*

23 (B) *Long-range spectrum planning of both*
24 *commercial, State and local government, and*
25 *Federal Government users.*

1 (C) *New technologies or expanded services*
2 *requiring spectrum.*

3 (D) *The nature and characteristics of the*
4 *new radio communication systems required and*
5 *the nature and characteristics of the spectrum re-*
6 *quired.*

7 (E) *Efficient approaches to meeting the fu-*
8 *ture spectrum requirements of all users, includ-*
9 *ing—*

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

13 (ii) *spectrum sharing and reuse oppor-*
14 *tunities;*

15 (iii) *possible reallocation; and*

16 (iv) *any other approaches that promote*
17 *efficient use of spectrum.*

18 (F) *An evaluation of current auction proc-*
19 *esses to determine the effectiveness of such proc-*
20 *esses in—*

21 (i) *promoting competition;*

22 (ii) *improving spectrum use efficiency;*

23 *and*

1 (iii) *maximizing the full economic*
 2 *value to customers, industry, and the tax-*
 3 *payer of the spectrum.*

4 ***Subtitle B—Markets***

5 ***SEC. 511. PROMOTING SECONDARY SPECTRUM MARKETS.***

6 (a) *IN GENERAL.*—*Not later than 18 months after the*
 7 *date of enactment of this title, the Commission shall conduct*
 8 *a rulemaking proceeding to determine how to further pro-*
 9 *mote a more robust secondary spectrum market.*

10 (b) *CONSIDERATION.*—*In carrying out the rulemaking*
 11 *required under subsection (a), the Commission shall con-*
 12 *sider the feasibility and value of establishing a national*
 13 *database to collect and disseminate information on sec-*
 14 *ondary spectrum market opportunities.*

15 ***SEC. 512. UNLICENSED USE IN 5 GHZ.***

16 (a) *MODIFICATION OF REGULATIONS.*—

17 (1) *IN GENERAL.*—*Not later than 1 year after*
 18 *the date of enactment of this title, the Commission*
 19 *shall modify part 15 of title 47, Code of Federal Reg-*
 20 *ulations, to allow unlicensed devices intended and*
 21 *marketed for indoor use to operate in the 5350–5470*
 22 *MHz band.*

23 (2) *CONCERNS AND CONSIDERATIONS.*—*In car-*
 24 *rying out the modification requirement set forth*
 25 *under paragraph (1), the Commission shall allow the*

1 *unlicensed devices described in paragraph (1) to oper-*
2 *ate in the 5350–5470 MHz band, on an indoor basis*
3 *only, if it—*

4 *(A) finds that technical solutions will pro-*
5 *tect licensed users, including use of existing,*
6 *modified, or new spectrum sharing technologies*
7 *and solutions, such as dynamic frequency selec-*
8 *tion; and*

9 *(B) determines that the primary mission of*
10 *Federal spectrum users in the 5350–5470 MHz*
11 *band will not be compromised by the introduc-*
12 *tion of unlicensed devices in the 5350–5470 MHz*
13 *band.*

14 *(b) NTIA STUDY.—*

15 *(1) IN GENERAL.—Not later than 8 months after*
16 *the date of enactment of this title, and in consultation*
17 *with the Commission, the NTIA shall conduct and*
18 *submit a study as provided in paragraph (2) evalu-*
19 *ating known and proposed sharing technologies and*
20 *the risk to Federal users if unlicensed U–NII devices*
21 *were allowed to operate indoors in the 5350–5470*
22 *MHz band.*

23 *(2) SUBMITTING STUDY.—The study required by*
24 *paragraph (1) shall be submitted to the appropriate*
25 *committees of Congress and the Commission.*

1 **SEC. 513. EXPERIMENTAL LICENSES.**

2 *Not later than 9 months after the date of enactment*
 3 *of this title, the Commission shall revise part 5 of chapter*
 4 *I of title 47, Code of Federal Regulations, to—*

5 *(1) streamline such regulations to promote great-*
 6 *er experimentation;*

7 *(2) broaden opportunities for market trials;*

8 *(3) promote advancements in health care;*

9 *(4) establish innovation zones; and*

10 *(5) establish a process by which qualified enti-*
 11 *ties, including colleges, universities, public and pri-*
 12 *vate companies, and non-profit research organiza-*
 13 *tions, will be permitted to use a broad range of radio*
 14 *frequencies for research and experimentation on a*
 15 *non-interference basis without having to obtain prior*
 16 *authorization from the Commission for the use of spe-*
 17 *cific frequencies.*

18 **SEC. 514. REPURPOSING FEDERAL SPECTRUM FOR COM-**
 19 **MERCIAL PURPOSES AND FEDERAL SPEC-**
 20 **TRUM SHARING.**

21 *(a) ELIGIBLE FEDERAL ENTITIES.—Section 113(g)(1)*
 22 *of the National Telecommunications and Information Ad-*
 23 *ministration Organization Act (47 U.S.C. 923(g)(1)) is*
 24 *amended to read as follows:*

25 *“(1) ELIGIBLE FEDERAL ENTITIES.—Any Fed-*
 26 *eral entity that operates a Federal Government sta-*

1 *tion authorized to use a band of frequencies specified*
2 *in paragraph (2) and that incurs relocation costs be-*
3 *cause of planning for a potential auction of spectrum*
4 *frequencies, a planned auction of spectrum fre-*
5 *quencies, or the reallocation of spectrum frequencies*
6 *from Federal use to exclusive non-Federal use, or*
7 *shared Federal and non-Federal use shall receive pay-*
8 *ment for such costs from the Spectrum Relocation*
9 *Fund, in accordance with section 118 of this Act. For*
10 *purposes of this paragraph, Federal power agencies*
11 *exempted under subsection (c)(4) that choose to relo-*
12 *cate from the frequencies identified for reallocation*
13 *pursuant to subsection (a), are eligible to receive pay-*
14 *ment under this paragraph.”.*

15 *(b) ELIGIBLE FREQUENCIES.—Section 113(g)(2)(B) of*
16 *the National Telecommunications and Information Admin-*
17 *istration Organization Act (47 U.S.C. 923(g)(2)(B)) is*
18 *amended to read as follows:*

19 *“(B) any other band of frequencies reallo-*
20 *cated from Federal use to non-Federal or shared*
21 *use, whether for licensed or unlicensed use, after*
22 *January 1, 2003, that is assigned—*

23 *“(i) by competitive bidding pursuant*
24 *to section 309(j) of the Communications Act*
25 *of 1934 (47 U.S.C. 309(j)); or*

1 “(ii) as a result of an Act of Congress
2 or any other administrative or executive di-
3 rection.”.

4 (c) *DEFINITION OF RELOCATION AND SHARING*
5 *COSTS.—Section 113(g)(3) of the National Telecommuni-*
6 *cations and Information Administration Organization Act*
7 *(47 U.S.C. 923(g)(3)) is amended to read as follows:*

8 “(3) *DEFINITION OF RELOCATION AND SHARING*
9 *COSTS.—For purposes of this subsection, the terms*
10 *‘relocation costs’ and ‘sharing costs’ mean the costs*
11 *incurred by a Federal entity to plan for a potential*
12 *or planned auction or sharing of spectrum frequencies*
13 *and to achieve comparable capability of systems, re-*
14 *gardless of whether that capability is achieved by re-*
15 *locating to a new frequency assignment, relocating a*
16 *Federal Government station to a different geographic*
17 *location, modifying Federal Government equipment to*
18 *mitigate interference or use less spectrum, in terms of*
19 *bandwidth, geography, or time, and thereby permit-*
20 *ting spectrum sharing (including sharing among relo-*
21 *cated Federal entities and incumbents to make spec-*
22 *trum available for non-Federal use) or relocation, or*
23 *by utilizing an alternative technology. Comparable*
24 *capability of systems includes the acquisition of state-*
25 *of-the art replacement systems intended to meet com-*

1 *parable operational scope, which may include inci-*
2 *dental increases in functionality, including those nec-*
3 *essary to achieve security, reliability, and resiliency.*

4 *Such costs include—*

5 *“(A) the costs of any modification or re-*
6 *placement of equipment, spares, associated ancil-*
7 *lary equipment, software, facilities, operating*
8 *manuals, training costs, or regulations that are*
9 *attributable to relocation or sharing;*

10 *“(B) the costs of all engineering, equipment,*
11 *software, site acquisition, and construction costs,*
12 *as well as any legitimate and prudent trans-*
13 *action expense, including term-limited Federal*
14 *civil servant and contractor staff necessary to*
15 *carry out the relocation activities of an eligible*
16 *Federal entity, and reasonable additional costs*
17 *incurred by the Federal entity that are attrib-*
18 *utable to relocation or sharing, including in-*
19 *creased recurring costs associated with the re-*
20 *placement of facilities;*

21 *“(C) the costs of research, engineering stud-*
22 *ies, economic analyses, or other expenses reason-*
23 *ably incurred in connection with—*

24 *“(i) calculating the estimated reloca-*
25 *tion costs that are provided to the Commis-*

1 *sion pursuant to paragraph (4) of this sub-*
2 *section, or in calculating the estimated*
3 *sharing costs;*

4 *“(ii) determining the technical or oper-*
5 *ational feasibility of relocation to 1 or more*
6 *potential relocation bands; or*

7 *“(iii) planning for or managing a re-*
8 *location or sharing project (including spec-*
9 *trum coordination with auction winners) or*
10 *potential relocation or sharing project;*

11 *“(D) the one-time costs of any modification*
12 *of equipment reasonably necessary to accommo-*
13 *date commercial use of shared frequencies or, in*
14 *the case of frequencies reallocated to exclusive*
15 *commercial use, prior to the termination of the*
16 *Federal entity’s primary allocation or protected*
17 *status, when the eligible frequencies as defined in*
18 *paragraph (2) of this subsection are made avail-*
19 *able for private sector uses by competitive bid-*
20 *ding and a Federal entity retains primary allo-*
21 *cation or protected status in those frequencies for*
22 *a period of time after the completion of the com-*
23 *petitive bidding process;*

24 *“(E) the costs associated with the acceler-*
25 *ated replacement of systems and equipment if*

1 *such acceleration is necessary to ensure the time-*
2 *ly relocation of systems to a new frequency as-*
3 *signment or the timely accommodation of shar-*
4 *ing of Federal frequencies; and*

5 *“(F) the costs of the use of commercial sys-*
6 *tems (including systems not utilizing spectrum)*
7 *to replace Federal systems discontinued or relo-*
8 *cated pursuant to this Act, including lease (in-*
9 *cluding lease of land), subscription, and equip-*
10 *ment costs over an appropriate period, such as*
11 *the anticipated life of an equivalent Federal sys-*
12 *tem or other period determined by the Director*
13 *of the Office of Management and Budget.”.*

14 *(d) SPECTRUM SHARING.—Section 113(g) of the Na-*
15 *tional Telecommunications and Information Administra-*
16 *tion Organization Act (47 U.S.C. 923(g)) is amended by*
17 *adding at the end the following:*

18 *“(7) SPECTRUM SHARING.—A Federal entity is*
19 *permitted to allow access to its frequency assignments*
20 *by a non-Federal entity upon approval of NTIA, in*
21 *consultation with the Director of the Office of Man-*
22 *agement and Budget. Such non-Federal entities shall*
23 *comply with all applicable rules of the Commission*
24 *and the NTIA, including any regulations promul-*
25 *gated pursuant to this section. Any remuneration as-*

1 sociated with such access shall be deposited into the
2 Spectrum Relocation Fund established under section
3 118. A Federal entity that incurs costs as a result of
4 such access is eligible for payment from the Fund for
5 the purposes specified in paragraph (3) of this sec-
6 tion. The revenue associated with such access shall be
7 at least 110 percent of the estimated Federal costs.”.

8 (e) *SPECTRUM RELOCATION FUND*.—Section 118 of
9 the National Telecommunications and Information Admin-
10 istration Organization Act (47 U.S.C. 928) is amended—

11 (1) in subsection (b), by inserting before the pe-
12 riod at the end the following: “and any payments
13 made by non-Federal entities for access to Federal
14 spectrum pursuant to section 113(g)(7) (47 U.S.C.
15 113(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 au-
21 thorized to be used to pay relocation costs, as such
22 costs are defined in section 113(g)(3), of an eligible
23 Federal entity incurring such costs with respect to re-
24 location from any eligible frequency.

1 “(2) *FUNDS FROM PAYMENTS BY NON-FEDERAL*
2 *ENTITIES.—The amounts in the Fund from payments*
3 *by non-Federal entities for access to Federal spectrum*
4 *are authorized to be used to pay the sharing costs, as*
5 *such costs are defined in section 113(g)(3), of an eligi-*
6 *ble Federal entity incurring such costs.*

7 “(3) *TRANSFER OF FUNDS.—*

8 “(A) *IN GENERAL.—Subject to subpara-*
9 *graph (B), the Director of OMB may transfer at*
10 *any time (including prior to any auction or con-*
11 *templated auction, or sharing initiative) such*
12 *sums as may be available in the Fund to an eli-*
13 *gible Federal entity to pay eligible relocation or*
14 *sharing costs related to pre-auction estimates or*
15 *research, as such costs are described in section*
16 *113(g)(3)(C).*

17 “(B) *NOTIFICATION.—No funds may be*
18 *transferred pursuant to subparagraph (A) unless*
19 *the notification provided under subsection*
20 *(d)(2)(B) of this section includes a certification*
21 *from the Director of OMB that—*

22 “(i) *funds transferred before an auc-*
23 *tion will likely allow for a timely reloca-*
24 *tion, thereby increasing net expected auc-*
25 *tion proceeds by an amount equal to or*

1 *greater than the time value of the amount*
2 *of funds transferred; and*

3 “(ii) *the auction is intended to occur*
4 *within 5 years of transfer of funds.*

5 “(C) *APPLICABILITY.—*

6 “(i) *PRIOR COSTS INCURRED.—The*
7 *Director of OMB may transfer up to*
8 *\$10,000,000 to eligible Federal entities for*
9 *eligible relocation or sharing costs related to*
10 *pre-auction estimates or research, as such*
11 *costs are described in section 113(g)(3)(C),*
12 *for costs incurred prior to the date of the*
13 *enactment of the Public Safety Spectrum*
14 *and Wireless Innovation Act, but after June*
15 *28th, 2010.*

16 “(ii) *SUPPLEMENT NOT SUPPLANT.—*

17 *Any amounts transferred by the Director of*
18 *OMB pursuant to clause (i) shall be in ad-*
19 *dition to any amounts that the Director of*
20 *OMB may transfer after the date of the en-*
21 *actment of the Public Safety Spectrum and*
22 *Wireless Innovation Act.”;*

23 (3) *in subsection (d)—*

24 (A) *in paragraph (1), by inserting “and*
25 *sharing” before “costs”;*

- 1 (B) in paragraph (2)(B)—
- 2 (i) by inserting “and sharing” before
- 3 “costs”; and
- 4 (ii) by inserting “and sharing” before
- 5 the period at the end; and
- 6 (C) by amending paragraph (3) to read as
- 7 follows:
- 8 “(3) REVERSION OF UNUSED FUNDS.—
- 9 “(A) IN GENERAL.—Any amounts in the
- 10 Fund that are remaining after the payment of
- 11 the relocation and sharing costs that are payable
- 12 from the Fund shall revert to and be deposited
- 13 in the General Fund of the Treasury not later
- 14 than 8 years after the date of the deposit of such
- 15 proceeds to the Fund, unless within 60 days in
- 16 advance of the reversion of such funds, the Direc-
- 17 tor of OMB, in consultation with the Assistant
- 18 Secretary for Communications and Information,
- 19 notifies the appropriate committees of Congress
- 20 that such funds are needed to complete or to im-
- 21 plement current or future relocations or sharing
- 22 initiatives.
- 23 “(B) DEFINITION.—In this paragraph, the
- 24 term ‘appropriate committees of Congress’ means

1 “(i) the Committee on Appropriations
2 of the Senate;

3 “(ii) the Committee on Commerce,
4 Science, and Transportation of the Senate;

5 “(iii) the Committee on Appropria-
6 tions of the House of Representatives; and

7 “(iv) the Committee on Energy and
8 Commerce of the House of Representatives.”;

9 (4) in subsection (e)(2)—

10 (A) by inserting “and sharing” before
11 “costs”;

12 (B) by inserting “or sharing” before “is
13 complete”; and

14 (C) by inserting “or sharing” before “in ac-
15 cordance”; and

16 (5) by adding at the end the following:

17 “(f) *ADDITIONAL PAYMENTS FROM THE FUND.*—Not-
18 withstanding subsections (c) through (e), after the date of
19 the enactment of the Public Safety Spectrum and Wireless
20 Innovation Act, and following the credit of any amounts
21 specified in subsection (b), there are hereby appropriated
22 from the Fund and available to the Director of the OMB
23 up to 10 percent of the amounts deposited in the Fund from
24 the auction of licenses for frequencies of spectrum vacated
25 by Federal entities, or up to 10 percent of the amounts de-

1 *posited in the Fund by non-Federal entities for sharing of*
2 *Federal spectrum. The Director of OMB, in consultation*
3 *with the Assistant Secretary for Communications and In-*
4 *formation, may use such amounts to pay eligible Federal*
5 *entities for the purpose of encouraging timely access to such*
6 *spectrum, provided that—*

7 “(1) *any such payment by the Director of OMB*
8 *is based on the market value of the spectrum, the*
9 *timeliness with which the licensee cleared its use of*
10 *such spectrum, and the need for such spectrum in*
11 *order for the Federal entity to conduct its essential*
12 *missions;*

13 “(2) *any such payment by the Director of OMB*
14 *is used to carry out the purposes specified in subpara-*
15 *graphs (A) through (F) of paragraph (3) of subsection*
16 *113(g) to achieve enhanced capability for those sys-*
17 *tems affected by reallocation of Federal spectrum to*
18 *commercial use, or by sharing of Federal frequencies*
19 *with non-Federal entities;*

20 “(3) *the amount remaining in the Fund after*
21 *any such payment by the Director is not less than 10*
22 *percent of the winning bids in the relevant auction,*
23 *or is not less than 10 percent of the payments from*
24 *non-Federal entities in the relevant sharing agree-*
25 *ment; and*

1 “(4) any such payment by the Director shall not
2 be made until 30 days after the Director has notified
3 the Committees on Appropriations and Commerce,
4 Science, and Transportation of the Senate, and the
5 Committees on Appropriations and Energy and Com-
6 merce of the House of Representatives.”.

7 (f) *COMPETITIVE BIDDING; TREATMENT OF REVE-*
8 *NUES.*—Subparagraph (D) of section 309(j)(8) of the Com-
9 *munications Act of 1934 (47 U.S.C. 309(j)(8)) is amended*
10 *by inserting “excluding frequencies identified by the Fed-*
11 *eral Communications Commission to be auctioned in con-*
12 *junction with eligible frequencies described in section*
13 *113(g)(2)” before “shall be deposited”.*

14 (g) *PUBLIC DISCLOSURE AND NONDISCLOSURE.*—If
15 *the head of an executive agency of the Federal Government*
16 *determines that public disclosure of any information con-*
17 *tained in notifications and reports required by sections 113*
18 *or 118 of the National Telecommunications and Informa-*
19 *tion Administration Organization Act (47 U.S.C. 923 and*
20 *928) would reveal classified national security information*
21 *or other information for which there is a legal basis for*
22 *nondisclosure and such public disclosure would be detri-*
23 *mental to national security, homeland security, public safe-*
24 *ty, or jeopardize law enforcement investigations, the head*
25 *of the executive agency shall notify the NTIA of that deter-*

1 *mination prior to release of such information. In that event,*
2 *such classified information shall be included in a separate*
3 *annex, as needed. These annexes shall be provided to the*
4 *appropriate subcommittee in accordance with appropriate*
5 *national security stipulations, but shall not be disclosed to*
6 *the public or provided to any unauthorized person through*
7 *any other means.*

8 **SEC. 515. REPORT ON SPECTRUM SHARING.**

9 *(a) IDENTIFICATION OF SPECTRUM; REPORT TO CON-*
10 *GRESS.—Not later than 1 year after the date of enactment*
11 *of this Act, the NTIA shall conduct a study and submit*
12 *a report to the appropriate committees of Congress—*

13 *(1) that identifies spectrum between 225 MHz*
14 *and 3700 MHz operated or licensed by a Federal enti-*
15 *ty that the NTIA, in consultation with the Commis-*
16 *sion, determines appropriate for sharing with non-*
17 *government entities or non-Federal government enti-*
18 *ties, including, after taking into account any spec-*
19 *trum identified by the NTIA in its October 2010 re-*
20 *port entitled “An Assessment of the Near-Term Via-*
21 *bility of Accommodating Wireless Broadband Systems*
22 *in the 1675-1710 MHz, 1755-1780 MHz, 3500-3650*
23 *MHz, and 4200-4220 MHz, 4380-4400 MHz Bands”,*
24 *the additional 100 MHz most likely to be appropriate*
25 *for wireless broadband operations; and*

1 (2) *on how Federal entities can utilize dynamic*
2 *spectrum sharing technologies to allow non-govern-*
3 *ment entities or non-Federal government entities to*
4 *share underutilized spectrum without interference to*
5 *the primary usage by the Federal Government of that*
6 *spectrum, including through use of cognitive radio*
7 *and sensing technologies and database and*
8 *geolocation approaches.*

9 (b) *CONSIDERATIONS.—In carrying out the study and*
10 *report required under subsection (a), the NTIA should con-*
11 *sider—*

12 (1) *radio systems that are utilized in fixed or*
13 *predictable geographic locations;*

14 (2) *radio systems that are only utilized intermit-*
15 *tently at fixed or predictable times;*

16 (3) *spectrum allocations in which radio systems*
17 *are currently not deployed; and*

18 (4) *spectrum that is harmonized regionally or*
19 *globally.*

20 (c) *PUBLIC CONSULTATION AND RULE CHANGES.—*

21 (1) *IN GENERAL.—Not later than 6 months after*
22 *the report required under subsection (a) is submitted,*
23 *the NTIA shall conduct a public consultation and,*
24 *with the Interdepartment Radio Advisory Committee,*

1 *develop rules for Federal users to increase spectrum*
 2 *sharing by Federal entities.*

3 (2) *CONSIDERATIONS.—In carrying out the rule-*
 4 *making required under paragraph (1), the NTIA shall*
 5 *consider—*

6 (A) *the findings of the report required*
 7 *under subsection (a); and*

8 (B) *the recommendations in the Final Re-*
 9 *port, dated November 8, 2010, issued by the In-*
 10 *terference and Dynamic Spectrum Access Sub-*
 11 *committee of the Commerce Spectrum Manage-*
 12 *ment Advisory Committee.*

13 ***Subtitle C—Efficiency and***
 14 ***Management***

15 ***SEC. 521. FUNCTIONAL RESPONSIBILITY OF THE NTIA TO***
 16 ***ENSURE EFFICIENT USE OF SPECTRUM.***

17 *Section 103(b)(2) of the National Telecommunications*
 18 *and Information Administration Organization Act (47*
 19 *U.S.C. 902(b)(2)) is amended—*

20 (1) *by redesignating subparagraphs (B) through*
 21 *(T) as subparagraphs (C) through (U), respectively;*
 22 *and*

23 (2) *by inserting after subparagraph (A) the fol-*
 24 *lowing:*

1 “(B) *The responsibility to promote the best*
2 *possible and most efficient use of electromagnetic*
3 *spectrum resources across the Federal Govern-*
4 *ment, subject to and consistent with the needs*
5 *and missions of Federal agencies.*”.

6 **SEC. 522. SPECTRUM EFFICIENCY ANALYTIC TOOLS.**

7 (a) *IN GENERAL.*—*Not later than 18 months after the*
8 *date of enactment of this title, the NTIA, in consultation*
9 *with NIST and the Commission, as appropriate, shall de-*
10 *velop analytic tools or metrics for the NTIA and Federal*
11 *entities to measure the spectrum efficiency of Federal spec-*
12 *trum systems used by such entities.*

13 (b) *REQUIRED CONSIDERATION.*—*In developing the*
14 *tools or metrics to measure spectrum efficiency pursuant*
15 *to subsection (a)(1), the NTIA shall consider the conclusions*
16 *reached in the report entitled “Definitions of Efficiency in*
17 *Spectrum Use”, authored by the Commerce Spectrum Man-*
18 *agement Advisory Committee and dated October 1, 2008.*

19 **SEC. 523. STUDY ON RECEIVER PERFORMANCE AND SPEC-**
20 **TRUM EFFICIENCY.**

21 (a) *IN GENERAL.*—*The Comptroller General of the*
22 *United States shall conduct a study to consider efforts to*
23 *ensure that each transmission system that employs radio*
24 *spectrum is designed and operated so that reasonable use*

1 *of adjacent spectrum does not excessively impair the func-*
2 *tioning of such system.*

3 (b) *REQUIRED CONSIDERATIONS.*—*At a minimum, the*
4 *study required under subsection (a) shall consider—*

5 (1) *the value of—*

6 (A) *improving receiver performance as it*
7 *relates to increasing spectral efficiency;*

8 (B) *improving operation of services in adja-*
9 *cent frequencies; and*

10 (C) *narrowing the guard bands between ad-*
11 *jacent spectrum use.*

12 (2) *the role of manufacturers, commercial licens-*
13 *ees, and government users with respect to their trans-*
14 *mission systems and use of adjacent spectrum de-*
15 *scribed in subsection (a);*

16 (3) *the feasibility of industry self-compliance*
17 *with respect to the design and operational require-*
18 *ments of transmission systems and the reasonable use*
19 *of adjacent spectrum described in subsection (a); and*

20 (4) *the value of Commission and NTIA action to*
21 *establish, by rule, technical requirements or standards*
22 *for non-Federal or Federal use, respectively, with re-*
23 *spect to the reasonable use of adjacent spectrum de-*
24 *scribed in subsection (a).*

1 (c) *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 spectrum.

5 (d) *REPORT.*—Not later than 1 year after the date of
6 enactment of this Act, the Comptroller General of the United
7 States shall submit a report to the appropriate committees
8 of Congress on the results of the study required under sub-
9 section (a).

10 **SEC. 524. FREQUENCY ASSIGNMENT.**

11 (a) *EXAMINATION.*—Not later than 6 months after the
12 date of enactment of this title, the NTIA, in consultation
13 with the Interdepartment Radio Advisory Committee,
14 shall—

15 (1) *examine its frequency assignment processes,*
16 *including the 5-year frequency assignment review*
17 *program, and*

18 (2) *consider best practices to determine if the*
19 *current approach for collecting and validating data*
20 *from Federal entities can be streamlined or improved*
21 *to help ensure that such entities are managing cur-*
22 *rent and future spectrum assignments efficiently.*

23 (b) *REQUIRED CONSIDERATIONS.*—In carrying out the
24 requirements of subsection (a), the NTIA shall consider—

1 (1) *providing Federal entities with specific guid-*
2 *ance or requirements on how to justify to the NTIA*
3 *that requested spectrum frequency assignments would*
4 *fulfill an established mission need and that other*
5 *means of communication are not appropriate or*
6 *available;*

7 (2) *requiring Federal entities to submit docu-*
8 *mentation, as part of the spectrum frequency assign-*
9 *ment process;*

10 (3) *verifying that such entity has completed an*
11 *analysis to support the use and need of the requested*
12 *assignment; and*

13 (4) *requiring managers of spectrum resources at*
14 *each Federal entity to validate, verify, or attest to the*
15 *accuracy of spectrum information submitted by their*
16 *entity to the NTIA.*

17 **SEC. 525. SPECTRUM OPPORTUNITY COST TRANSPARENCY.**

18 (a) *ANALYSIS OF ECONOMIC OPPORTUNITY COST.—*

19 (1) *DEVELOPMENT OF FRAMEWORK.—*

20 (A) *IN GENERAL.—Not later than 1 year*
21 *after the date of enactment of this title, the*
22 *NTIA, in consultation with the Commission and*
23 *the Director of the Office of Management and*
24 *Budget, shall develop a framework for deter-*
25 *mining the annual economic opportunity cost of*

1 *each specific Federal spectrum band assigned or*
2 *otherwise allocated for use by Federal entities.*

3 (B) *CONSIDERATIONS.*—*In developing the*
4 *framework required under subparagraph (A), the*
5 *NTIA shall take into account the spectrum pric-*
6 *ing methodologies adopted by other countries*
7 *which utilize administered incentive pricing of*
8 *spectrum for government users.*

9 (2) *SCOPE.*—*The framework developed under*
10 *paragraph (1) shall cover all Federally allocated spec-*
11 *trum bands between 150 MHz and 6000 MHz, inclu-*
12 *sive.*

13 (3) *GOALS.*—*The goal of the framework devel-*
14 *oped under paragraph (1) is—*

15 (A) *to provide Federal entities with a sus-*
16 *tained long-term signal of spectrum value to in-*
17 *form the spectrum management decisions of such*
18 *entities; and*

19 (B) *to provide the public with increased*
20 *transparency about how Federal entities use a*
21 *scarce physical resource.*

22 (4) *REQUIREMENTS.*—*The framework developed*
23 *under paragraph (1) shall—*

24 (A) *define the term “opportunity cost” as*
25 *the value of the spectrum, in dollar terms, as if*

1 *such spectrum were to be reallocated to the high-*
2 *est commercial alternative use that currently*
3 *does not have access to that spectrum;*

4 *(B) be updated, on an annual basis, to take*
5 *into account observed market valuations from*
6 *spectrum auctions, secondary spectrum trading,*
7 *and other market indicators of spectrum value;*

8 *(C) determine the opportunity costs borne*
9 *by each Federal entity for each spectrum band*
10 *that is entirely under the control of a single*
11 *agency; and*

12 *(D) determine the opportunity costs for*
13 *spectrum assigned or otherwise allocated to Fed-*
14 *eral entities for both primary use and secondary*
15 *use.*

16 *(b) REPORT ON OPPORTUNITY COSTS.—Each Federal*
17 *entity that has been assigned or otherwise allocated use of*
18 *a Federal spectrum band shall report, as an off-budget item,*
19 *the opportunity cost borne by the entity for each spectrum*
20 *band the entity uses—*

21 *(1) in the budget of the entity to be included in*
22 *the budget of the United States Government submitted*
23 *by the President under section 1105 of title 31,*
24 *United States Code; and*

1 (2) *in the annual financial statement of the enti-*
2 *ty required to be filed under section 3515 of title 31,*
3 *United States Code.*

4 (c) *SPECTRUM VALUE ANALYSIS.—Not later than 5*
5 *years after the date of the enactment of this title, and every*
6 *5 years thereafter, each Federal entity that has been as-*
7 *signed or otherwise allocated use of a Federal spectrum*
8 *band, or otherwise utilizes such spectrum, shall engage in*
9 *an analysis comparing the opportunity cost of that spec-*
10 *trum, as such cost is determined by the framework developed*
11 *by the NTIA under subsection (a), to the projected costs of*
12 *the entity relocating to other government spectrum holdings,*
13 *co-locating with other government agencies, leasing other*
14 *non-Federal spectrum, or contracting out for its spectrum*
15 *activities.*

16 (d) *SPECTRUM TECHNOLOGY STUDY.—*

17 (1) *IN GENERAL.—Not later than 18 months*
18 *after the date of the enactment of this title, and every*
19 *5 years thereafter, the Comptroller General of the*
20 *United States, in consultation with NTIA, shall ex-*
21 *amine the technologies and equipment used by Fed-*
22 *eral entities operating on Federal spectrum alloca-*
23 *tions and determine if such technologies and equip-*
24 *ment are the most spectrum efficient available.*

1 (2) *CERTAIN DETERMINATIONS MADE.*—*If the re-*
2 *sults of any study required under paragraph (1) de-*
3 *termines that the technologies and equipment of Fed-*
4 *eral entities operating on Federal spectrum alloca-*
5 *tions are not the most spectrum efficient available, the*
6 *Comptroller General shall determine—*

7 (A) *what the costs would be to upgrade such*
8 *systems to more up-to-date and readily available*
9 *systems;*

10 (B) *what benefits would be gained from up-*
11 *grading, particularly any cost savings or in-*
12 *creases in spectrum utilization efficiency; and*

13 (C) *if there are any possible problems with*
14 *upgrading to more up-to-date systems.*

15 **SEC. 526. SYSTEM CERTIFICATION.**

16 *Not later than 6 months after the date of enactment*
17 *of this title, the Director of the Office of Management and*
18 *Budget shall update and revise section 33.4 of OMB Cir-*
19 *cular A–11 to reflect the recommendations regarding such*
20 *Circular made in the Commerce Spectrum Management Ad-*
21 *visory Committee Incentive Subcommittee report, adopted*
22 *January 11, 2011.*

1 **SEC. 527. REPORT TO CONGRESS ON IMPROVING SPEC-**
2 **TRUM MANAGEMENT.**

3 *Not later than 3 months after the date of enactment*
4 *of this title, the NTIA shall submit to the appropriate com-*
5 *mittees of Congress a report on the status of the NTIA's*
6 *plan to implement the recommendations contained in the*
7 *“President’s Memorandum on Improving Spectrum Man-*
8 *agement for the 21st Century”, 49 Weekly Comp. Pres. Doc.*
9 *2875, Nov. 29, 2004.*

10 **SEC. 528. WIRELESS FACILITIES DEPLOYMENT.**

11 *(a) FACILITY MODIFICATIONS.—*

12 *(1) IN GENERAL.—Notwithstanding section 704*
13 *of the Telecommunications Act of 1996 or any other*
14 *provision of law, a State or local government may not*
15 *deny, and shall approve, any eligible facilities request*
16 *for a modification of an existing wireless tower that*
17 *does not substantially change the physical dimensions*
18 *of such tower.*

19 *(2) ELIGIBLE FACILITIES REQUEST.—For pur-*
20 *poses this subsection, the term “eligible facilities re-*
21 *quest” means any request for modification of an ex-*
22 *isting wireless tower that involves—*

23 *(A) collocation of new transmission equip-*
24 *ment;*

25 *(B) removal of transmission equipment;*
26 *and*

1 (C) replacement of transmission equipment.

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

3 (1) *GRANT.*—*If an executive agency, a State, a*
4 *political subdivision or agency of a State, or a per-*
5 *son, firm, or organization applies for the grant of an*
6 *easement or rights-of-way to, in, over, or on a build-*
7 *ing owned by the Federal Government for the right to*
8 *install, construct, and maintain wireless service an-*
9 *tenna structures and equipment, and backhaul trans-*
10 *mission, the executive agency having control of the*
11 *building may grant to the applicant, on behalf of the*
12 *Federal Government, an easement or rights-of-way to*
13 *perform such installation, construction, and mainte-*
14 *nance.*

15 (2) *APPLICATION.*—*The Administrator of the*
16 *General Services Administration shall develop a com-*
17 *mon form for rights-of-way applications required*
18 *under paragraph (1) for all executive agencies that*
19 *shall be used by applicants with respect to the build-*
20 *ings or property of each such agency.*

21 (3) *FEE.*—

22 (A) *IN GENERAL.*—*Notwithstanding any*
23 *other provision of law, in making a grant of an*
24 *easement or rights-of-way pursuant to para-*
25 *graph (1), the Administrator of the General*

1 *Services Administration shall establish a fee for*
2 *the award of such grant that is based on direct*
3 *cost recovery.*

4 (B) *EXCEPTIONS.—The Administrator of*
5 *the General Services Administration may estab-*
6 *lish exceptions to the fee amount required under*
7 *subparagraph (A)—*

8 *(i) in consideration of the public ben-*
9 *efit provided by a grant of an easement or*
10 *rights-of-way; and*

11 *(ii) in the interest of expanding wire-*
12 *less and broadband coverage.*

13 (4) *USE OF FEES COLLECTED.—Any fee amounts*
14 *collected by an executive agency pursuant to para-*
15 *graph (2) shall be made available, without further ap-*
16 *propriation, to such agency for purposes of the agen-*
17 *cy's telecommunications and information technology*
18 *needs and any excess funds shall then be deposited*
19 *into the Federal Building Fund.*

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

22 (1) *IN GENERAL.—Notwithstanding section 704*
23 *of the Telecommunications Act of 1996 or any other*
24 *provision of law, and not later than 60 days after the*

1 *date of enactment of this Act, the Administrator of the*
2 *General Services Administration shall—*

3 *(A) develop 1 or more master contracts that*
4 *shall govern the placement of wireless service an-*
5 *tenna structures on buildings and property*
6 *owned by the Federal Government; and*

7 *(B) in developing the master contract, with*
8 *respect to the siting of wireless service antenna*
9 *structures, standardize the treatment of the*
10 *placement of wireless service antenna structures*
11 *on rooftop or building facades, the placement of*
12 *equipment on rooftops or inside buildings, and*
13 *technology, and any other key issues that the Ad-*
14 *ministrator determines appropriate.*

15 *(2) APPLICABILITY.—The master contract devel-*
16 *oped by the Administrator of the General Services Ad-*
17 *ministration under paragraph (1) shall apply to all*
18 *publicly accessible property owned by the Federal*
19 *Government, unless the Administrator decides that*
20 *issues with respect to the siting of a wireless service*
21 *antenna structure on a specific building or property*
22 *warrant nonstandard treatment of a specific prop-*
23 *erty.*

24 *(3) APPLICATION.—The Administrator of the*
25 *General Services Administration shall develop a com-*

1 *mon form or set of forms for wireless service antenna*
 2 *structure siting applications required under this sec-*
 3 *tion for all executive agencies that shall be used by*
 4 *applicants with respect to the buildings of each such*
 5 *agency.*

6 **TITLE VI—STUDIES ON NEXT**
 7 **GENERATION 9-1-1 SERVICES**

8 **SEC. 601. DEFINITIONS.**

9 *As used in this title, the following definitions shall*
 10 *apply:*

11 (1) *9-1-1 SERVICES.—The term “9-1-1 serv-*
 12 *ices” includes both E9-1-1 services and Next Genera-*
 13 *tion 9-1-1 services.*

14 (2) *E9-1-1 SERVICES.—The term “E9-1-1 serv-*
 15 *ices” means both phase I and phase II enhanced 9-*
 16 *1-1 services, as described in section 20.18 of the Com-*
 17 *mission’s regulations (47 C.F.R. 20.18), as in effect*
 18 *on the date of enactment of this title, or as subse-*
 19 *quently revised by the Commission.*

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

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

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

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

10 (D) delivers the emergency calls, messages,
11 and data to the appropriate public safety an-
12 swering point and other appropriate emergency
13 entities;

14 (E) supports data or video communications
15 needs for coordinated incident response and
16 management; or

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

20 (4) *PUBLIC SAFETY ANSWERING POINT.*—The
21 term “public safety answering point” has the mean-
22 ing given the term in section 222 of the Communica-
23 tions Act of 1934 (47 U.S.C. 222).

1 **SEC. 602. NHTSA REPORT ON COSTS FOR REQUIREMENTS**
2 **AND SPECIFICATIONS OF NEXT GENERATION**
3 **9-1-1 SERVICES.**

4 (a) *IN GENERAL.*—Not later than 1 year after the date
5 of enactment of this title, the Administrator of the National
6 Highway Traffic Safety Administration, in consultation
7 with the Commission and the Secretary of Homeland Secu-
8 rity, shall prepare and submit a report to Congress that
9 analyzes and determines detailed costs for specific Next
10 Generation 9-1-1 service requirements and specifications.

11 (b) *PURPOSE OF REPORT.*—The purpose of the report
12 required under subsection (a) is to serve as a resource for
13 Congress as it considers creating a coordinated, long-term
14 funding mechanism for the deployment and operation, ac-
15 cessibility, application development, equipment procure-
16 ment, and training of personnel for Next Generation 9-1-
17 1 services.

18 (c) *REQUIRED INCLUSIONS.*—The report required
19 under subsection (a) shall include the following:

20 (1) *How costs would be broken out geographi-*
21 *cally and/or allocated among public safety answering*
22 *points, broadband service providers, and third-party*
23 *providers of Next Generation 9-1-1 services.*

24 (2) *An assessment of the current state of Next*
25 *Generation 9-1-1 service readiness among public*
26 *safety answering points.*

1 (3) *How differences in public safety answering*
2 *points' access to broadband across the country may*
3 *affect costs.*

4 (4) *A technical analysis and cost study of dif-*
5 *ferent delivery platforms such as wireline, wireless,*
6 *and satellite.*

7 (5) *An assessment of the architectural character-*
8 *istics, feasibility, and limitations of Next Generation*
9 *9-1-1 service delivery.*

10 (6) *An analysis of the needs for Next Generation*
11 *9-1-1 service of persons with disabilities.*

12 (7) *Standards and protocols for Next Generation*
13 *9-1-1 service and for incorporating Voice over Inter-*
14 *net Protocol and "Real-Time Text" standards.*

15 **SEC. 603. FCC RECOMMENDATIONS FOR LEGAL AND STATU-**
16 **TORY FRAMEWORK FOR NEXT GENERATION 9-**
17 **1-1 SERVICES.**

18 *Not later than 1 year after the date of enactment of*
19 *this title, the Commission, in coordination with the Sec-*
20 *retary of Homeland Security and the Administrator of the*
21 *National Highway Traffic Safety Administration, shall*
22 *prepare and submit a report to Congress that contains rec-*
23 *ommendations for the legal and statutory framework for*
24 *Next Generation 9-1-1 services, consistent with rec-*
25 *ommendations in the National Broadband Plan developed*

1 *by the Commission pursuant to Public Law 111–5, includ-*
 2 *ing the following:*

3 (1) *A legal and regulatory framework for the de-*
 4 *velopment of Next Generation 9–1–1 services and the*
 5 *transition from legacy 9–1–1 to Next Generation 9–*
 6 *1–1 networks.*

7 (2) *Legal mechanisms to ensure efficient and ac-*
 8 *curate transmission of 9–1–1 caller information to*
 9 *emergency response agencies.*

10 (3) *Recommendations for removing jurisdictional*
 11 *barriers and inconsistent legacy regulations includ-*
 12 *ing—*

13 (A) *proposals that would require States to*
 14 *remove regulatory roadblocks to Next Generation*
 15 *9–1–1 services development, while recognizing ex-*
 16 *isting State authority over 9–1–1 services;*

17 (B) *eliminating outdated 9–1–1 regulations*
 18 *at the Federal level; and*

19 (C) *preempting inconsistent State regula-*
 20 *tions.*

21 **TITLE VII—MISCELLANEOUS**

22 **SEC. 701. SEVERABILITY.**

23 *If any provision of this Act or an amendment made*
 24 *by this Act, or the application of the provision to any per-*
 25 *son or circumstance, is held to be unconstitutional, the re-*

1 *mainder of this Act and the amendments made by this Act,*
2 *and the application of the provisions of this Act and the*
3 *amendments made by this Act to any other person or cir-*
4 *cumstance, shall not be affected thereby.*

5 **SEC. 702. RULE OF CONSTRUCTION.**

6 *Nothing in this Act shall be construed as adding or*
7 *subtracting from the authority the Commission may or may*
8 *not have to regulate broadband Internet access service.*

9 **TITLE VIII—COMPLIANCE WITH**
10 **STATUTORY PAY-AS-YOU-GO ACT**

11 **SEC. 801. BUDGET COMPLIANCE.**

12 *The budgetary effects of this Act, for the purpose of*
13 *complying with the Statutory Pay-As-You-Go-Act of 2010,*
14 *shall be determined by reference to the latest statement titled*
15 *“Budgetary Effects of PAYGO Legislation” for this Act,*
16 *submitted for printing in the Congressional Record by the*
17 *Chairman of the Senate Budget Committee, provided that*
18 *such statement has been submitted prior to the vote on pas-*
19 *sage.*

Calendar No. 546

112TH CONGRESS
2^D SESSION

S. 911

A BILL

To establish the sense of Congress that Congress should enact, and the President should sign, bipartisan legislation to strengthen public safety and to enhance wireless communications.

NOVEMBER 14, 2012

Reported with an amendment