

[DISCUSSION DRAFT]112TH CONGRESS
1ST SESSION**H. R.** _____

To provide for the creation of a public safety broadband network, to ensure a more efficient and innovative allocation of the electromagnetic spectrum, to permit the Federal Communications Commission to conduct incentive auctions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To provide for the creation of a public safety broadband network, to ensure a more efficient and innovative allocation of the electromagnetic spectrum, to permit the Federal Communications Commission to conduct incentive auctions, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Public Safety Broadband and Wireless Innovation Act of
6 2011”.

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

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

TITLE I—ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY
BROADBAND SPECTRUM

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

TITLE II—ADVANCED PUBLIC SAFETY COMMUNICATIONS

Subtitle A—Public Safety Broadband Network

- Sec. 201. Establishment and Operation of Public Safety Broadband Network Corporation.
- Sec. 202. Public Safety Broadband Network.
- Sec. 203. Program Management Office.
- Sec. 204. Analysis of public safety network attributes.
- Sec. 205. Representation before standards setting entities.
- Sec. 206. GAO Report on satellite broadband.
- Sec. 207. Access to Federal supply schedules.
- Sec. 208. Federal infrastructure sharing.
- Sec. 209. Initial funding for the Corporation.
- Sec. 210. Permanent self-funding of Corporation and duty to collect certain fees.

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

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

Subtitle C—Public Safety Communications Research and Development

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

Subtitle D—Next Generation 911 Services

- Sec. 231. NHTSA report on costs for requirements and specifications of Next Generation 911 services.
- Sec. 232. FCC recommendations for legal and statutory framework for Next Generation 911 services.
- Sec. 233. Definitions.

TITLE III—SPECTRUM AUCTION AUTHORITY

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

TITLE IV—PUBLIC SAFETY TRUST FUND

- Sec. 401. Public Safety Trust Fund.

TITLE V—SPECTRUM POLICY

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

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) 700 MHZ D BLOCK SPECTRUM.—The term
4 “700 MHz D block spectrum” means the portion of
5 the electromagnetic spectrum between the fre-
6 quencies from 758 megahertz to 763 megahertz and
7 between the frequencies from 788 megahertz to 793
8 megahertz.

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

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

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

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

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

8 (A) that is—

9 (i) a data service, which may include
10 Internet Protocol-based applications;

11 (ii) provided for profit; and

12 (iii) available to the public or to such
13 classes of eligible users as to be effectively
14 available to the public; and

15 (B) that is not interconnected with the
16 public switched network.

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

21 (6) COMMERCIAL STANDARDS.—The term
22 “commercial standards” means the technical stand-
23 ards followed by the commercial mobile service and
24 commercial mobile data service industries for net-
25 work, device, and Internet Protocol connectivity.

1 Such term includes standards developed by the
2 Third Generation Partnership Project (3GPP), the
3 Institute of Electrical and Electronics Engineers
4 (IEEE), the Alliance for Telecommunications Indus-
5 try Solutions (ATIS), and the Internet Engineering
6 Task Force (IETF).

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

9 (8) CORE NETWORK.—The term “core net-
10 work” means the core network described in section
11 202(b)(1).

12 (9) FEDERAL ENTITY.—The term “Federal en-
13 tity” has the meaning given such term in section
14 113(i) of the National Telecommunications and In-
15 formation Administration Organization Act (47
16 U.S.C. 923(i)).

17 (10) GOVERNOR.—The term “Governor” means
18 the Governor or other chief executive officer of a
19 State.

20 (11) GUARD BAND SPECTRUM.—The term
21 “guard band spectrum” means the portion of the
22 electromagnetic spectrum between the frequencies
23 from 768 megahertz to 769 megahertz and between
24 the frequencies from 798 megahertz to 799 mega-
25 hertz.

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

5 (13) NARROWBAND SPECTRUM.—The term
6 “narrowband spectrum” means the portion of the
7 electromagnetic spectrum between the frequencies
8 from 769 megahertz to 775 megahertz and between
9 the frequencies from 799 megahertz to 805 mega-
10 hertz.

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

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

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

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

23 (18) PUBLIC SAFETY BROADBAND NETWORK.—
24 The term “public safety broadband network” means
25 the network described in section 202.

1 (19) PUBLIC SAFETY BROADBAND NETWORK
2 CORPORATION.—The term “Public Safety
3 Broadband Network Corporation” or “Corporation”
4 means the corporation established under section
5 201(a)(1).

6 (20) PUBLIC SAFETY BROADBAND SPEC-
7 TRUM.—The term “public safety broadband spec-
8 trum” means—

9 (A) the portion of the electromagnetic
10 spectrum between the frequencies from 763
11 megahertz to 768 megahertz and between the
12 frequencies from 793 megahertz to 798 mega-
13 hertz; and

14 (B) the 700 MHz D block spectrum.

15 (21) PUBLIC SAFETY COMMUNICATIONS RE-
16 SEARCH PROGRAM.—The term “Public Safety Com-
17 munications Research Program” means the program
18 that is housed within the Department of Commerce
19 Labs in Boulder, Colorado, and that is a joint effort
20 between the Office of Law Enforcement Standards
21 of NIST and the Institute for Telecommunication
22 Sciences of the NTIA.

23 (22) PUBLIC SAFETY ENTITY.—The term “pub-
24 lic safety entity” means an entity that provides pub-
25 lic safety services.

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

5 (24) RADIO ACCESS NETWORK.—The term
6 “radio access network” means a radio access net-
7 work described in section 202(b)(2).

8 (25) STATE.—The term “State” means any of
9 the 50 States, the District of Columbia, the Com-
10 monwealth of Puerto Rico, the United States Virgin
11 Islands, Guam, American Samoa, and the Common-
12 wealth of the Northern Mariana Islands.

13 (26) STATE PUBLIC SAFETY BROADBAND OF-
14 FICE.—The term “State Public Safety Broadband
15 Office” means an office established under section
16 212(d).

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

22 **SEC. 3. RULE OF CONSTRUCTION.**

23 Each range of frequencies described in this Act shall
24 be construed to be inclusive of the upper and lower fre-
25 quencies in the range.

1 **SEC. 4. ENFORCEMENT.**

2 (a) IN GENERAL.—The Commission shall enforce this
3 Act as if this Act were a part of the Communications Act
4 of 1934 (47 U.S.C. 151 et seq.). A violation of this Act,
5 or a regulation promulgated under this Act, shall be con-
6 sidered to be a violation of the Communications Act of
7 1934, or a regulation promulgated under such Act, respec-
8 tively.

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

14 **TITLE I—ALLOCATION AND AS-**
15 **SIGNMENT OF PUBLIC SAFE-**
16 **TY BROADBAND SPECTRUM**

17 **SEC. 101. REALLOCATION OF 700 MHZ D BLOCK SPECTRUM**
18 **FOR PUBLIC SAFETY USE.**

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

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

25 (1) by striking “Not later than January 1,
26 1998, the” and inserting “The”;

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

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

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

6 (a) IN GENERAL.—Not later than the date that is
7 30 days after the date of the incorporation of the Public
8 Safety Broadband Network Corporation under section
9 201(a), the Commission shall assign a single license for
10 the public safety broadband spectrum and the guard band
11 spectrum to the Corporation for the purpose of ensuring
12 the construction, management, maintenance, and oper-
13 ation of the public safety broadband network.

14 (b) TERM.—

15 (1) INITIAL LICENSE.—The initial license as-
16 signed under subsection (a) shall be for a term of
17 10 years.

18 (2) RENEWAL OF LICENSE.—Prior to the expi-
19 ration of the term of the initial license assigned
20 under subsection (a) or the expiration of any re-
21 newal of such license, the Corporation shall submit
22 to the Commission an application for the renewal of
23 such license in accordance with the Communications
24 Act of 1934 (47 U.S.C. 151 et seq.) and any appli-
25 cable Commission regulations. Such renewal applica-

1 tion shall demonstrate that, during the term of the
2 license that the Corporation is seeking to renew, the
3 Corporation has fulfilled its duties and obligations
4 under this Act and the Communications Act of 1934
5 and has complied with all applicable Commission
6 regulations. A renewal of the initial license granted
7 under subsection (a) or any renewal of such license
8 shall be for a term not to exceed 10 years.

9 (c) DEFINITION OF PUBLIC SAFETY SERVICES.—
10 Section 337(f)(1)(B) of the Communications Act of 1934
11 (47 U.S.C. 337(f)(1)(B)) is amended to read as follows:

12 “(B) that are provided by emergency re-
13 sponse providers, as such term is defined in sec-
14 tion 2 of the Homeland Security Act of 2002 (6
15 U.S.C. 101), except that such term—

16 “(i) shall include personnel, agencies,
17 and authorities of tribal organizations (as
18 defined in section 4 of the Indian Self-De-
19 termination and Education Assistance Act
20 (25 U.S.C. 450b)); and

21 “(ii) shall not include personnel, agen-
22 cies, or authorities of the Federal Govern-
23 ment; and”.

1 **SEC. 103. ENSURING EFFICIENT AND FLEXIBLE USE OF 700**
2 **MHZ PUBLIC SAFETY NARROWBAND SPEC-**
3 **TRUM.**

4 (a) LICENSE RENEWAL REQUIREMENTS.—The Com-
5 mission may not renew any license to use the narrowband
6 spectrum after the date of the enactment of this Act un-
7 less the licensee demonstrates that failure of the Commis-
8 sion to renew such license will—

- 9 (1) cause considerable economic hardship; or
10 (2) adversely impact the ability of the licensee
11 to provide public safety services.

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

22 (c) FLEXIBLE USE.—In order to promote efficient
23 spectrum use, the Commission may allow the narrowband
24 spectrum and the guard band spectrum to be used in a
25 flexible manner, including for public safety broadband
26 communications, subject to such technical and inter-

1 ference protection measures as the Commission may re-
2 quire.

3 **SEC. 104. SHARING OF PUBLIC SAFETY BROADBAND SPEC-**
4 **TRUM AND NETWORK.**

5 (a) EMERGENCY ACCESS BY NON-PUBLIC SAFETY
6 ENTITIES.—

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

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

1 (b) PUBLIC-PRIVATE PARTNERSHIPS.—The Corpora-
2 tion may permit a private entity with which the Corpora-
3 tion contracts on behalf of public safety entities to con-
4 struct, manage, maintain, or operate the core network or
5 a radio access network, upon the request of such private
6 entity, to—

7 (1) obtain access on a secondary basis to the
8 public safety broadband spectrum for services that
9 are not public safety services; or

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

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

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

23 (e) ACCESS BY FEDERAL DEPARTMENTS AND AGEN-
24 CIES.—The Corporation shall enter into such written
25 agreements as are necessary to permit Federal depart-

1 ments and agencies to have shared access to the public
2 safety broadband spectrum in order to protect the safety
3 of life, health, and property.

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

8 **SEC. 105. COMMISSION RULES.**

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

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

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

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

22 (B) the commercial provider is reasonably
23 compensated; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (G) of section 309(j)(8) of the Communications Act
2 of 1934 (47 U.S.C. 309(j)(8)), as added by section
3 302(a).

4 **TITLE II—ADVANCED PUBLIC**
5 **SAFETY COMMUNICATIONS**

6 **Subtitle A—Public Safety**

7 **Broadband Network**

8 **SEC. 201. ESTABLISHMENT AND OPERATION OF PUBLIC**
9 **SAFETY BROADBAND NETWORK CORPORA-**
10 **TION.**

11 (a) ESTABLISHMENT.—

12 (1) IN GENERAL.—There is authorized to be es-
13 tablished a private, nonprofit corporation to be
14 known as the Public Safety Broadband Network
15 Corporation, which will not be an agency or estab-
16 lishment of the United States Government or the
17 District of Columbia government.

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

1 (3) INCORPORATION.—The members of the ini-
2 tial Board of Directors of the Corporation shall
3 serve as the incorporators of the Corporation and
4 shall take the necessary steps to establish the Cor-
5 poration under the District of Columbia Nonprofit
6 Corporation Act.

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

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

14 (b) BOARD OF DIRECTORS.—

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

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

21 (i) The Secretary of Commerce.

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

24 (iii) The Director of NIST.

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

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

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

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

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

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

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

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

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

5 (C) PRIVATE-SECTOR MEMBERS.—Four
6 private-sector members, appointed by the Sec-
7 retary of Commerce, each of whom is employed
8 by a private entity that has extensive experience
9 implementing commercial standards in the de-
10 sign, development, and operation of commercial
11 mobile data service networks.

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

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

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

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

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

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

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

15 (5) TERMS OF APPOINTMENT.—

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

22 (B) TERMS.—

23 (i) LENGTH.—

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

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

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

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

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

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

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

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

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

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

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

18 (6) CHAIR.—

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

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

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

3 (7) REMOVAL.—

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

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

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

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

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

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

24 (8) MEETINGS.—

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

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

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

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

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

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

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

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

15 (c) CHIEF EXECUTIVE OFFICER AND EMPLOYEES.—

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

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

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

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

14 (5) COMPENSATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (G) exercising discretion in using and dis-
7 bursing the funds received under section
8 401(b)(5); and

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

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

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

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

1 (A) Public safety entities.

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

4 (C) Public safety answering points.

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

8 (E) The Bureau of Indian Affairs.

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

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

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

17 (i) AUDITS AND REPORTS BY GAO.—

18 (1) AUDITS.—

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

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

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

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

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

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

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

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

6 (2) REPORTS.—

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

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

13 (ii) the President; and

14 (iii) the Corporation.

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

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

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

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

8 (j) ANNUAL REPORT TO CONGRESS.—

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

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

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

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

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

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

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

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

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

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

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

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

24 (a) ESTABLISHMENT.—The Corporation shall ensure
25 the establishment of a public safety broadband network.

1 (b) NETWORK COMPONENTS.—The public safety
2 broadband network shall consist of the following:

3 (1) A core network that—

4 (A) consists of national and regional data
5 centers and elements and nodes based on com-
6 mercial standards; and

7 (B) provides the connectivity between—

8 (i) the radio access networks; and

9 (ii) the public Internet or the public
10 switched network, or both.

11 (2) Radio access networks—

12 (A) that consist of all cell site equipment,
13 antennas, and backhaul equipment, based on
14 commercial standards, that are required to en-
15 able wireless communications with devices using
16 the public safety broadband spectrum; and

17 (B) each of which shall be developed, con-
18 structed, managed, maintained, and operated
19 taking into account the plans developed in the
20 State, local, and tribal planning and implemen-
21 tation grant program under section 212.

22 (c) DEPLOYMENT STANDARDS.—The Corporation
23 shall, through the administration of the requests-for-pro-
24 posals process and oversight of contracts delegated to the
25 Program Management Office—

1 (1) ensure that the core network and the radio
2 access networks are deployed as networks are typi-
3 cally deployed by commercial mobile data service
4 providers;

5 (2) promote competition in the public safety
6 equipment market by requiring that equipment for
7 use on the public safety broadband network be—

8 (A) built to open, non-proprietary, com-
9 mercial standards;

10 (B) capable of being used by any public
11 safety entity and accessed by devices manufac-
12 tured by multiple vendors; and

13 (C) backward-compatible with prior gen-
14 erations of commercial mobile service and com-
15 mercial mobile data service networks to the ex-
16 tent typically deployed by providers of commer-
17 cial mobile service and commercial mobile data
18 service; and

19 (3) ensure that the public safety broadband net-
20 work is integrated with public safety answering
21 points, or the equivalent of public safety answering
22 points, and with networks for the provision of Next
23 Generation 911 services (as defined in section 233).

24 (d) **PROCUREMENTS.**—All procurements for the pub-
25 lic safety broadband network shall be made through an

1 open, competitive bidding process, and may not include,
2 except in the case of minor upgrades—

3 (1) sole-source contracts;

4 (2) the use of contract vehicles existing at the
5 time of the procurement involved; or

6 (3) requirements for design proprietary to any
7 individual vendor.

8 (e) NETWORK INFRASTRUCTURE AND DEVICE CRI-
9 TERIA.—The Director of NIST, in consultation with the
10 Corporation and the Commission, shall develop a list of
11 certified devices and components meeting appropriate pro-
12 tocols and standards. A device or component may not be
13 used on the public safety broadband network unless it ap-
14 pears on such list.

15 **SEC. 203. PROGRAM MANAGEMENT OFFICE.**

16 (a) ESTABLISHMENT.—The Corporation shall estab-
17 lish and staff a Program Management Office within the
18 Corporation, or award a network management services
19 contract to a private entity to establish and staff such an
20 office. Any such contract shall be awarded through an
21 open, competitive bidding process.

22 (b) ACCOUNTABILITY.—The actions of the Program
23 Management Office shall be subject to review by the Cor-
24 poration.

1 (c) INDEPENDENCE.—For the duration of any con-
2 tract between the Program Management Office and the
3 Corporation, the Program Management Office may not
4 have a financial interest in the outcome of any request
5 for proposals of the Corporation or a financial interest in
6 any contract or agreement entered into by the Corpora-
7 tion.

8 (d) DUTIES.—The Program Management Office
9 shall—

10 (1) be responsible for the day-to-day manage-
11 ment of the public safety broadband network, includ-
12 ing ensuring uniformity of deployments and up-
13 grades to preserve nationwide interoperability and
14 economies of scale in network equipment and device
15 costs;

16 (2) create a template for use by a State Public
17 Safety Broadband Office receiving a grant under
18 section 212(a) in transmitting the plans developed
19 under such section to the Program Management Of-
20 fice;

21 (3) create a standard format for requests for
22 proposals with respect to the construction, manage-
23 ment, maintenance, and operation of the core net-
24 work and the radio access networks;

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

6 (5) administer and oversee contracts entered
7 into by the Corporation with entities the proposals
8 of which the Corporation accepts as described in
9 paragraph (4);

10 (6) develop templates for agreements that the
11 Corporation may enter into with providers of com-
12 mercial mobile service and commercial mobile data
13 service for roaming and priority access services of-
14 fered by such providers;

15 (7) develop templates for agreements for emer-
16 gency access to the public safety broadband spec-
17 trum that the Corporation may enter into upon the
18 request of a State Public Safety Broadband Office,
19 as provided in section 104(a);

20 (8) in consultation with the Office of Emer-
21 gency Communications in the Department of Home-
22 land Security and with the Commission, implement
23 an awareness campaign in order to stimulate nation-
24 wide adoption of the public safety broadband net-
25 work by public safety entities;

1 (9) assess the progress of the construction and
2 adoption of the public safety broadband network and
3 report to the Corporation regarding such progress at
4 such intervals as the Corporation requests, but no
5 less frequently than biannually; and

6 (10) in consultation with State Public Safety
7 Broadband Offices, advise the Corporation on the
8 distribution of public funding provided under section
9 401(b)(5) for the construction, management, main-
10 tenance, and operation of the public safety
11 broadband network.

12 (e) DEVELOPMENT AND EVALUATION OF REQUESTS
13 FOR PROPOSALS.—

14 (1) PROCEDURAL REQUIREMENTS.—In all pro-
15 curement related to the core network and the radio
16 access networks, the Program Management Office
17 shall use an open, competitive bidding process
18 that—

19 (A) details the required framework and ar-
20 chitecture of such networks, the general speci-
21 fications of the work requested, and the service-
22 delivery responsibilities of successful bidders;

23 (B) provides for the award of subcontracts;
24 and

1 (C) prohibits, except in the case of minor
2 upgrades—

3 (i) sole-source contracts;

4 (ii) the use of contract vehicles exist-
5 ing at the time of the procurement in-
6 volved; and

7 (iii) requirements for design propri-
8 etary to any individual vendor.

9 (2) REQUIRED CRITERIA.—In developing re-
10 quests for proposals with respect to the core network
11 and the radio access networks, the Program Man-
12 agement Office shall, on a State-by-State or multi-
13 State basis, seek proposals and recommend for ac-
14 ceptance by the Corporation proposals that—

15 (A) are based on commercial standards
16 and are backward-compatible with existing com-
17 mercial mobile service and commercial mobile
18 data service networks;

19 (B) maximize use of existing infrastructure
20 of commercial entities and of Federal, State,
21 and tribal entities, including existing public
22 safety infrastructure;

23 (C) incorporate deployable network assets,
24 vehicular repeaters, and other equipment as a

1 means to provide additional coverage and ca-
2 pacity as may be required;

3 (D) ensure a nationwide level of interoper-
4 ability;

5 (E) provide economies of scale in equip-
6 ment and device costs comparable to those in
7 the commercial marketplace, including the costs
8 of devices capable of operating in Band Class
9 14;

10 (F) promote competition in the network
11 equipment and device markets;

12 (G) ensure coverage of rural and under-
13 served areas;

14 (H) enable technology upgrades at a pace
15 comparable to that occurring in the commercial
16 mobile service and commercial mobile data serv-
17 ice marketplaces;

18 (I) ensure the safety, security, and resil-
19 iency of the network, including requirements for
20 protecting and monitoring the cybersecurity of
21 the network; and

22 (J) incorporate results from the 700 MHz
23 demonstration network managed by the Public
24 Safety Communications Research Program.

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

6 **SEC. 204. ANALYSIS OF PUBLIC SAFETY NETWORK AT-**
7 **TRIBUTES.**

8 (a) ESTABLISHMENT OF EVALUATION FRAME-
9 WORK.—Not later than 180 days after the date of the en-
10 actment of this Act, the Director of NIST, in consultation
11 with the Secretary of Homeland Security, the Commission,
12 the Attorney General, and the Director of the Office of
13 Management and Budget, shall develop and provide to the
14 Corporation an evaluation framework for use by the Cor-
15 poration in evaluating attributes for possible inclusion in
16 the public safety broadband network.

17 (b) CONSIDERATIONS.—In developing the evaluation
18 framework under subsection (a), the Director of NIST
19 shall take into consideration the public safety network at-
20 tributes identified in the report completed by the Visiting
21 Committee on Advanced Technology of NIST.

22 (c) REQUIRED EVALUATIONS.—The evaluation
23 framework developed under subsection (a) shall permit the
24 Corporation to evaluate—

1 (1) the marginal cost of each public safety net-
2 work attribute in developing, deploying, and oper-
3 ating the public safety broadband network;

4 (2) the benefit of each public safety network at-
5 tribute to the public safety broadband network;

6 (3) the economic feasibility of requiring each
7 public safety attribute to be included as part of the
8 public safety broadband network;

9 (4) the resulting competitive vendor supply eco-
10 system that would be created by including each pub-
11 lic safety attribute as part of the public safety
12 broadband network; and

13 (5) the level of variability in regional require-
14 ments for each public safety attribute, if such at-
15 tribute were to be included as part of the public
16 safety broadband network.

17 (d) DEVELOPMENT OF COST-BENEFIT ANALYSIS.—
18 The Corporation shall use the evaluation framework devel-
19 oped under subsection (a) to evaluate attributes for pos-
20 sible inclusion in the public safety broadband network and,
21 based on such evaluation, shall develop a cost-benefit anal-
22 ysis to inform the construction, management, mainte-
23 nance, and operation of the network.

1 **SEC. 205. REPRESENTATION BEFORE STANDARDS SETTING**
2 **ENTITIES.**

3 The Director of NIST, in consultation with the Cor-
4 poration, the Commission, and the Technical and Oper-
5 ations Advisory Body established under section 201(h),
6 shall represent the interests of Federal departments and
7 agencies and public safety entities using the public safety
8 broadband network before any appropriate standards de-
9 velopment organizations that address issues that in the
10 judgment of the Director are relevant and important to
11 the public safety broadband network.

12 **SEC. 206. GAO REPORT ON SATELLITE BROADBAND.**

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

19 **SEC. 207. ACCESS TO FEDERAL SUPPLY SCHEDULES.**

20 Section 502 of title 40, United States Code, is
21 amended—

22 (1) by redesignating subsection (f) as sub-
23 section (g); and

24 (2) by inserting after subsection (e) the fol-
25 lowing new subsection:

1 “(f) USE OF SUPPLY SCHEDULES BY PUBLIC SAFE-
2 TY BROADBAND NETWORK CORPORATION FOR CERTAIN
3 GOODS AND SERVICES.—

4 “(1) IN GENERAL.—The Administrator may
5 provide, to the extent practicable, for the use by the
6 Public Safety Broadband Network Corporation of
7 Federal supply schedules for the following:

8 “(A) Roaming and priority access services
9 offered by providers of commercial mobile serv-
10 ice and commercial mobile data service.

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

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

15 “(A) the terms ‘commercial mobile data
16 service’ and ‘public safety broadband network’
17 have the meanings given such terms in section
18 2 of the Public Safety Broadband and Wireless
19 Innovation Act of 2011;

20 “(B) the term ‘commercial mobile service’
21 has the meaning given such term in section
22 332(d)(1) of the Communications Act of 1934
23 (47 U.S.C. 332(d)(1)); and

24 “(C) the term ‘Public Safety Broadband
25 Network Corporation’ means the corporation es-

1 tablished under section 201(a)(1) of the Public
2 Safety Broadband and Wireless Innovation Act
3 of 2011.”.

4 **SEC. 208. FEDERAL INFRASTRUCTURE SHARING.**

5 The Administrator of General Services shall establish
6 rules to allow the Corporation, on behalf of public safety
7 entities, to have access to such components of Federal in-
8 frastructure as are appropriate for the construction and
9 maintenance of the public safety broadband network.

10 **SEC. 209. INITIAL FUNDING FOR THE CORPORATION.**

11 (a) NTIA LOANS TO THE CORPORATION.—

12 (1) IN GENERAL.—Prior to the commencement
13 of incentive auctions to be carried out under sub-
14 paragraph (G) of section 309(j)(8) of the Commu-
15 nications Act of 1934, as added by section 302(a),
16 or the auction of spectrum pursuant to subsection
17 (a)(2) or (b) of section 301, the Assistant Secretary
18 is authorized to make loans to the Corporation.

19 (2) CONDITION.—At the time of application for,
20 and as a condition to, any such loan, the Corpora-
21 tion shall file with the Assistant Secretary—

22 (A) an estimated budget for the period be-
23 tween such application and the beginning of
24 the 1st fiscal year for which the Corporation
25 projects that the fees collected under section

1 210 will be sufficient to cover the total expenses
2 of the Corporation for such fiscal year; and

3 (B) a statement with respect to the antici-
4 pated use of the proceeds of the loan.

5 (3) NTIA APPROVAL.—If the Assistant Sec-
6 retary determines that such loan is necessary for the
7 Corporation to carry out its duties and responsibil-
8 ities under this title and title I and that the Cor-
9 poration has submitted a plan which provides as rea-
10 sonable an assurance of prompt repayment as may
11 be feasible under the circumstances, then the Assist-
12 ant Secretary shall so certify to the Secretary of the
13 Treasury, and issue notes or other obligations to the
14 Secretary of the Treasury pursuant to subsection
15 (b).

16 (b) NTIA NOTES ISSUED TO TREASURY.—

17 (1) IN GENERAL.—To enable the Assistant Sec-
18 retary to make loans under subsection (a), the As-
19 sistant Secretary is authorized to issue to the Sec-
20 retary of the Treasury notes or other obligations, in
21 such forms and denominations, bearing such matu-
22 rities, and subject to such terms and conditions, as
23 may be prescribed by the Secretary of the Treasury.

24 (2) INTEREST ON NOTES.—

1 (A) ESTABLISHMENT.—Any notes or other
2 obligations issued pursuant to paragraph (1)
3 shall bear interest at a rate determined by the
4 Secretary of the Treasury, taking into consider-
5 ation the current average market yield on out-
6 standing marketable obligations of the United
7 States of comparable maturities during the
8 month preceding the issuance of the notes or
9 other obligations.

10 (B) REDUCTION.—The Secretary of the
11 Treasury may reduce the interest rate set forth
12 under subparagraph (A) if the Secretary of the
13 Treasury determines the reduction to be in the
14 national interest.

15 (3) AUTHORITY OF TREASURY TO SELL
16 NOTES.—The Secretary of the Treasury may at any
17 time sell any of the notes or other obligations ac-
18 quired by the Secretary of the Treasury under this
19 subsection. All redemptions, purchases, and sales by
20 the Secretary of the Treasury of such notes or other
21 obligations shall be treated as public debt trans-
22 actions of the United States.

1 **SEC. 210. PERMANENT SELF-FUNDING OF CORPORATION**
2 **AND DUTY TO COLLECT CERTAIN FEES.**

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

5 (1) NETWORK USER FEES.—A user or subscrip-
6 tion fee from each public safety entity that seeks ac-
7 cess to or use of the public safety broadband net-
8 work.

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

12 (b) ESTABLISHMENT OF FEE AMOUNTS.—The total
13 amount of the fees assessed for each fiscal year pursuant
14 to this section shall be sufficient, and to the extent prac-
15 ticable shall not exceed the amount necessary, to cover the
16 total expenses of the Corporation in carrying out its duties
17 and responsibilities under this title and title I for such
18 fiscal year.

19 (c) REQUIRED REINVESTMENT OF EXCESS
20 FUNDS.—If the Corporation receives fees assessed for a
21 fiscal year pursuant to this section in excess of the total
22 expenses of the Corporation in carrying out its duties and
23 responsibilities under this title and title I for such fiscal
24 year, the Corporation shall use the excess only to ensure
25 the construction, management, maintenance, and oper-
26 ation of the public safety broadband network.

1 **Subtitle B—State, Local, and Tribal**
2 **Planning and Implementation**

3 **SEC. 211. STATE, LOCAL, AND TRIBAL PLANNING AND IM-**
4 **PLEMENTATION FUND.**

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

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

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

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

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

19 (d) BORROWING AUTHORITY.—

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

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

7 **SEC. 212. STATE, LOCAL, AND TRIBAL PLANNING AND IM-**
8 **PLEMENTATION GRANT PROGRAM.**

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

16 (1) Identifying and planning the most efficient
17 and effective way for such entities to utilize and in-
18 tegrate the infrastructure, equipment, and other ar-
19 chitecture associated with the public safety
20 broadband network to satisfy the wireless commu-
21 nications and data services needs of such entities.

22 (2) Identifying opportunities for creating a con-
23 sortium with one or more other States to assist the
24 Program Management Office in developing a single

1 request for proposals to serve the common network
2 requirements of the States in the consortium.

3 (3) Identifying the particular assets and spe-
4 cialized needs of the public safety entities located
5 within such State for inclusion in requests for pro-
6 posals with respect to the radio access networks.
7 Such assets and needs may include the projected
8 number of users, preferred buildout timeframes, spe-
9 cial coverage needs, special hardening, security, reli-
10 ability, and resiliency needs, local user priority as-
11 signments, integration needs of public safety answer-
12 ing points and emergency operations centers, and
13 available towers and other infrastructure.

14 (4) Transmitting the plans developed under this
15 subsection to the Program Management Office using
16 the template developed under section 203(d)(2).

17 (b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

18 (1) IN GENERAL.—The Federal share of the
19 cost of any activity carried out using a grant under
20 this section may not exceed 80 percent of the eligible
21 costs of carrying out that activity, as determined by
22 the Assistant Secretary, in consultation with the
23 Corporation.

24 (2) WAIVER.—The Assistant Secretary may
25 waive, in whole or in part, the requirements of para-

1 graph (1) for good cause shown if the Assistant Sec-
2 retary determines that such a waiver is in the public
3 interest.

4 (c) PROGRAMMATIC REQUIREMENTS.—Not later than
5 6 months after the date of the incorporation of the Cor-
6 poration under section 201(a), the Assistant Secretary, in
7 consultation with the Corporation, shall establish require-
8 ments relating to the grant program to be carried out
9 under this section, including the following:

10 (1) Defining eligible costs for purposes of sub-
11 section (b)(1).

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

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

16 (d) STATE PUBLIC SAFETY BROADBAND OFFICES.—
17 A State wishing to receive a grant under this section shall
18 establish a State Public Safety Broadband Office to carry
19 out the activities described in subsection (a). The Assist-
20 ant Secretary may not accept a grant application unless
21 such application certifies that the State has established
22 such an office.

1 **SEC. 213. PUBLIC SAFETY WIRELESS FACILITIES DEPLOY-**
2 **MENT.**

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

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

13 (1) is for a modification of an existing wireless
14 tower that involves—

15 (A) collocation of new transmission equip-
16 ment;

17 (B) removal of transmission equipment; or

18 (C) replacement of transmission equip-
19 ment; and

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

1 **Subtitle C—Public Safety Commu-**
2 **nications Research and Devel-**
3 **opment**

4 **SEC. 221. NIST-DIRECTED PUBLIC SAFETY WIRELESS COM-**
5 **MUNICATIONS RESEARCH AND DEVELOP-**
6 **MENT.**

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

15 (b) REQUIRED ACTIVITIES.—In carrying out sub-
16 section (a), the Director of NIST, in consultation with the
17 Corporation and the Technical and Operational Advisory
18 Body established under section 201(h) shall—

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

21 (2) accelerate the development of the capability
22 for communications between currently deployed pub-
23 lic safety narrowband systems and the public safety
24 broadband network;

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

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

12 (5) accelerate the development of communica-
13 tions technology and equipment that can facilitate
14 the eventual migration of public safety narrowband
15 communications to the public safety broadband net-
16 work;

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

22 (7) convene working groups of relevant govern-
23 ment and commercial parties in carrying out para-
24 graphs (1) through (6).

1 **Subtitle D—Next Generation 911**
2 **Services**

3 **SEC. 231. NHTSA REPORT ON COSTS FOR REQUIREMENTS**
4 **AND SPECIFICATIONS OF NEXT GENERATION**
5 **911 SERVICES.**

6 (a) IN GENERAL.—Using amounts made available
7 from the Public Safety Trust Fund under section 401, not
8 later than 1 year after the date of enactment of this Act,
9 the Administrator of the National Highway Traffic Safety
10 Administration, in consultation with the Commission, the
11 Secretary of Homeland Security, and the Office, shall pre-
12 pare and submit to Congress a report that analyzes and
13 determines detailed costs for specific Next Generation 911
14 service requirements and specifications.

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

17 (1) How costs would be allocated geographically
18 or among public safety answering points, broadband
19 service providers, and third-party providers of Next
20 Generation 911 services.

21 (2) An assessment of the current state of Next
22 Generation 911 service readiness among public safe-
23 ty answering points.

1 (3) How differences in public safety answering
2 points' access to broadband across the United States
3 may 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 charac-
8 teristics, feasibility, and limitations of Next Genera-
9 tion 911 service delivery.

10 (6) An analysis of the needs for Next Genera-
11 tion 911 service of persons with disabilities.

12 (7) Standards and protocols for Next Genera-
13 tion 911 service and for incorporating Voice over
14 Internet Protocol and real time text standards.

15 **SEC. 232. FCC RECOMMENDATIONS FOR LEGAL AND STATU-**
16 **TORY FRAMEWORK FOR NEXT GENERATION**
17 **911 SERVICES.**

18 Not later than 1 year after the date of enactment
19 of this Act, the Commission, in coordination with the Sec-
20 retary of Homeland Security, the Administrator of the Na-
21 tional Highway Traffic Safety Administration, and the Of-
22 fice, shall prepare and submit a report to Congress that
23 contains recommendations for the legal and statutory
24 framework for Next Generation 911 services, consistent
25 with recommendations in the National Broadband Plan

1 developed by the Commission pursuant to the American
2 Recovery and Reinvestment Act of 2009, including the fol-
3 lowing:

4 (1) A legal and regulatory framework for the
5 development of Next Generation 911 services and
6 the transition from legacy 9-1-1 to Next Generation
7 911 services.

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

11 (3) Recommendations for removing jurisdic-
12 tional barriers and inconsistent legacy regulations,
13 including—

14 (A) proposals that would require States to
15 remove regulatory impediments to Next Genera-
16 tion 911 services development, while recognizing
17 the appropriate role of the States;

18 (B) eliminating outdated 9-1-1 regula-
19 tions at the Federal level; and

20 (C) preempting inconsistent State regula-
21 tions.

22 **SEC. 233. DEFINITIONS.**

23 In this subtitle:

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

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

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

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

9 (2) NEXT GENERATION 911 SERVICES.—The
10 term “Next Generation 911 services” means an
11 Internet Protocol-based system comprised of hard-
12 ware, software, data, and operational policies and
13 procedures that—

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

17 (B) processes all types of emergency calls,
18 including voice, data, and multimedia informa-
19 tion;

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

23 (D) delivers the emergency calls, messages,
24 and data to the appropriate public safety an-

1 swering point and other appropriate emergency
2 entities;

3 (E) supports data or video communications
4 needs for coordinated incident response and
5 management; and

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

9 (3) OFFICE.—The term “Office” has the mean-
10 ing given such term in section 158 of the National
11 Telecommunications and Information Administration
12 Organization Act (47 U.S.C. 942).

13 **TITLE III—SPECTRUM AUCTION** 14 **AUTHORITY**

15 **SEC. 301. DEADLINES FOR REALLOCATION AND AUCTION** 16 **OF CERTAIN SPECTRUM.**

17 (a) IN GENERAL.—

18 (1) IDENTIFICATION OF SPECTRUM.—Not later
19 than 1 year after the date of the enactment of this
20 Act—

21 (A) the Assistant Secretary shall identify
22 for immediate reallocation, at a minimum—

23 (i) 15 megahertz of contiguous spec-
24 trum at frequencies located from 1675
25 megahertz to 1710 megahertz, except for

1 the geographic exclusion zones (as such
2 zones may be amended) identified in the
3 report of the NTLA published in October
4 2010 and entitled “An Assessment of
5 Near-Term Viability of Accommodating
6 Wireless Broadband Systems in 1675–
7 1710 MHz, 1755–1780 MHz, 3500–3650
8 MHz, and 4200–4220 MHz, 4380–4400
9 MHz Bands”; and

10 (ii) 25 megahertz of contiguous spec-
11 trum at frequencies located from 1755
12 megahertz to 1850 megahertz, unless—

13 (I) the President determines that
14 such spectrum cannot be reallocated
15 due to the need to protect incumbent
16 Federal operations from interference
17 or that reallocation must be delayed
18 or undertaken in phases to ensure
19 protection or continuity of Federal op-
20 erations; and

21 (II) the President identifies other
22 spectrum for reallocation that can
23 reasonably be expected to produce
24 comparable auction receipts; and

1 (B) the Commission shall identify for im-
2 mediate reallocation, at a minimum, 15 mega-
3 hertz of contiguous spectrum to pair with spec-
4 trum identified under subparagraph (A)(i).

5 (2) AUCTION OF IDENTIFIED SPECTRUM AND
6 CERTAIN OTHER SPECTRUM.—

7 (A) IN GENERAL.—The Commission shall
8 assign licenses for the use of the spectrum iden-
9 tified under paragraph (1) and the spectrum
10 between the frequencies from 2155 megahertz
11 to 2180 megahertz through competitive bidding
12 under section 309(j) of the Communications
13 Act of 1934 (47 U.S.C. 309(j)) in accordance
14 with the timetable set forth in subparagraph
15 (B).

16 (B) TIMETABLE.—Notwithstanding para-
17 graph (15)(A) of such section, the Commission
18 shall complete all actions necessary in order
19 to—

20 (i) in the case of licenses for the use
21 of the spectrum between the frequencies
22 from 2155 megahertz to 2180 megahertz
23 and the spectrum identified under subpara-
24 graphs (A)(i) and (B) of paragraph (1)—

1 (I) commence the bidding process
2 not later than January 31, 2014; and

3 (II) deposit the available pro-
4 ceeds in accordance with paragraph
5 (8) of such section not later than
6 June 30, 2014; and

7 (ii) in the case of licenses for the use
8 of the spectrum identified under subpara-
9 graph (A)(ii) of paragraph (1)—

10 (I) commence the bidding process
11 not later than January 31, 2018; and

12 (II) deposit the available pro-
13 ceeds in accordance with paragraph
14 (8) of such section not later than
15 June 30, 2018.

16 (b) REALLOCATION AND AUCTION OF CERTAIN
17 OTHER SPECTRUM.—

18 (1) IN GENERAL.—In accordance with the time-
19 table set forth in paragraph (2), the Commission
20 shall reallocate and assign through a system of com-
21 petitive bidding under section 309(j) of the Commu-
22 nications Act of 1934 (47 U.S.C. 309(j)), or reallo-
23 cate for unlicensed use, the portion of the electro-
24 magnetic spectrum between the frequencies from
25 3550 megahertz to 3650 megahertz, except for the

1 geographic exclusion zones (as such zones may be
2 amended) identified in the report of the NTIA pub-
3 lished in October 2010 and entitled “An Assessment
4 of Near-Term Viability of Accommodating Wireless
5 Broadband Systems in 1675–1710 MHz, 1755–1780
6 MHz, 3500–3650 MHz, and 4200–4220 MHz,
7 4380–4400 MHz Bands”.

8 (2) **TIMETABLE.**—Notwithstanding paragraph
9 (15)(A) of such section, the Commission shall com-
10 plete all actions necessary in order to—

11 (A) commence the bidding process not
12 later than 3 years after the date of the enact-
13 ment of this Act; and

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

17 (c) **AUCTION PROCEEDS.**—Section 309(j)(8) of the
18 Communications Act of 1934 (47 U.S.C. 309(j)(8)) is
19 amended—

20 (1) in subparagraph (A), by striking “(B), (D),
21 and (E),” and inserting “(B), (D), (E), (F), and
22 (G),”;

23 (2) in subparagraph (C)(i), by striking “sub-
24 paragraph (E)(ii)” and inserting “subparagraphs
25 (D)(ii), (E)(ii), (F), and (G)(iv)”;

1 (3) in subparagraph (D)—

2 (A) by striking the heading and inserting
3 “PROCEEDS FROM REALLOCATED FEDERAL
4 SPECTRUM”;

5 (B) by striking “Cash” and inserting the
6 following:

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

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

10 “(ii) CERTAIN OTHER PROCEEDS.—
11 Except as provided in subparagraph (B),
12 in the case of proceeds (including deposits
13 and upfront payment from successful bid-
14 ders) attributable to the auction of eligible
15 frequencies described in paragraph (2) of
16 section 113(g) of the National Tele-
17 communications and Information Adminis-
18 tration Organization Act that are required
19 to be auctioned by subsection (a)(2) or (b)
20 of section 301 of the Public Safety
21 Broadband and Wireless Innovation Act of
22 2011, such portion of such proceeds as is
23 necessary to cover the relocation costs and
24 sharing costs (as defined in paragraph (3)
25 of such section 113(g)) of Federal entities

1 relocated from or sharing such eligible fre-
2 quencies shall be deposited in the Spec-
3 trum Relocation Fund. The remainder of
4 such proceeds shall be deposited in the
5 Public Safety Trust Fund established by
6 section 401(a)(1) of such Act.”; and

7 (4) by adding at the end the following new sub-
8 paragraph:

9 “(F) CERTAIN PROCEEDS DESIGNATED
10 FOR PUBLIC SAFETY TRUST FUND.—Except as
11 provided in subparagraphs (B) and (D), the
12 proceeds (including deposits and upfront pay-
13 ments from successful bidders) from the use of
14 a system of competitive bidding under this sub-
15 section pursuant to subsections (a)(2) and (b)
16 of section 301 of the Public Safety Broadband
17 and Wireless Innovation Act of 2011 shall be
18 deposited in the Public Safety Trust Fund es-
19 tablished by section 401(a)(1) of such Act.”.

20 (d) EXTENSION OF AUCTION AUTHORITY.—Section
21 309(j)(11) of the Communications Act of 1934 (47 U.S.C.
22 309(j)(11)) is amended by striking “2012” and inserting
23 “2021”.

1 **SEC. 302. INCENTIVE AUCTION AUTHORITY.**

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

6 “(G) INCENTIVE AUCTION AUTHORITY.—

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

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

18 “(II) the allocation of spectrum
19 for unlicensed use;

20 the Commission may disburse to such li-
21 censee, from the proceeds from competitive
22 bidding for any spectrum usage rights
23 made available by reason of
24 relinquishments under this subparagraph,
25 an amount that the Commission considers

1 appropriate, based on the value of the
2 rights relinquished by such licensee.

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

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

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

17 “(iii) COVERAGE AREA REQUIRE-
18 MENTS.—In assigning licenses under this
19 subparagraph, the Commission shall make
20 all reasonable efforts to ensure that there
21 is an adequate opportunity for applicants
22 to submit bids for licenses covering both
23 large and small geographic areas, as such
24 areas are determined by the Commission.

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

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

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

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

22 (B) require full-power television broadcast
23 station licensees and other licensees, as the
24 Commission considers appropriate, to relocate
25 to the portion of the television broadcast spec-

1 trum located between the frequencies from 54
2 megahertz to 608 megahertz.

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

12 (3) RECLAMATION IN EXCHANGE FOR RIGHTS
13 TO SUBSTANTIALLY EQUIVALENT SPECTRUM.—

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

24 (i) from 54 megahertz to 608 mega-
25 hertz, if the rights reclaimed were for the

1 use of spectrum located in the range from
2 54 megahertz to 88 megahertz;

3 (ii) from 174 megahertz to 608 mega-
4 hertz, if the rights reclaimed were for the
5 use of spectrum located in the range from
6 174 megahertz to 216 megahertz; and

7 (iii) from 470 megahertz to 608
8 megahertz, if the rights reclaimed were for
9 the use of spectrum located in the range
10 from 470 megahertz to 698 megahertz.

11 (B) SUBSTANTIAL EQUIVALENCE.—The
12 Commission shall make reasonable efforts to
13 ensure, to the extent technically feasible and in
14 the public interest, that spectrum usage rights
15 assigned under subparagraph (A) enable a li-
16 censee to offer service that is substantially simi-
17 lar in service contour and amount of harmful
18 interference to the service offered by such li-
19 censee on the spectrum the rights to which are
20 reclaimed by the Commission under such sub-
21 paragraph.

22 (C) RELOCATION COSTS.—The costs in-
23 curred by a licensee in relocating to an identical
24 amount of spectrum under subparagraph (A),
25 without any modification of usage rights as de-

1 scribed in paragraph (4), shall be paid from the
2 Incentive Auction Relocation Fund established
3 by paragraph (5), but the proceeds from an in-
4 centive auction under section 309(j)(8)(G) of
5 the Communications Act of 1934 shall not oth-
6 erwise be disbursed to such licensee by reason
7 of the relocation.

8 (D) RELOCATION FROM VHF TO UHF.—In
9 conducting the reclamation and reassignments
10 under subparagraph (A), the Commission shall,
11 to the extent technically feasible and in the
12 public interest, allow each television broadcast
13 station licensee holding a license to use a por-
14 tion of the broadcast television spectrum located
15 in the range of frequencies from 54 megahertz
16 to 216 megahertz to relocate to a portion in the
17 range from 470 megahertz to 608 megahertz.

18 (4) MODIFICATION OF RIGHTS AND COMPENSA-
19 TION.—

20 (A) MODIFICATION.—If the Commission
21 determines that it is in the public interest to
22 modify the spectrum usage rights of a television
23 broadcast station licensee for the purpose of
24 providing spectrum usage rights to carry out an
25 incentive auction under section 309(j)(8)(G) of

1 the Communications Act of 1934, the Commis-
2 sion may make the modification and disburse to
3 such licensee a portion of the auction proceeds
4 that compensates such licensee for the reduc-
5 tion in spectrum usage rights.

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

13 (i) preserve the amount of population
14 covered by the signal of such licensee with-
15 in the service area of such licensee; and

16 (ii) avoid any substantial increase in
17 harmful interference to the signal of such
18 licensee as a result of the modification.

19 (C) ADDITIONAL LIMITATIONS.—With re-
20 spect to any modification under subparagraph
21 (A)—

22 (i) the Commission may not involun-
23 tarily co-locate multiple television broad-
24 cast station licensees on the same channel;
25 and

1 (ii) television broadcast station licens-
2 ees voluntarily electing to be co-located on
3 the same channel shall—

4 (I) retain the same carriage
5 rights under sections 338, 614, and
6 615 of the Communications Act of
7 1934 (47 U.S.C. 338; 534; 535) as
8 before the co-location; and

9 (II) receive payment from the In-
10 centive Auction Relocation Fund es-
11 tablished by paragraph (5) for any
12 costs of relocation to another channel
13 incurred in connection with the co-lo-
14 cation arrangement, in addition to
15 disbursements as compensation for
16 the modification of spectrum usage
17 rights under subparagraph (A).

18 (5) ESTABLISHMENT OF INCENTIVE AUCTION
19 RELOCATION FUND.—

20 (A) IN GENERAL.—There is established in
21 the Treasury of the United States a fund to be
22 known as the Incentive Auction Relocation
23 Fund.

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

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

7 (i) without fiscal year limitation;

8 (ii) for a period not to exceed 18
9 months following the later of—

10 (I) completion of the incentive
11 auction under section 309(j)(8)(G) of
12 the Communications Act of 1934 from
13 which such amounts were derived; or

14 (II) with respect to availability
15 for payment of the relocation costs of
16 a particular relocating licensee, notifi-
17 cation by the Commission to the As-
18 sistant Secretary of such costs; and

19 (iii) without further appropriation.

20 (D) USE OF FUNDS.—

21 (i) IN GENERAL.—Amounts in the In-
22 centive Auction Relocation Fund may only
23 be used by the Assistant Secretary, in con-
24 sultation with the Commission, to cover—

1 (I) the relocation costs of tele-
2 vision broadcast station licensees that
3 are relocated to different channels or
4 geographic locations in the reorga-
5 nization of television broadcast spec-
6 trum under this subsection, including
7 the costs of new equipment, installa-
8 tion, and construction (including the
9 costs of tower, antenna, transmitter,
10 and transmission line upgrades) in-
11 curred as a result of the relocation;

12 (II) the costs incurred by multi-
13 channel video programming distribu-
14 tors (as defined in section 602(13) of
15 the Communications Act of 1934 (47
16 U.S.C. 522(13))) in order to comply
17 with the carriage obligations under
18 sections 338, 614, and 615 of such
19 Act (47 U.S.C. 338; 534; 535) with
20 respect to television broadcast station
21 licensees voluntarily electing to be co-
22 located on the same channel as de-
23 scribed in paragraph (4)(C); and

1 (III) the expenses incurred by
2 the Assistant Secretary in admin-
3 istering the Fund.

4 (ii) PROHIBITION.—Amounts in the
5 Incentive Auction Relocation Fund may
6 not be used to cover lost revenues attrib-
7 utable to relocation or costs associated
8 with a voluntary relinquishment of rights.

9 (iii) REASONABLENESS.—The Assist-
10 ant Secretary may only make payments
11 under clause (i) to cover costs that were
12 reasonably incurred, as determined by the
13 Assistant Secretary, in consultation with
14 the Commission.

15 (6) CONFIDENTIALITY.—The Commission shall
16 protect the confidentiality of the identity of a tele-
17 vision broadcast station licensee offering to relin-
18 quish spectrum usage rights under section
19 309(j)(8)(G) of the Communications Act of 1934
20 until the relinquishment becomes effective.

21 (7) UNLICENSED USE.—After assigning,
22 through competitive bidding under section
23 309(j)(8)(G) of the Communications Act of 1934, li-
24 censes for the use of 84 megahertz of the television
25 broadcast spectrum made available through the reor-

1 organization under this subsection, the Commission
2 may, if consistent with the public interest, disburse
3 a portion of the proceeds of such bidding to other
4 licensees for the purpose of ensuring that portions of
5 the television broadcast spectrum remain available
6 for unlicensed use on a nationwide basis and in each
7 local market.

8 (8) DEADLINE FOR AUCTION OF CLEARED TEL-
9 EVISION BROADCAST SPECTRUM.—The Commission
10 shall take all actions necessary in order to, with re-
11 spect to the portions of the television broadcast spec-
12 trum made available through the reorganization
13 under this subsection—

14 (A) not later than January 31, 2016—

15 (i) commence the bidding process
16 under section 309(j)(8)(G) of the Commu-
17 nications Act of 1934 to assign new initial
18 licenses subject to new service rules, on a
19 flexible-use basis to the extent techno-
20 logically feasible; or

21 (ii) allocate such spectrum for unli-
22 censed use; and

23 (B) not later than June 30, 2016, deposit
24 the available proceeds in accordance with such
25 section.

1 (9) LIMITATION.—During the period beginning
2 on the date of the enactment of this Act and ending
3 on June 30, 2016, the Commission may conduct
4 only 1 process involving reorganization of the tele-
5 vision broadcast spectrum under this subsection and
6 the auction of such spectrum under section
7 309(j)(8)(G) of the Communications Act of 1934.

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

19 (11) TELEVISION BROADCAST SPECTRUM DE-
20 FINED.—In this subsection, the term “television
21 broadcast spectrum” means the portions of the elec-
22 tromagnetic spectrum between the frequencies from
23 54 megahertz to 72 megahertz, from 76 megahertz
24 to 88 megahertz, from 174 megahertz to 216 mega-

1 hertz, from 470 megahertz to 608 megahertz, and
2 from 614 megahertz to 698 megahertz.

3 (12) EXPIRATION.—The preceding paragraphs
4 of this subsection, except paragraphs (5) and (11),
5 shall not apply after June 30, 2016.

6 (c) INCENTIVE AUCTIONS TO REPURPOSE CERTAIN
7 MOBILE SATELLITE SERVICE SPECTRUM FOR TERRES-
8 TRIAL BROADBAND USE.—To the extent that the Com-
9 mission makes available spectrum licenses for the use of
10 some or all of the spectrum between the frequencies from
11 2000 megahertz to 2020 megahertz and from 2180 mega-
12 hertz to 2200 megahertz for terrestrial broadband use,
13 such licenses shall be assigned using a system of competi-
14 tive bidding under section 309(j) of the Communications
15 Act of 1934 (47 U.S.C. 309(j)), including, as appropriate,
16 paragraph (8)(G) of such section.

17 **TITLE IV—PUBLIC SAFETY**
18 **TRUST FUND**

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

20 (a) ESTABLISHMENT OF PUBLIC SAFETY TRUST
21 FUND.—

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

25 (2) DEPOSIT OF RECEIPTS.—

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

9 (B) AVAILABILITY.—Amounts deposited in
10 the Public Safety Trust Fund in accordance
11 with subparagraph (A) shall remain available
12 through fiscal year 2021. After the end of such
13 fiscal year, such amounts shall be deposited in
14 the general fund of the Treasury, where such
15 amounts shall be dedicated for the sole purpose
16 of deficit reduction.

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

19 (1) PAYMENT OF INCENTIVE AMOUNTS.—

20 (A) DISBURSALS.—Amounts in the Public
21 Safety Trust Fund shall be used to make the
22 following disbursements:

23 (i) Disbursements permitted by section
24 309(j)(8)(G)(i) of the Communications Act
25 of 1934 to licensees who voluntarily relin-

1 quished licensed spectrum usage rights
2 under such section.

3 (ii) Disbursals required by section
4 302(b)(4)(A) to television broadcast sta-
5 tion licensees whose spectrum usage rights
6 have been modified under such section for
7 the purpose of providing spectrum usage
8 rights to carry out an incentive auction
9 under section 309(j)(8)(G) of the Commu-
10 nications Act of 1934.

11 (B) NOTIFICATION TO CONGRESS.—

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

20 (I) of the methodology for calcu-
21 lating any disbursals described in
22 clause (i) or (ii) of subparagraph (A)
23 that will be made from the proceeds of
24 such auction; and

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

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

10 (I) the Committee on Commerce,
11 Science, and Transportation of the
12 Senate;

13 (II) the Committee on Appropria-
14 tions of the Senate;

15 (III) the Committee on Energy
16 and Commerce of the House of Rep-
17 resentatives; and

18 (IV) the Committee on Appro-
19 priations of the House of Representa-
20 tives.

21 (2) INCENTIVE AUCTION RELOCATION FUND.—
22 Not less than 5 percent but not more than
23 \$2,000,000,000 of the amounts in the Public Safety
24 Trust Fund shall be deposited in the Incentive Auc-

1 tion Relocation Fund established by section
2 302(b)(5)(A).

3 (3) DISBURSALS TO ENSURE AVAILABILITY FOR
4 UNLICENSED USE.—Amounts in the Public Safety
5 Trust Fund shall be used to make the disbursements
6 permitted by section 302(b)(7) for the purpose of
7 ensuring that certain portions of the electromagnetic
8 spectrum remain available for unlicensed use.

9 (4) STATE, LOCAL, AND TRIBAL PLANNING AND
10 IMPLEMENTATION FUND.—\$250,000,000 shall be
11 deposited in the State, Local, and Tribal Planning
12 and Implementation Fund established by section
13 211(a).

14 (5) PUBLIC SAFETY BROADBAND CORPORA-
15 TION.—\$11,000,000,000 shall be deposited with the
16 Public Safety Broadband Corporation established
17 under section 201(a) for ensuring the construction,
18 management, maintenance, and operation of the
19 public safety broadband network.

20 (6) PUBLIC SAFETY RESEARCH AND DEVELOP-
21 MENT.—\$100,000,000 per year for each of the fiscal
22 years 2012 through 2016 shall be made available for
23 use by the Director of NIST to carry out the re-
24 search program established under section 221.

1 (7) NHTSA REPORT ON NEXT GENERATION 911
2 SERVICES.—\$2,000,000 shall be made available for
3 fiscal years 2012 and 2013 for use by the Adminis-
4 trator of the National Highway Traffic Safety Ad-
5 ministration to prepare the report on Next Genera-
6 tion 911 services required by section 231.

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

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

18 **TITLE V—SPECTRUM POLICY**

19 **SEC. 501. SPECTRUM INVENTORY.**

20 Part B of title I of the National Telecommunications
21 and Information Administration Organization Act (47
22 U.S.C. 921 et seq.) is amended by adding at the end the
23 following:

1 **“SEC. 119. SPECTRUM INVENTORY.**

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

7 “(1) Except as provided in subsection (e), cre-
8 ate an inventory of each radio spectrum band of fre-
9 quencies listed in the United States Table of Fre-
10 quency Allocations, from 225 megahertz to, at a
11 minimum, 3.7 gigahertz, and to 10 gigahertz unless
12 the Assistant Secretary and the Commission deter-
13 mine that the burden of expanding the inventory
14 outweighs the benefit, that includes—

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

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

20 “(C) the activities, capabilities, functions,
21 or missions (including whether such activities,
22 capabilities, functions, or missions are space-
23 based, air-based, or ground-based) supported by
24 the transmitters, end-user terminals or receiv-
25 ers, or other radio frequency devices authorized
26 to operate in each band of frequencies;

1 “(D) the total amount of spectrum, by
2 band of frequencies, assigned or licensed to
3 each Federal or non-Federal user (in percent-
4 age terms and in sum) and the geographic
5 areas covered by their respective assignments or
6 licenses;

7 “(E) the approximate number of transmit-
8 ters, end-user terminals or receivers, or other
9 radio frequency devices authorized to operate,
10 as appropriate to characterize the extent of use
11 of each radio service in each band of fre-
12 quencies;

13 “(F) an approximation of the extent to
14 which each Federal or non-Federal user is
15 using, by geography, each band of frequencies,
16 such as the amount and percentage of time of
17 use, number of end users, or other measures as
18 appropriate to the particular band and radio
19 service; and

20 “(G) to the greatest extent possible—

21 “(i) contour maps or other informa-
22 tion that illustrates the coverage area, re-
23 ceiver performance, and other parameters
24 relevant to an assessment of the avail-
25 ability of spectrum in each band;

1 “(ii) for each band or range of fre-
2 quencies, the identity of each entity offer-
3 ing unlicensed services and the types and
4 approximate number of unlicensed inten-
5 tional radiators verified or certified by the
6 Commission that are authorized to operate;
7 and

8 “(iii) for non-Federal users, any com-
9 mercial names under which facilities-based
10 service is offered to the public using the
11 spectrum of the non-Federal user, includ-
12 ing the commercial names under which the
13 spectrum is being offered through resale.

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

18 “(b) USE OF AGENCY RESOURCES.—In creating the
19 inventory described in subsection (a)(1), the Assistant
20 Secretary and the Commission shall first use agency re-
21 sources, including existing databases, field testing, and
22 recordkeeping systems, and only request information from
23 Federal and non-Federal users if such information cannot
24 be obtained using such agency resources.

25 “(c) REPORTS.—

1 “(1) IN GENERAL.—Except as provided in sub-
2 section (e), not later than 2 years after the date of
3 enactment of this section and biennially thereafter,
4 the Assistant Secretary and the Commission shall
5 submit a report to the Committee on Commerce,
6 Science, and Transportation of the Senate and to
7 the Committee on Energy and Commerce of the
8 House of Representatives containing—

9 “(A) the results of the inventory created
10 under subsection (a)(1), including any update
11 to the information in the inventory pursuant to
12 subsection (d);

13 “(B) a description of any information the
14 Assistant Secretary or the Commission deter-
15 mines is necessary for such inventory but that
16 is unavailable; and

17 “(C) a description of any information not
18 provided by any Federal or non-Federal user in
19 accordance with subsections (e)(1)(B)(ii) and
20 (e)(2)(C)(ii).

21 “(2) RELOCATION REPORT.—

22 “(A) IN GENERAL.—Except as provided in
23 subsection (e), the Assistant Secretary and the
24 Commission shall submit a report to the Com-
25 mittee on Commerce, Science, and Transpor-

1 tation of the Senate and the Committee on En-
2 ergy and Commerce of the House of Represent-
3 atives containing a recommendation of which
4 spectrum, if any, should be reallocated or other-
5 wise made available for shared access and an
6 explanation of the basis for that recommenda-
7 tion.

8 “(B) DEADLINES.—The report required
9 under subparagraph (A) shall be submitted not
10 later than 2 years after the date of enactment
11 of this section and every 2 years thereafter.

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

23 “(d) MAINTENANCE AND UPDATING OF INFORMA-
24 TION.—After the creation of the inventory required by
25 subsection (a)(1), the Assistant Secretary and the Com-

1 mission shall make all reasonable efforts to maintain and
2 update the information required under such subsection on
3 a quarterly basis, including when there is a transfer or
4 auction of a license or a change in a permanent assign-
5 ment or license.

6 “(e) NATIONAL SECURITY AND PUBLIC SAFETY IN-
7 FORMATION.—

8 “(1) NONDISCLOSURE.—

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

1 “(B) INFORMATION PROVIDED.—The
2 agency head shall provide to the Assistant Sec-
3 retary—

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

6 “(ii) to the maximum extent prac-
7 ticable, a summary description, suitable for
8 public release, of the classified national se-
9 curity information or other information for
10 which there is a legal basis for nondisclo-
11 sure; and

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

19 “(2) PUBLIC SAFETY NONDISCLOSURE.—

20 “(A) IN GENERAL.—If a licensee of non-
21 Federal spectrum determines that public disclo-
22 sure of certain information held by that licensee
23 and required to be submitted by subsection (a),
24 (c), or (d) would reveal information for which
25 public disclosure would be detrimental to public

1 safety, or the licensee is otherwise prohibited by
2 law from disclosing the information, the licensee
3 may petition the Commission for a partial or
4 total exemption from inclusion on the central-
5 ized portal or Web site under subsection (a)(2)
6 and in the report required by subsection (c).

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

12 “(C) INFORMATION REQUIRED.—If an ex-
13 emption is granted under this paragraph, the li-
14 censee shall provide to the Commission—

15 “(i) the publicly releasable informa-
16 tion required by subsection (a)(1) for the
17 inventory;

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

24 “(iii) an annex, under appropriate
25 cover, containing the information that the

1 Commission has determined should be
2 withheld from public disclosure.

3 “(3) ADDITIONAL DISCLOSURE.—The annexes
4 required under paragraphs (1)(B)(iii) and (2)(C)(iii)
5 shall be provided to the congressional committees
6 listed in subsection (c), but shall not be disclosed to
7 the public under subsection (a) or subsection (d) or
8 provided to any unauthorized person through any
9 other means.

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

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

1 Commission to make publicly available any confidential or
2 proprietary information.”.

3 **SEC. 502. FEDERAL SPECTRUM PLANNING.**

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

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

10 (2) make recommendations on how to improve
11 such processes; and

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

15 (b) REVISION OF EVALUATION PROCESS.—

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

23 (2) REQUIRED INCLUSIONS.—

24 (A) ANALYSIS OF OPTIONS.—Each process
25 described in paragraph (1), whether newly es-

1 tablished, updated, or revised, shall include an
2 analysis and assessment of—

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

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

10 (B) ANALYSIS SUBMITTED TO NTIA.—The
11 analysis and assessment carried out under sub-
12 paragraph (A) shall be submitted by the Fed-
13 eral entity to the Assistant Secretary at the
14 same time that the entity seeks certification or
15 recertification, if applicable, of spectrum sup-
16 port from the NTIA pursuant to the require-
17 ments of the National Telecommunications and
18 Information Administration Organization Act
19 (47 U.S.C. 901 et seq.) and OMB Circular A-
20 11.

21 (c) SPECTRUM PLANS OF FEDERAL ENTITIES.—

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

1 Secretary and the Director of the Office of Manage-
2 ment and Budget.

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

6 (A) the spectrum requirements of the enti-
7 ty;

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

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

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

16 (d) CLASSIFIED NATIONAL SECURITY INFORMATION
17 AND CERTAIN OTHER INFORMATION.—

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

22 (A) information that is classified in accord-
23 ance with Executive Order 13526 (50 U.S.C.
24 425 note) or any successor Executive order es-
25 tablishing or modifying the uniform system for

1 classifying, safeguarding, and declassifying na-
2 tional security information; or

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

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

10 (A) Notification to the Assistant Secretary
11 of the determination under paragraph (1).

12 (B) Provision to the Assistant Secretary
13 of—

14 (i) the publicly releasable information
15 required by subsection (c);

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

21 (iii) a classified annex, under appro-
22 priate cover, containing the classified infor-
23 mation or other information for which
24 there is a legal basis for nondisclosure that
25 the head of the Federal entity has deter-

1 mined must be withheld from public disclo-
2 sure.

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

12 (e) FEDERAL STRATEGIC SPECTRUM PLAN.—

13 (1) DEVELOPMENT AND SUBMISSION.—

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

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

1 Federal Strategic Spectrum Plan developed
2 under subparagraph (A) to the appropriate
3 committees of Congress.

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

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

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

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

1 (E) DEFINITION.—In this subsection, the
2 term ‘appropriate committees of Congress’
3 means the Committee on Commerce, Science,
4 and Transportation of the Senate, the Com-
5 mittee on Energy and Commerce of the House
6 of Representatives, and any other congressional
7 committee with primary oversight jurisdiction
8 for the user entity or licensees concerned.

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

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

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

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

23 (C) an assessment of the future spectrum
24 needs of the Federal Government; and

1 (D) plans to incorporate such needs in the
2 frequency assignment, equipment certification,
3 and review processes of the Assistant Secretary.

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

10 (f) NATIONAL STRATEGIC SPECTRUM PLAN.—

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

18 (2) REQUIRED INCLUSION.—A National Stra-
19 tegic Spectrum Plan developed under paragraph (1)
20 shall include the following:

21 (A) The Federal Strategic Spectrum Plan
22 developed under paragraph (1)(A) of subsection
23 (e), as updated under paragraph (4) of such
24 subsection.

1 (B) Long-range spectrum planning for
2 both Federal and non-Federal users, including
3 commercial users and State and local govern-
4 ment users.

5 (C) An identification of new technologies
6 or expanded services requiring spectrum.

7 (D) An identification and analysis of the
8 nature and characteristics of the new radio
9 communication systems required and the nature
10 and characteristics of the spectrum required.

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

14 (i) requiring certain standards-based
15 technologies that improve spectrum effi-
16 ciencies;

17 (ii) spectrum sharing and reuse op-
18 portunities;

19 (iii) possible reallocation; and

20 (iv) any other approaches that pro-
21 mote efficient use of spectrum.

22 (F) An evaluation of current spectrum
23 auction processes to determine the effectiveness
24 of such processes in—

25 (i) promoting competition;

- 1 (ii) improving the efficiency of spec-
2 trum use; and
3 (iii) maximizing the full economic
4 value of the spectrum to consumers, indus-
5 try, and taxpayers.

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

9 (a) **ELIGIBLE FEDERAL ENTITIES.**—Section
10 113(g)(1) of the National Telecommunications and Infor-
11 mation Administration Organization Act (47 U.S.C.
12 923(g)(1)) is amended to read as follows:

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

1 (c)(4) that choose to relocate from the frequencies
2 identified for reallocation pursuant to subsection (a)
3 are eligible to receive payment under this para-
4 graph.”.

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

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

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

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

19 (c) RELOCATION COSTS AND SHARING COSTS DE-
20 FINED.—Section 113(g)(3) of the National Telecommuni-
21 cations and Information Administration Organization Act
22 (47 U.S.C. 923(g)(3)) is amended to read as follows:

23 “(3) RELOCATION COSTS AND SHARING COSTS
24 DEFINED.—

1 “(A) IN GENERAL.—For purposes of this
2 subsection, the term ‘relocation costs’ or ‘shar-
3 ing costs’ means the costs incurred by a Fed-
4 eral entity in connection with the auction (or a
5 potential or planned auction) of spectrum fre-
6 quencies previously assigned to such entity, or
7 the sharing of spectrum frequencies assigned to
8 such entity (including the auction or a potential
9 or planned auction of the rights to use spec-
10 trum frequencies on a shared basis with such
11 entity), respectively, in order to achieve com-
12 parable capability of systems as before the relo-
13 cation or the sharing arrangement. Such term
14 includes, with respect to relocation or sharing,
15 as the case may be—

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

22 “(ii) the costs of all engineering,
23 equipment, software, site acquisition, and
24 construction, as well as any legitimate and
25 prudent transaction expense, including

1 term-limited Federal civil servant and con-
2 tractor staff necessary to carry out the re-
3 location or sharing activities of an eligible
4 Federal entity, and reasonable additional
5 costs incurred by the Federal entity that
6 are attributable to relocation or sharing,
7 including increased recurring costs associ-
8 ated with the replacement of facilities;

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

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

17 “(II) determining the technical or
18 operational feasibility of relocation to
19 1 or more potential relocation bands;
20 or

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

1 “(iv) the one-time costs of any modi-
2 fication of equipment reasonably nec-
3 essary—

4 “(I) to accommodate commercial
5 use of shared frequencies; or

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

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

1 “(vi) the costs of the use of commer-
2 cial systems (including systems not uti-
3 lizing spectrum) to replace Federal systems
4 discontinued or relocated pursuant to this
5 Act, including lease (including lease of
6 land), subscription, and equipment costs
7 over an appropriate period, such as the an-
8 ticipated life of an equivalent Federal sys-
9 tem or other period determined by the Di-
10 rector of the Office of Management and
11 Budget.

12 “(B) COMPARABLE CAPABILITY OF SYS-
13 TEMS.—For purposes of subparagraph (A),
14 comparable capability of systems—

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

1 able for non-Federal use) or relocation, or
2 by utilizing an alternative technology; and
3 “(ii) includes the acquisition of state-
4 of-the-art replacement systems intended to
5 meet comparable operational scope, which
6 may include incidental increases in
7 functionality.”.

8 (d) CERTAIN PROCEDURAL REQUIREMENTS.—Sec-
9 tion 113(g) of the National Telecommunications and In-
10 formation Administration Organization Act (47 U.S.C.
11 923(g)) is amended—

12 (1) in paragraph (4)(A)—

13 (A) by inserting “or sharing costs” after
14 “relocation costs”; and

15 (B) by inserting “or sharing” after “such
16 relocation”;

17 (2) in paragraph (5)—

18 (A) by inserting “or sharing costs” after
19 “relocation costs”; and

20 (B) by inserting “or sharing” after “for
21 relocation”; and

22 (3) in paragraph (6)—

23 (A) in the 1st sentence, by inserting “and
24 the timely implementation of arrangements for

1 the sharing of such frequencies” before the pe-
2 riod at the end;

3 (B) in the 2nd sentence—

4 (i) by striking “by relocating to a new
5 frequency assignment or by utilizing an al-
6 ternative technology”;

7 (ii) by inserting “or limit” after “ter-
8 minate”; and

9 (iii) by inserting “or sharing arrange-
10 ment has been implemented” before the
11 period at the end; and

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

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

19 “(7) SPECTRUM SHARING AGREEMENTS.—A
20 Federal entity is permitted to allow access to its fre-
21 quency assignments by a non-Federal entity upon
22 approval of the NTIA, in consultation with the Di-
23 rector of the Office of Management and Budget.
24 Such non-Federal entities shall comply with all ap-
25 plicable rules of the Commission and the NTIA, in-

1 including any regulations promulgated pursuant to
2 this section. Any remuneration associated with such
3 access shall be deposited into the Spectrum Reloca-
4 tion Fund established under section 118. The costs
5 incurred by a Federal entity as a result of allowing
6 such access are sharing costs for which the entity is
7 eligible for payment from the Fund for the purposes
8 specified in paragraph (3). The revenue associated
9 with such access shall be at least 110 percent of the
10 estimated Federal costs.”.

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

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

19 (2) by amending subsection (c) to read as fol-
20 lows:

21 “(c) USE OF FUNDS.—

22 “(1) FUNDS FROM AUCTIONS.—The amounts in
23 the Fund from auctions of eligible frequencies are
24 authorized to be used to pay relocation costs or
25 sharing costs, as defined in section 113(g)(3), of an

1 eligible Federal entity incurring such costs with re-
2 spect to relocation from any eligible frequency or the
3 sharing of such frequency.

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

11 “(3) TRANSFER OF FUNDS.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), the Director of OMB may transfer
14 at any time (including prior to any auction or
15 contemplated auction or sharing initiative) such
16 sums as may be available in the Fund to an eli-
17 gible Federal entity to pay eligible relocation
18 costs or sharing costs related to pre-auction es-
19 timates or research, as such costs are described
20 in section 113(g)(3)(A)(iii).

21 “(B) NOTIFICATION.—No funds may be
22 transferred pursuant to subparagraph (A) un-
23 less the notification provided under subsection
24 (d)(2)(B) includes a certification from the Di-
25 rector of OMB that—

1 “(i) funds transferred before an auc-
2 tion will likely allow for timely implementa-
3 tion of relocation or sharing, thereby in-
4 creasing net expected auction proceeds by
5 an amount equal to or greater than the
6 time value of the amount of funds trans-
7 ferred; and

8 “(ii) the auction is intended to occur
9 not later than 5 years after transfer of
10 funds.

11 “(C) APPLICABILITY.—

12 “(i) PRIOR COSTS INCURRED.—The
13 Director of OMB may transfer up to
14 \$10,000,000 from the Fund to eligible
15 Federal entities for eligible relocation costs
16 or sharing costs related to pre-auction esti-
17 mates or research, as such costs are de-
18 scribed in section 113(g)(3)(A)(iii), for
19 costs incurred prior to the date of the en-
20 actment of the Public Safety Broadband
21 and Wireless Innovation Act of 2011, but
22 after June 28, 2010.

23 “(ii) SUPPLEMENT NOT SUPPLANT.—
24 Any amounts transferred by the Director
25 of OMB pursuant to clause (i) shall be in

1 addition to any amounts that the Director
2 of OMB may transfer for costs incurred
3 after the date of the enactment of the Pub-
4 lic Safety Broadband and Wireless Innova-
5 tion Act of 2011.”;

6 (3) in subsection (d)—

7 (A) in paragraph (1), by inserting “and
8 sharing costs” after “relocation costs”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by inserting
11 “or sharing” before the semicolon; and

12 (ii) in subparagraph (B)—

13 (I) by inserting “or sharing
14 costs” after “relocation costs”; and

15 (II) by inserting “or sharing” be-
16 fore the period at the end; and

17 (C) by amending paragraph (3) to read as
18 follows:

19 “(3) REVERSION OF UNUSED FUNDS.—

20 “(A) IN GENERAL.—Any amounts in the
21 Fund that are remaining after the payment of
22 the relocation costs and sharing costs that are
23 payable from the Fund shall revert to and be
24 deposited in the general fund of the Treasury
25 not later than 8 years after the date of the de-

1 posit of such proceeds to the Fund, unless with-
2 in 60 days in advance of the reversion of such
3 funds, the Director of OMB, in consultation
4 with the NTIA, notifies the appropriate com-
5 mittees of Congress that such funds are needed
6 to complete or to implement current or future
7 relocations or sharing initiatives.

8 “(B) DEFINITION.—In this paragraph, the
9 term ‘appropriate committees of Congress’
10 means—

11 “(i) the Committee on Appropriations
12 of the Senate;

13 “(ii) the Committee on Commerce,
14 Science, and Transportation of the Senate;

15 “(iii) the Committee on Appropria-
16 tions of the House of Representatives; and

17 “(iv) the Committee on Energy and
18 Commerce of the House of Representa-
19 tives.”;

20 (4) in subsection (e)(2)—

21 (A) by inserting “or sharing costs” after
22 “relocation costs”;

23 (B) by striking “entity’s relocation” and
24 inserting “relocation of the entity or implemen-

1 tation of the sharing arrangement by the enti-
2 ty”; and

3 (C) by inserting “or the implementation of
4 such arrangement” after “such relocation”; and
5 (5) by adding at the end the following:

6 “(f) ADDITIONAL PAYMENTS FROM THE FUND.—

7 “(1) AMOUNTS AVAILABLE.—Notwithstanding
8 subsections (c) through (e), after the date of the en-
9 actment of the Public Safety Broadband and Wire-
10 less Innovation Act of 2011, and following the credit
11 of any amounts specified in subsection (b), there are
12 hereby appropriated from the Fund and available to
13 the Director of OMB—

14 “(A) up to 10 percent of the amounts de-
15 posited in the Fund from the auction of licenses
16 for frequencies of spectrum vacated by Federal
17 entities; and

18 “(B) up to 10 percent of the amounts de-
19 posited in the Fund by non-Federal entities for
20 sharing of Federal spectrum.

21 “(2) USE OF AMOUNTS.—The Director of
22 OMB, in consultation with the NTIA, may use such
23 amounts to make payments to eligible Federal enti-
24 ties for the purpose of encouraging timely access to
25 such spectrum, provided that—

1 “(A) any such payment by the Director of
2 OMB is based on the market value of the spec-
3 trum, the timeliness with which the Federal en-
4 tity cleared its use of such spectrum, and the
5 need for such spectrum in order for the Federal
6 entity to conduct its essential missions;

7 “(B) any such payment by the Director of
8 OMB is used to carry out—

9 “(i) the purposes specified in clauses
10 (i) through (vi) of section 113(g)(3)(A) to
11 achieve enhanced capability for those sys-
12 tems affected by reallocation of Federal
13 spectrum for commercial use, or by sharing
14 of Federal frequencies with non-Federal
15 entities; and

16 “(ii) other communications, radar,
17 and spectrum-using investments not di-
18 rectly affected by such reallocation or shar-
19 ing but essential for the missions of the
20 Federal entity that is relocating its sys-
21 tems or sharing frequencies;

22 “(C) the amount remaining in the Fund
23 after any such payment by the Director of
24 OMB is not less than 10 percent of the winning
25 bids in the relevant auction, or is not less than

1 10 percent of the payments from non-Federal
2 entities in the relevant sharing agreement;

3 “(D) any such payment by the Director of
4 OMB shall not be made until 30 days after the
5 Director has notified the Committees on Appro-
6 priations and Commerce, Science, and Trans-
7 portation of the Senate, and the Committees on
8 Appropriations and Energy and Commerce of
9 the House of Representatives; and

10 “(E) the Director of OMB shall make
11 available from such amounts not more than
12 \$3,000,000 per year for each of the fiscal years
13 2012 through 2016 for use by the Assistant
14 Secretary in carrying out the spectrum manage-
15 ment activities of the Assistant Secretary under
16 title V of the Public Safety Broadband and
17 Wireless Innovation Act of 2011.”.

18 (g) PUBLIC DISCLOSURE AND NONDISCLOSURE.—If
19 the head of an executive agency of the Federal Govern-
20 ment determines that public disclosure of any information
21 contained in a notification or report required by section
22 113 or 118 of the National Telecommunications and In-
23 formation Administration Organization Act (47 U.S.C.
24 923; 928) would reveal classified national security infor-
25 mation or other information for which there is a legal

1 basis for nondisclosure and such public disclosure would
2 be detrimental to national security, homeland security,
3 public safety, or jeopardize law enforcement investiga-
4 tions, the head of the executive agency shall notify the As-
5 sistant Secretary of that determination prior to release of
6 such information. In that event, such classified informa-
7 tion shall be included in a separate annex, as needed.
8 These annexes shall be provided to the subcommittee of
9 primary jurisdiction of the congressional committee of pri-
10 mary jurisdiction in accordance with appropriate national
11 security stipulations but shall not be disclosed to the pub-
12 lic or provided to any unauthorized person through any
13 other means.

14 **SEC. 504. STUDY ON SPECTRUM EFFICIENCY THROUGH RE-**
15 **CEIVER STANDARDS.**

16 (a) **IN GENERAL.**—The Comptroller General of the
17 United States shall conduct a study on efforts to ensure
18 that each transmission system that employs radio spec-
19 trum is designed and operated so that reasonable use of
20 adjacent spectrum does not excessively impair the func-
21 tioning of such system.

22 (b) **REQUIRED CONSIDERATIONS.**—At a minimum,
23 the study required by subsection (a) shall consider—

24 (1) the value of—

1 (A) improving receiver standards as it re-
2 lates to increasing spectral efficiency;

3 (B) improving operation of services in ad-
4 jacent frequencies;

5 (C) narrowing the guard bands between
6 adjacent spectrum use; and

7 (D) improving overall receiver performance
8 for the end user;

9 (2) the role of manufacturers, commercial li-
10 censees, and government users with respect to their
11 transmission systems and use of adjacent spectrum
12 described in subsection (a);

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

18 (4) the value of action by the Commission and
19 the Assistant Secretary to establish, by rule, tech-
20 nical requirements or standards for non-Federal and
21 Federal use, respectively, with respect to the reason-
22 able use of adjacent spectrum described in sub-
23 section (a).

24 (c) REPORT.—Not later than 1 year after the date
25 of enactment of this Act, the Comptroller General of the

1 United States shall submit a report to the appropriate
2 committees of Congress on the results of the study re-
3 quired by subsection (a).

4 (d) DEFINITION.—For purposes of this section, the
5 term “transmission system” means any telecommuni-
6 cations, broadcast, satellite, commercial mobile service, or
7 other communications system that employs radio spec-
8 trum.

9 **SEC. 505. UNLICENSED USE IN THE 5 GHZ BAND.**

10 (a) MODIFICATION OF FCC REGULATIONS TO
11 ALLOW CERTAIN UNLICENSED USE.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 not later than 1 year after the date of the enactment
14 of this Act, the Commission shall modify part 15 of
15 title 47, Code of Federal Regulations, to allow unli-
16 censed U-NII devices to operate in the 5350-5470
17 MHz band and the 5850-5925 MHz band.

18 (2) REQUIRED DETERMINATIONS.—The Com-
19 mission may make the modification described in
20 paragraph (1) only if the Commission determines
21 that—

22 (A) licensed users will be protected by
23 technical solutions, including use of existing,
24 modified, or new spectrum-sharing technologies

1 and solutions, such as dynamic frequency selec-
2 tion; and

3 (B) the primary mission of Federal spec-
4 trum users in the 5350–5470 MHz band and
5 the 5850–5925 MHz band will not be com-
6 promised by the introduction of unlicensed de-
7 vices.

8 (b) STUDY BY NTIA.—

9 (1) IN GENERAL.—The Assistant Secretary, in
10 consultation with the Commission, shall conduct a
11 study evaluating known and proposed spectrum-
12 sharing technologies and the risk to Federal users if
13 unlicensed U-NII devices were allowed to operate in
14 the 5350–5470 MHz band and the 5850–5925 MHz
15 band.

16 (2) SUBMISSION.—Not later than 8 months
17 after the date of the enactment of this Act, the As-
18 sistant Secretary shall submit the study required by
19 paragraph (1) to—

20 (A) the Commission; and

21 (B) the appropriate committees of Con-
22 gress.

23 (c) DEFINITIONS.—In this section:

24 (1) 5350–5470 MHz BAND.—The term “5350-
25 5470 MHz band” means the portion of the electro-

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

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

7 (3) U-NII DEVICES.—The term “U-NII de-
8 vices” has the meaning given such term in section
9 15.403(s) of title 47, Code of Federal Regulations,
10 except for the frequency bands specified in such sec-
11 tion.

12 **SEC. 506. REPORT ON AVAILABILITY OF WIRELESS EQUIP-**
13 **MENT FOR THE 700 MHZ BAND.**

14 (a) IN GENERAL.—Not later than 90 days after the
15 date of the enactment of this Act, and every 6 months
16 thereafter until January 1, 2016, the Commission shall
17 prepare and submit to the appropriate committees of Con-
18 gress a report on—

19 (1) the availability of wireless equipment capa-
20 ble of operating over all spectrum between the fre-
21 quencies from 698 megahertz to 806 megahertz that
22 is allocated by the Commission for paired commer-
23 cial use; and

24 (2) the potential availability of wireless equip-
25 ment capable of operating over spectrum made avail-

1 able through reorganization of the television broad-
2 cast spectrum under section 302(b) and the auction
3 of such spectrum under subparagraph (G) of section
4 309(j)(8) of the Communications Act of 1934, as
5 added by section 302(a).

6 (b) CONTENTS.—The Commission shall seek input
7 from the commercial mobile data service industry and in-
8 clude in the report required by subsection (a) an assess-
9 ment of—

10 (1) the technical feasibility, and the potential
11 impact on costs, size, battery consumption, and any
12 other factor the Commission considers appropriate,
13 of making equipment capable of operating over some
14 or all of the spectrum described in paragraph (1) of
15 such subsection;

16 (2) the timeframe for when wireless equipment
17 capable of operating over some or all of such spec-
18 trum will be available; and

19 (3) the feasibility of and progress towards mak-
20 ing available wireless equipment that is capable of
21 operating over some or all of the spectrum described
22 in paragraph (2) of such subsection.