

**DISCUSSION DRAFT, AS AMENDED BY
THE SUBCOMMITTEE ON COMMUNICATIONS
AND TECHNOLOGY ON DECEMBER 1, 2011**

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Jumpstarting Opportunity with Broadband Spectrum
4 Act of 2011” or the “JOBS Act of 2011”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Rule of construction.
- Sec. 4. Enforcement.
- Sec. 5. National security restrictions on use of funds and auction participation.

TITLE I—SPECTRUM AUCTION AUTHORITY

- Sec. 101. Deadlines for auction of certain spectrum.
- Sec. 102. 700 MHz public safety narrowband spectrum and guard band spectrum.
- Sec. 103. General authority for incentive auctions.
- Sec. 104. Special requirements for incentive auction of broadcast TV spectrum.
- Sec. 105. Administration of auctions by Commission.
- Sec. 106. Extension of auction authority.
- Sec. 107. Unlicensed use in the 5 GHz band.

TITLE II—ADVANCED PUBLIC SAFETY COMMUNICATIONS

Subtitle A—National Implementation

- Sec. 201. Licensing of spectrum to Administrator.
- Sec. 202. National Public Safety Communications Plan.
- Sec. 203. Plan administration.
- Sec. 204. Initial funding for Administrator.
- Sec. 205. Study on emergency communications by amateur radio and impediments to amateur radio communications.

Subtitle B—State Implementation

- Sec. 221. Negotiation and approval of contracts.
- Sec. 222. State implementation grant program.

- Sec. 223. State Implementation Fund.
- Sec. 224. Grants to States for network buildout.
- Sec. 225. Wireless facilities deployment.

Subtitle C—Public Safety Trust Fund

- Sec. 241. Public Safety Trust Fund.

Subtitle D—Next Generation 9–1–1 Advancement Act of 2011

- Sec. 261. Short title.
- Sec. 262. Findings.
- Sec. 263. Purposes.
- Sec. 264. Definitions.
- Sec. 265. Coordination of 9–1–1 implementation.
- Sec. 266. Requirements for multi-line telephone systems.
- Sec. 267. GAO study of State and local use of 9–1–1 service charges.
- Sec. 268. Parity of protection for provision or use of Next Generation 9–1–1 services.
- Sec. 269. Commission proceeding on autodialing.
- Sec. 270. NHTSA report on costs for requirements and specifications of Next Generation 9–1–1 services.
- Sec. 271. FCC recommendations for legal and statutory framework for Next Generation 9–1–1 services.

TITLE III—FEDERAL SPECTRUM RELOCATION

- Sec. 301. Relocation of and spectrum sharing by Federal Government stations.
- Sec. 302. Spectrum Relocation Fund.
- Sec. 303. National security and other sensitive information.

TITLE IV—TELECOMMUNICATIONS DEVELOPMENT FUND

- Sec. 401. No additional Federal funds.
- Sec. 402. Independence of the Fund.

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) 700 MHZ PUBLIC SAFETY GUARD BAND
10 SPECTRUM.—The term “700 MHz public safety

1 guard band spectrum” means the portion of the
2 electromagnetic spectrum between the frequencies
3 from 768 megahertz to 769 megahertz and between
4 the frequencies from 798 megahertz to 799 mega-
5 hertz.

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

13 (4) ADMINISTRATOR.—The term “Adminis-
14 trator” means the entity selected under section
15 203(a) to serve as Administrator of the National
16 Public Safety Communications Plan.

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

20 (6) BOARD.—The term “Board” means the
21 Public Safety Communications Planning Board es-
22 tablished under section 202(a)(1).

23 (7) BROADCAST TELEVISION LICENSEE.—The
24 term “broadcast television licensee” means the li-
25 censee of—

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

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

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

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

17 (A) a data service;

18 (B) provided for profit; and

19 (C) available to the public or such classes
20 of eligible users as to be effectively available to
21 a substantial portion of the public, as specified
22 by regulation by the Commission.

23 (10) COMMERCIAL MOBILE SERVICE.—The
24 term “commercial mobile service” has the meaning

1 given such term in section 332 of the Communica-
2 tions Act of 1934 (47 U.S.C. 332).

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

15 (12) COMMISSION.—The term “Commission”
16 means the Federal Communications Commission.

17 (13) EMERGENCY CALL.—The term “emergency
18 call” means any real-time communication with a
19 public safety answering point or other emergency
20 management or response agency, including—

21 (A) through voice, text, or video and re-
22 lated data; and

23 (B) nonhuman-initiated automatic event
24 alerts, such as alarms, telematics, or sensor

1 data, which may also include real-time voice,
2 text, or video communications.

3 (14) FORWARD AUCTION.—The term “forward
4 auction” means the portion of an incentive auction
5 of broadcast television spectrum under section
6 104(c).

7 (15) INCENTIVE AUCTION.—The term “incen-
8 tive auction” means a system of competitive bidding
9 under subparagraph (G) of section 309(j)(8) of the
10 Communications Act of 1934, as added by section
11 103.

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

17 (17) NATIONAL PUBLIC SAFETY COMMUNICA-
18 TIONS PLAN.—The term “National Public Safety
19 Communications Plan” or “Plan” means the plan
20 adopted under section 202(c).

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

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

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

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

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

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

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

20 (19) NTLA.—The term “NTLA” means the Na-
21 tional Telecommunications and Information Admin-
22 istration.

23 (20) PUBLIC SAFETY ANSWERING POINT.—The
24 term “public safety answering point” has the mean-

1 ing given such term in section 222 of the Commu-
2 nications Act of 1934 (47 U.S.C. 222).

3 (21) PUBLIC SAFETY BROADBAND SPEC-
4 TRUM.—The term “public safety broadband spec-
5 trum” means the portion of the electromagnetic
6 spectrum between the frequencies from 763 mega-
7 hertz to 768 megahertz and between the frequencies
8 from 793 megahertz to 798 megahertz.

9 (22) PUBLIC SAFETY COMMUNICATIONS.—The
10 term “public safety communications” means commu-
11 nications by providers of public safety services.

12 (23) PUBLIC SAFETY SERVICES.—The term
13 “public safety services” has the meaning given such
14 term in section 337 of the Communications Act of
15 1934 (47 U.S.C. 337).

16 (24) REVERSE AUCTION.—The term “reverse
17 auction” means the portion of an incentive auction
18 of broadcast television spectrum under section
19 104(a), in which a broadcast television licensee may
20 submit bids stating the amount it would accept for
21 voluntarily relinquishing some or all of its broadcast
22 television spectrum usage rights.

23 (25) SPECTRUM LICENSED TO THE ADMINIS-
24 TRATOR.—The term “spectrum licensed to the Ad-
25 ministrators” means the portion of the electro-

1 magnetic spectrum that the Administrator is li-
2 censed to use under section 201(a).

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

6 (27) STATE PUBLIC SAFETY BROADBAND COM-
7 MUNICATIONS NETWORK.—The term “State public
8 safety broadband communications network” means a
9 broadband network for public safety communications
10 established by a State Public Safety Broadband Of-
11 fice, in accordance with the National Public Safety
12 Communications Plan, using the spectrum licensed
13 to the Administrator.

14 (28) STATE PUBLIC SAFETY BROADBAND OF-
15 FICE.—The term “State Public Safety Broadband
16 Office” means an office established or designated
17 under section 221(a).

18 (29) ULTRA HIGH FREQUENCY.—The term
19 “ultra high frequency” means, with respect to a tele-
20 vision channel, that the channel is located in the
21 portion of the electromagnetic spectrum between the
22 frequencies from 470 megahertz to 698 megahertz.

23 (30) VERY HIGH FREQUENCY.—The term “very
24 high frequency” means, with respect to a television
25 channel, that the channel is located in the portion of

1 the electromagnetic spectrum between the fre-
2 quencies from 54 megahertz to 72 megahertz, from
3 76 megahertz to 88 megahertz, or from 174 mega-
4 hertz to 216 megahertz.

5 **SEC. 3. RULE OF CONSTRUCTION.**

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

9 **SEC. 4. ENFORCEMENT.**

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

17 (b) EXCEPTIONS.—

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

23 (2) NTIA REGULATIONS.—The Assistant Sec-
24 retary may promulgate such regulations as are nec-
25 essary to implement and enforce any provision of

1 this Act that is expressly required to be carried out
2 by the Assistant Secretary.

3 **SEC. 5. NATIONAL SECURITY RESTRICTIONS ON USE OF**
4 **FUNDS AND AUCTION PARTICIPATION.**

5 (a) **USE OF FUNDS.**—No funds made available by
6 section 102 or title II may be used to make payments
7 under a contract to a person described in subsection (c).

8 (b) **AUCTION PARTICIPATION.**—A person described in
9 subsection (c) may not participate in a system of competi-
10 tive bidding under section 309(j) of the Communications
11 Act of 1934 (47 U.S.C. 309(j))—

12 (1) that is required to be conducted by this Act;
13 or

14 (2) in which any spectrum usage rights for
15 which licenses are being assigned were made avail-
16 able under clause (i) of subparagraph (G) of para-
17 graph (8) of such section, as added by section 103.

18 (c) **PERSON DESCRIBED.**—A person described in this
19 subsection is a person who has been, for reasons of na-
20 tional security, barred by any agency of the Federal Gov-
21 ernment from bidding on a contract, participating in an
22 auction, or receiving a grant.

1 **TITLE I—SPECTRUM AUCTION**
2 **AUTHORITY**

3 **SEC. 101. DEADLINES FOR AUCTION OF CERTAIN SPEC-**
4 **TRUM.**

5 (a) CLEARING CERTAIN FEDERAL SPECTRUM.—

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

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

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

17 (2) SPECTRUM DESCRIBED.—The electro-
18 magnetic spectrum described in this paragraph is
19 the following:

20 (A) The frequencies between 1755 mega-
21 hertz and 1780 megahertz, except that if—

22 (i) the Secretary of Commerce—

23 (I) determines that such fre-
24 quencies cannot be reallocated for
25 non-Federal use because incumbent

1 Federal operations cannot be elimi-
2 nated, relocated to other spectrum, or
3 accommodated through other means;

4 (II) identifies other spectrum for
5 reallocation for non-Federal use that
6 the Secretary of Commerce deter-
7 mines can reasonably be expected to
8 produce a comparable amount of net
9 auction proceeds; and

10 (III) submits to the Committee
11 on Commerce, Science, and Transpor-
12 tation of the Senate and the Com-
13 mittee on Energy and Commerce of
14 the House of Representatives a report
15 that identifies such spectrum and ex-
16 plains the determinations under sub-
17 clauses (I) and (II); and

18 (ii) not later than 1 year after the
19 date of the submission of such report,
20 there is enacted a law approving the sub-
21 stitution of the spectrum identified under
22 clause (i)(II) for the frequencies between
23 1755 megahertz and 1780 megahertz;

1 the spectrum described in this subparagraph
2 shall be the spectrum identified under such
3 clause.

4 (B) The 15 megahertz of spectrum be-
5 tween 1675 megahertz and 1710 megahertz
6 identified under paragraph (3).

7 (C) The frequencies between 3550 mega-
8 hertz and 3650 megahertz, except for the geo-
9 graphic exclusion zones (as such zones may be
10 amended) identified in the report of the NTIA
11 published in October 2010 and entitled “An As-
12 sessment of Near-Term Viability of Accommo-
13 dating Wireless Broadband Systems in 1675–
14 1710 MHz, 1755–1780 MHz, 3500–3650 MHz,
15 and 4200–4220 MHz, 4380–4400 MHz
16 Bands”.

17 (3) IDENTIFICATION BY SECRETARY OF COM-
18 MERCE.—Not later than 1 year after the date of the
19 enactment of this Act, the Secretary of Commerce
20 shall submit to the President a report identifying 15
21 megahertz of spectrum between 1675 megahertz and
22 1710 megahertz for reallocation from Federal use to
23 non-Federal use.

24 (b) REALLOCATION AND AUCTION.—

1 (1) IN GENERAL.—Notwithstanding paragraph
2 (15)(A) of section 309(j) of the Communications Act
3 of 1934 (47 U.S.C. 309(j)), not later than 3 years
4 after the date of the enactment of this Act, the
5 Commission shall—

6 (A) allocate the spectrum described in
7 paragraph (2) for commercial use; and

8 (B) through a system of competitive bid-
9 ding under such section, grant new initial li-
10 censes for the use of such spectrum, subject to
11 flexible-use service rules.

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

14 (A) The frequencies between 1915 mega-
15 hertz and 1920 megahertz, paired with the fre-
16 quencies between 1995 megahertz and 2000
17 megahertz.

18 (B) The frequencies described in sub-
19 section (a)(2)(A).

20 (C) The frequencies between 2155 mega-
21 hertz and 2180 megahertz.

22 (D) The 15 megahertz of spectrum identi-
23 fied under subsection (a)(3), paired with 15
24 megahertz of contiguous spectrum to be identi-
25 fied by the Commission.

1 (E) The frequencies described in sub-
2 section (a)(2)(C).

3 (3) PROCEEDS TO COVER 110 PERCENT OF FED-
4 ERAL RELOCATION OR SHARING COSTS.—Nothing in
5 paragraph (1) shall be construed to relieve the Com-
6 mission from the requirements of section
7 309(j)(16)(B) of the Communications Act of 1934
8 (47 U.S.C. 309(j)(16)(B)).

9 (c) AUCTION PROCEEDS.—Section 309(j)(8) of the
10 Communications Act of 1934 (47 U.S.C. 309(j)(8)) is
11 amended—

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

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

17 (3) in subparagraph (D)—

18 (A) by striking the heading and inserting
19 “PROCEEDS FROM REALLOCATED FEDERAL
20 SPECTRUM”;

21 (B) by striking “Cash” and inserting the
22 following:

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

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

1 “(ii) CERTAIN OTHER PROCEEDS.—
2 Notwithstanding subparagraph (A) and ex-
3 cept as provided in subparagraph (B), in
4 the case of proceeds (including deposits
5 and upfront payments from successful bid-
6 ders) attributable to the auction of eligible
7 frequencies described in paragraph (2) of
8 section 113(g) of the National Tele-
9 communications and Information Adminis-
10 tration Organization Act that are required
11 to be auctioned by section 101(b)(1)(B) of
12 the Jumpstarting Opportunity with
13 Broadband Spectrum Act of 2011, such
14 portion of such proceeds as is necessary to
15 cover the relocation or sharing costs (as
16 defined in paragraph (3) of such section
17 113(g)) of Federal entities relocated from
18 such eligible frequencies shall be deposited
19 in the Spectrum Relocation Fund. The re-
20 mainder of such proceeds shall be depos-
21 ited in the Public Safety Trust Fund es-
22 tablished by section 241(a)(1) of the
23 Jumpstarting Opportunity with Broadband
24 Spectrum Act of 2011.”; and

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

1 “(F) CERTAIN PROCEEDS DESIGNATED
2 FOR PUBLIC SAFETY TRUST FUND.—Notwith-
3 standing subparagraph (A) and except as pro-
4 vided in subparagraphs (B) and (D)(ii), the
5 proceeds (including deposits and upfront pay-
6 ments from successful bidders) from the use of
7 a system of competitive bidding under this sub-
8 section pursuant to section 101(b)(1)(B) of the
9 Jumpstarting Opportunity with Broadband
10 Spectrum Act of 2011 shall be deposited in the
11 Public Safety Trust Fund established by section
12 241(a)(1) of such Act.”.

13 **SEC. 102. 700 MHZ PUBLIC SAFETY NARROWBAND SPEC-**
14 **TRUM AND GUARD BAND SPECTRUM.**

15 (a) REALLOCATION AND AUCTION.—

16 (1) IN GENERAL.—On the date that is 5 years
17 after a certification by the Administrator to the
18 Commission of the availability of standards for pub-
19 lic safety voice over broadband, the Commission
20 shall, notwithstanding paragraph (15)(A) of section
21 309(j) of the Communications Act of 1934 (47
22 U.S.C. 309(j))—

23 (A) reallocate the 700 MHz public safety
24 narrowband spectrum and the 700 MHz public

1 safety guard band spectrum for commercial use;
2 and

3 (B) begin a system of competitive bidding
4 under such section to grant new initial licenses
5 for the use of such spectrum.

6 (2) AUCTION PROCEEDS.—Notwithstanding
7 subparagraphs (A) and (C)(i) of paragraph (8) of
8 such section, not more than \$1,000,000,000 of the
9 proceeds (including deposits and upfront payments
10 from successful bidders) from the use of a system of
11 competitive bidding pursuant to paragraph (1)(B)
12 shall be available to the Assistant Secretary to carry
13 out subsection (b) and shall remain available until
14 expended.

15 (b) GRANTS FOR PUBLIC SAFETY RADIO EQUIP-
16 MENT.—

17 (1) IN GENERAL.—From amounts made avail-
18 able under subsection (a)(2), the Assistant Secretary
19 shall make grants to States for the acquisition of
20 public safety radio equipment.

21 (2) APPLICATION.—The Assistant Secretary
22 may only make a grant under this subsection to a
23 State that submits an application at such time, in
24 such form, and containing such information and as-
25 surances as the Assistant Secretary may require.

1 (3) QUARTERLY REPORTS.—

2 (A) FROM GRANTEEES TO NTIA.—A State
3 receiving grant funds under this subsection
4 shall, not later than 3 months after receiving
5 such funds and not less frequently than quar-
6 terly thereafter until the date that is 1 year
7 after all such funds have been expended, submit
8 to the Assistant Secretary a report on the use
9 of grant funds by such State.

10 (B) FROM NTIA TO CONGRESS.—Not later
11 than 6 months after making the first grant
12 under this subsection and not less frequently
13 than quarterly thereafter until the date that is
14 18 months after all such funds have been ex-
15 pended by the grantees, the Assistant Secretary
16 shall submit to the Committee on Commerce,
17 Science, and Transportation of the Senate and
18 the Committee on Energy and Commerce of the
19 House of Representatives a report that—

20 (i) summarizes the reports submitted
21 by grantees under subparagraph (A); and

22 (ii) describes and evaluates the use of
23 grant funds disbursed under this sub-
24 section.

1 (c) CONFORMING AMENDMENTS.—Section 337(a) of
2 the Communications Act of 1934 (47 U.S.C. 337(a)) is
3 amended—

4 (1) in the matter preceding paragraph (1)—

5 (A) by striking “Not later than January 1,
6 1998, the” and inserting “The”; and

7 (B) by inserting “for either public safety
8 services or commercial use,” after “inclusive,”;

9 (2) in paragraph (1)—

10 (A) by striking “24 megahertz” and insert-
11 ing “Not more than 34 megahertz”; and

12 (B) by striking “, in consultation with the
13 Secretary of Commerce and the Attorney Gen-
14 eral; and” and inserting a period; and

15 (3) in paragraph (2), by striking “36 mega-
16 hertz” and inserting “Not more than 40 mega-
17 hertz”.

18 **SEC. 103. GENERAL AUTHORITY FOR INCENTIVE AUCTIONS.**

19 Section 309(j)(8) of the Communications Act of
20 1934, as amended by section 101(c), is further amended
21 by adding at the end the following:

22 “(G) INCENTIVE AUCTIONS.—

23 “(i) IN GENERAL.—Notwithstanding
24 subparagraph (A) and except as provided
25 in subparagraph (B), the Commission may

1 encourage a licensee to relinquish volun-
2 tarily some or all of its licensed spectrum
3 usage rights in order to permit the assign-
4 ment of new initial licenses subject to flexi-
5 ble-use service rules by sharing with such
6 licensee a portion, based on the value of
7 the relinquished rights as determined in
8 the reverse auction required by clause
9 (ii)(I), of the proceeds (including deposits
10 and upfront payments from successful bid-
11 ders) from the use of a competitive bidding
12 system under this subsection.

13 “(ii) LIMITATIONS.—The Commission
14 may not enter into an agreement for a li-
15 censee to relinquish spectrum usage rights
16 in exchange for a share of auction proceeds
17 under clause (i) unless—

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

1 “(II) at least two competing li-
2 censees participate in the reverse auc-
3 tion.

4 “(iii) TREATMENT OF REVENUES.—
5 Notwithstanding subparagraph (A) and ex-
6 cept as provided in subparagraph (B), the
7 proceeds (including deposits and upfront
8 payments from successful bidders) from
9 any auction, prior to the end of fiscal year
10 2021, of spectrum usage rights made avail-
11 able under clause (i) that are not shared
12 with licensees under such clause shall be
13 deposited as follows:

14 “(I) \$3,000,000,000 of the pro-
15 ceeds from the incentive auction of
16 broadcast television spectrum required
17 by section 104 of the Jumpstarting
18 Opportunity with Broadband Spec-
19 trum Act of 2011 shall be deposited
20 in the TV Broadcaster Relocation
21 Fund established by subsection (d)(1)
22 of such section.

23 “(II) All other proceeds shall be
24 deposited—

1 “(aa) prior to the end of fis-
2 cal year 2021, in the Public Safe-
3 ty Trust Fund established by sec-
4 tion 241(a)(1) of such Act; and

5 “(bb) after the end of fiscal
6 year 2021, in the general fund of
7 the Treasury, where such pro-
8 ceeds shall be dedicated for the
9 sole purpose of deficit reduction.

10 “(iv) CONGRESSIONAL NOTIFICA-
11 TION.—At least 3 months before any in-
12 centive auction conducted under this sub-
13 paragraph, the Chairman of the Commis-
14 sion, in consultation with the Director of
15 the Office of Management and Budget,
16 shall notify the appropriate committees of
17 Congress of the methodology for calcu-
18 lating the amounts that will be shared with
19 licensees under clause (i).

20 “(v) DEFINITION.—In this subpara-
21 graph, the term ‘appropriate committees of
22 Congress’ means—

23 “(I) the Committee on Com-
24 merce, Science, and Transportation of
25 the Senate;

1 “(II) the Committee on Appro-
2 priations of the Senate;

3 “(III) the Committee on Energy
4 and Commerce of the House of Rep-
5 resentatives; and

6 “(IV) the Committee on Appro-
7 priations of the House of Representa-
8 tives.”.

9 **SEC. 104. SPECIAL REQUIREMENTS FOR INCENTIVE AUC-**
10 **TION OF BROADCAST TV SPECTRUM.**

11 (a) REVERSE AUCTION TO IDENTIFY INCENTIVE
12 AMOUNT.—

13 (1) IN GENERAL.—The Commission shall con-
14 duct a reverse auction to determine the amount of
15 compensation that each broadcast television licensee
16 would accept in return for voluntarily relinquishing
17 some or all of its broadcast television spectrum
18 usage rights in order to make spectrum available for
19 assignment through a system of competitive bidding
20 under subparagraph (G) of section 309(j)(8) of the
21 Communications Act of 1934, as added by section
22 103.

23 (2) ELIGIBLE RELINQUISHMENTS.—A relin-
24 quishment of usage rights for purposes of paragraph
25 (1) shall include the following:

1 (A) Relinquishing all usage rights with re-
2 spect to a particular television channel without
3 receiving in return any usage rights with re-
4 spect to another television channel.

5 (B) Relinquishing all usage rights with re-
6 spect to an ultra high frequency television chan-
7 nel in return for receiving usage rights with re-
8 spect to a very high frequency television chan-
9 nel.

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

12 (3) CONFIDENTIALITY.—The Commission shall
13 take all reasonable steps necessary to protect the
14 confidentiality of Commission-held data of a licensee
15 participating in the reverse auction under paragraph
16 (1), including withholding the identity of such li-
17 censee until the reassignments and reallocations (if
18 any) under subsection (b)(1)(B) become effective, as
19 described in subsection (f)(2).

20 (4) PROTECTION OF CARRIAGE RIGHTS OF LI-
21 CENSEES SHARING A CHANNEL.—A broadcast tele-
22 vision station that voluntarily relinquishes spectrum
23 usage rights under this subsection in order to share
24 a television channel and that possessed carriage
25 rights under section 338, 614, or 615 of the Com-

1 munications Act of 1934 (47 U.S.C. 338; 534; 535)
2 on November 30, 2010, shall have, at its shared lo-
3 cation, the carriage rights under such section that
4 would apply to such station at such location if it
5 were not sharing a channel.

6 (b) REORGANIZATION OF BROADCAST TV SPEC-
7 TRUM.—

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

11 (A) shall evaluate the broadcast television
12 spectrum (including spectrum made available
13 through the reverse auction under subsection
14 (a)(1)); and

15 (B) may, subject to international coordina-
16 tion along the border with Mexico and Can-
17 ada—

18 (i) make such reassignments of tele-
19 vision channels as the Commission con-
20 siders appropriate; and

21 (ii) reallocate such portions of such
22 spectrum as the Commission determines
23 are available for reallocation.

24 (2) FACTORS FOR CONSIDERATION.—In making
25 any reassignments or reallocations under paragraph

1 (1)(B), the Commission shall make all reasonable ef-
2 forts to preserve, as of the date of the enactment of
3 this Act, the coverage area and population served of
4 each broadcast television licensee, as determined
5 using the methodology described in OET Bulletin 69
6 of the Office of Engineering and Technology of the
7 Commission.

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

12 (A) from an ultra high frequency television
13 channel to a very high frequency television
14 channel; or

15 (B) from a television channel between the
16 frequencies from 174 megahertz to 216 mega-
17 hertz to a television channel between the fre-
18 quencies from 54 megahertz to 88 megahertz.

19 (4) PAYMENT OF RELOCATION COSTS.—

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

24 (i) a broadcast television licensee that
25 was reassigned under paragraph (1)(B)(i)

1 from one ultra high frequency television
2 channel to a different ultra high frequency
3 television channel, from one very high fre-
4 quency television channel to a different
5 very high frequency television channel, or,
6 in accordance with subsection (g)(1)(B),
7 from a very high frequency television chan-
8 nel to an ultra high frequency television
9 channel, in order for the licensee to relo-
10 cate its television service from one channel
11 to the other; or

12 (ii) a multichannel video programming
13 distributor in order to continue to carry
14 the signal of a broadcast television licensee
15 that—

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

17 (II) voluntarily relinquishes spec-
18 trum usage rights under subsection
19 (a) with respect to an ultra high fre-
20 quency television channel in return for
21 receiving usage rights with respect to
22 a very high frequency television chan-
23 nel; or

24 (III) voluntarily relinquishes
25 spectrum usage rights under sub-

1 section (a) to share a television chan-
2 nel with another licensee.

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

16 (C) LIMITATION.—The Commission may
17 not make reimbursements under subparagraph
18 (A) for lost revenues.

19 (D) DEADLINE.—The Commission shall
20 make all reimbursements required by subpara-
21 graph (A) not later than the date that is 3
22 years after the completion of the forward auc-
23 tion under subsection (c)(1).

24 (5) LOW-POWER TELEVISION USAGE RIGHTS.—
25 Nothing in this subsection shall be construed to alter

1 the spectrum usage rights of low-power television
2 stations.

3 (c) FORWARD AUCTION.—

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

6 (A) the Commission assigns licenses for
7 the use of the spectrum that the Commission
8 reallocates under subsection (b)(1)(B)(ii); and

9 (B) the amount of the proceeds that the
10 Commission shares under clause (i) of section
11 309(j)(8)(G) of the Communications Act of
12 1934 with each licensee whose bid the Commis-
13 sion accepts in the reverse auction under sub-
14 section (a)(1) is not less than the amount of
15 such bid.

16 (2) MINIMUM PROCEEDS.—

17 (A) IN GENERAL.—If the amount of the
18 proceeds from the forward auction under para-
19 graph (1) is not greater than the sum described
20 in subparagraph (B), no licenses shall be as-
21 signed through such forward auction, no re-
22 assignments or reallocations under subsection
23 (b)(1)(B) shall become effective, and the Com-
24 mission may not revoke any spectrum usage
25 rights by reason of a bid that the Commission

1 accepts in the reverse auction under subsection
2 (a)(1).

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

5 (i) the total amount of compensation
6 that the Commission must pay successful
7 bidders in the reverse auction under sub-
8 section (a)(1);

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

15 (iii) the estimated costs for which the
16 Commission is required to make reim-
17 bursements under subsection (b)(4)(A).

18 (C) ADMINISTRATIVE COSTS.—The amount
19 of the proceeds from the forward auction under
20 paragraph (1) that the salaries and expenses
21 account of the Commission is required to retain
22 under section 309(j)(8)(B) of the Communica-
23 tions Act of 1934 (47 U.S.C. 309(j)(8)(B))
24 shall be sufficient to cover the costs incurred by
25 the Commission in conducting the reverse auc-

1 tion under subsection (a)(1), conducting the
2 evaluation of the broadcast television spectrum
3 under subparagraph (A) of subsection (b)(1),
4 and making any reassignments or reallocations
5 under subparagraph (B) of such subsection, in
6 addition to the costs incurred by the Commis-
7 sion in conducting such forward auction.

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

13 (d) TV BROADCASTER RELOCATION FUND.—

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

17 (2) PAYMENT OF RELOCATION COSTS.—Any
18 amounts borrowed under paragraph (3)(A) and any
19 amounts in the TV Broadcaster Relocation Fund
20 that are not necessary for reimbursement of the gen-
21 eral fund of the Treasury for such borrowed
22 amounts shall be available to the Commission to
23 make the payments required by subsection (b)(4)(A).

24 (3) BORROWING AUTHORITY.—

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

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

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

21 (A) prior to the end of fiscal year 2021,
22 transfer such amounts to the Public Safety
23 Trust Fund established by section 241(a)(1);
24 and

1 (B) after the end of fiscal year 2021,
2 transfer such amounts to the general fund of
3 the Treasury, where such amounts shall be
4 dedicated for the sole purpose of deficit reduc-
5 tion.

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

11 (f) TIMING.—

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

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

1 (3) DEADLINE.—The Commission may not con-
2 duct the reverse auction under subsection (a)(1) or
3 the forward auction under subsection (c)(1) after the
4 end of fiscal year 2021.

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

10 (g) LIMITATION ON REORGANIZATION AUTHORITY.—

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

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

17 (i) in accordance with this section; or

18 (ii) in the case of a violation by such
19 licensee of the terms of its license or a spe-
20 cific provision of a statute administered by
21 the Commission, or a regulation of the
22 Commission promulgated under any such
23 provision; or

24 (B) reassign a broadcast television licensee
25 from a very high frequency television channel to

1 an ultra high frequency television channel, un-
2 less such a reassignment will increase the total
3 amount of ultra high frequency spectrum made
4 available for reallocation under this section.

5 (2) PERIOD DESCRIBED.—The period described
6 in this paragraph is the period beginning on the date
7 of the enactment of this Act and ending on the ear-
8 liest of—

9 (A) the first date when the reverse auction
10 under subsection (a)(1), the reassignments and
11 reallocations (if any) under subsection
12 (b)(1)(B), and the forward auction under sub-
13 section (c)(1) have been completed;

14 (B) the date of a determination by the
15 Commission that the amount of the proceeds
16 from the forward auction under subsection
17 (c)(1) is not greater than the sum described in
18 subsection (c)(2)(B); or

19 (C) September 30, 2021.

20 (h) PROTEST RIGHT INAPPLICABLE.—The right of a
21 licensee to protest a proposed order of modification of its
22 license under section 316 of the Communications Act of
23 1934 (47 U.S.C. 316) shall not apply in the case of a
24 modification made under this section.

1 (i) COMMISSION AUTHORITY.—Nothing in subsection
2 (b) shall be construed to expand or contract the authority
3 of the Commission, except as otherwise expressly provided.

4 **SEC. 105. ADMINISTRATION OF AUCTIONS BY COMMISSION.**

5 Section 309(j) of the Communications Act of 1934
6 (47 U.S.C. 309(j)) is amended by adding at the end the
7 following new paragraphs:

8 “(17) CERTAIN CONDITIONS ON AUCTION PAR-
9 TICIPATION PROHIBITED.—The Commission may not
10 impose any condition on eligibility for participation
11 in a system of competitive bidding under this sub-
12 section that is not related to the qualifications of an
13 applicant under section 308(b) or section 310.

14 “(18) CERTAIN LICENSING CONDITIONS PRO-
15 HIBITED.—In assigning licenses through a system of
16 competitive bidding under this subsection, the Com-
17 mission may not impose any condition on the li-
18 censes assigned through such system that—

19 “(A) limits the ability of a licensee to man-
20 age the use of its network, including manage-
21 ment of the use of applications, services, or de-
22 vices on its network, or to prioritize the traffic
23 on its network as it chooses; or

24 “(B) requires a licensee to sell access to its
25 network on a wholesale basis.”.

1 **SEC. 106. EXTENSION OF AUCTION AUTHORITY.**

2 Section 309(j)(11) of the Communications Act of
3 1934 (47 U.S.C. 309(j)(11)) is amended by striking
4 “2012” and inserting “2021”.

5 **SEC. 107. UNLICENSED USE IN THE 5 GHZ BAND.**

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

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

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

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

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

1 (b) STUDY BY NTIA.—

2 (1) IN GENERAL.—The Assistant Secretary, in
3 consultation with the Commission, shall conduct a
4 study evaluating known and proposed spectrum-
5 sharing technologies and the risk to Federal users if
6 unlicensed U–NII devices were allowed to operate in
7 the 5350–5470 MHz band.

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

12 (A) the Commission; and

13 (B) the Committee on Energy and Com-
14 merce of the House of Representatives and the
15 Committee on Commerce, Science, and Trans-
16 portation of the Senate.

17 (c) 5350–5470 MHz BAND DEFINED.—In this sec-
18 tion, the term “5350–5470 MHz band” means the portion
19 of the electromagnetic spectrum between the frequencies
20 from 5350 megahertz to 5470 megahertz.

1 **TITLE II—ADVANCED PUBLIC**
2 **SAFETY COMMUNICATIONS**
3 **Subtitle A—National**
4 **Implementation**

5 **SEC. 201. LICENSING OF SPECTRUM TO ADMINISTRATOR.**

6 (a) **IN GENERAL.**—Not later than 60 days after the
7 initial selection under section 203(a) of an entity to serve
8 as Administrator, the Commission shall assign to the Ad-
9 ministrator a license for the exclusive use of the public
10 safety broadband spectrum and the 700 MHz D block
11 spectrum.

12 (b) **TERM OF LICENSE AND LICENSE CONDITIONS.**—

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

16 (2) **RENEWAL OF LICENSE.**—Prior to the expi-
17 ration of the term of the initial license assigned
18 under subsection (a) or the expiration of any re-
19 newal of such license, if the Administrator wishes to
20 continue serving as Administrator after the license
21 expires, the Administrator shall submit to the Com-
22 mission an application for the renewal of such li-
23 cense in accordance with the Communications Act of
24 1934 (47 U.S.C. 151 et seq.) and any applicable
25 Commission regulations. Such renewal application

1 shall demonstrate that, during the term of the li-
2 cense that the Administrator is seeking to renew, the
3 Administrator 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 (3) USE OF SPECTRUM.—Except as provided in
10 section 221(d), the license assigned under subsection
11 (a) and any renewal of such license shall prohibit the
12 Administrator from using the public safety
13 broadband spectrum or the 700 MHz D block spec-
14 trum for any purpose other than authorizing the op-
15 eration of State public safety broadband communica-
16 tions networks in accordance with the National Pub-
17 lic Safety Communications Plan.

18 (4) LIMITATION ON LICENSE CONDITIONS.—
19 The Commission may not place any conditions on
20 the license assigned under subsection (a) or any re-
21 newal of such license or, with respect to the spec-
22 trum governed by such license, otherwise prohibit
23 any action of the Administrator, a State Public
24 Safety Broadband Office, or an entity with which

1 such an Office has entered into a contract under
2 section 221(b)(1)(D), except as necessary to—

3 (A) protect other users from harmful inter-
4 ference;

5 (B) ensure that such spectrum is used in
6 accordance with the National Public Safety
7 Communications Plan; or

8 (C) enforce a provision of this Act or the
9 Communications Act of 1934 (47 U.S.C. 151 et
10 seq.) that governs the use of such spectrum.

11 (5) LICENSE CONDITIONED ON SERVICE AS AD-
12 MINISTRATOR.—If an entity ceases to serve as Ad-
13 ministrator, the Commission shall, as soon as prac-
14 ticable after the Assistant Secretary selects a dif-
15 ferent entity to serve as Administrator under section
16 203(a)(2), transfer to such different entity the li-
17 cense assigned under subsection (a) or any renewal
18 of such license.

19 (c) ELIMINATION OF D BLOCK AUCTION REQUIRE-
20 MENT.—Notwithstanding section 309(j)(15)(C)(v) of the
21 Communications Act of 1934 (47 U.S.C.
22 309(j)(15)(C)(v)), the Commission may not assign a li-
23 cense for the use of the 700 MHz D block spectrum except
24 under subsection (a).

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

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

10 (2) in subparagraph (B)—

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

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

18 (e) CONFORMING AMENDMENTS.—Section 337(d)(3)
19 of the Communications Act of 1934 (47 U.S.C. 337(d)(3))
20 is amended—

21 (1) in the matter preceding subparagraph (A),
22 by striking “public safety services licensees and com-
23 mercial licensees”;

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

4 (3) in subparagraph (B), by inserting “commer-
5 cial licensees” before “to disaggregate”.

6 **SEC. 202. NATIONAL PUBLIC SAFETY COMMUNICATIONS**

7 **PLAN.**

8 (a) **ESTABLISHMENT OF PUBLIC SAFETY COMMU-
9 NICATIONS PLANNING BOARD.—**

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

14 (2) **MEMBERSHIP.—**The membership of the
15 Board shall be as follows:

16 (A) **FEDERAL MEMBERS.—**

17 (i) **IN GENERAL.—**Four Federal mem-
18 bers as follows:

19 (I) The Chairman of the Com-
20 mission, or a designee.

21 (II) The Assistant Secretary, or
22 a designee.

23 (III) The Director of the Office
24 of Emergency Communications in the

1 Department of Homeland Security, or
2 a designee.

3 (IV) The Director of the Na-
4 tional Institute of Standards and
5 Technology, or a designee.

6 (ii) DESIGNNEES.—If a Federal official
7 designates a designee under clause (i),
8 such designee shall be an officer or em-
9 ployee of the agency of the official who is
10 subordinate to the official, except that the
11 Chairman of the Commission may des-
12 ignate another Commissioner of the Com-
13 mission or an officer or employee of the
14 Commission.

15 (B) NON-FEDERAL MEMBERS.—Nine non-
16 Federal members as follows:

17 (i) Two members who represent pro-
18 viders of commercial mobile data service,
19 with one representing providers that have
20 nationwide coverage areas and one rep-
21 resenting providers that have regional cov-
22 erage areas.

23 (ii) Two members who represent man-
24 ufacturers of mobile wireless network
25 equipment.

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

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

9 (II) One member who represents
10 State and local public safety employ-
11 ees.

12 (III) Two members who rep-
13 resent other interests of State and
14 local governments, to be determined
15 by the Chairman of the Commission.

16 (3) SELECTION OF NON-FEDERAL MEMBERS.—

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

23 (B) APPOINTMENT.—The Chairman of the
24 Commission shall appoint the non-Federal
25 members of the Board from the nominations

1 submitted under subparagraph (A). If a group
2 fails to reach consensus on a nominee or to sub-
3 mit a nomination for a member that represents
4 such group, or if the nominee is not qualified
5 under subparagraph (C), the Chairman shall se-
6 lect a member to represent such group.

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

10 (i) PUBLIC SAFETY EXPERIENCE.—
11 Knowledge of and experience in Federal,
12 State, local, or tribal public safety or emer-
13 gency response.

14 (ii) TECHNICAL EXPERTISE.—Tech-
15 nical expertise regarding broadband com-
16 munications, including public safety com-
17 munications.

18 (iii) NETWORK EXPERTISE.—Exper-
19 tise in building, deploying, and operating
20 commercial telecommunications networks.

21 (iv) FINANCIAL EXPERTISE.—Exper-
22 tise in financing and funding telecommuni-
23 cations networks.

24 (4) TERMS OF APPOINTMENT.—

25 (A) LENGTH.—

1 (i) FEDERAL MEMBERS.—The term of
2 office of each Federal member of the
3 Board shall be 3 years, except that such
4 term shall end when such member no
5 longer holds the Federal office by reason of
6 which such member is a member of the
7 Board (or, in the case of a designee, the
8 Federal official who designated such des-
9 ignee no longer holds the office by reason
10 of which such designation was made or the
11 designee is no longer an officer, employee,
12 or Commissioner as described in paragraph
13 (2)(A)(ii)).

14 (ii) NON-FEDERAL MEMBERS.—The
15 term of office of each non-Federal member
16 of the Board shall be 3 years.

17 (B) STAGGERED TERMS.—With respect to
18 the initial non-Federal members of the Board—

19 (i) three members shall serve for a
20 term of 3 years;

21 (ii) three members shall serve for a
22 term of 2 years; and

23 (iii) three members shall serve for a
24 term of 1 year.

25 (C) VACANCIES.—

1 (i) EFFECT OF VACANCIES.—A va-
2 cancy in the membership of the Board
3 shall not affect the Board’s powers, subject
4 to paragraph (8), and shall be filled in the
5 same manner as the original member was
6 appointed.

7 (ii) APPOINTMENT TO FILL VA-
8 CANCY.—A member of the Board ap-
9 pointed to fill a vacancy occurring prior to
10 the expiration of the term for which that
11 member’s predecessor was appointed shall
12 be appointed for the remainder of the
13 predecessor’s term.

14 (iii) EXPIRATION OF TERM.—A non-
15 Federal member of the Board whose term
16 has expired may serve until such member’s
17 successor has taken office, or until the end
18 of the calendar year in which such mem-
19 ber’s term has expired, whichever is ear-
20 lier.

21 (5) CHAIR.—

22 (A) SELECTION.—The Chair of the Board
23 shall be selected by the Board from among the
24 members of the Board.

1 (B) TERM.—The term of office of the
2 Chair of the Board shall run from the date
3 when the Chair is selected until the date when
4 the term of the Chair as a member of the
5 Board expires.

6 (6) REMOVAL OF CHAIR AND NON-FEDERAL
7 MEMBERS.—

8 (A) BY BOARD.—The members of the
9 Board may, by majority vote—

10 (i) remove the Chair of the Board
11 from the position of Chair for conduct de-
12 termined to be detrimental to the Board;
13 or

14 (ii) remove from the Board any non-
15 Federal member of the Board for conduct
16 determined to be detrimental to the Board.

17 (B) BY CHAIRMAN OF THE COMMISSION.—
18 The Chairman of the Commission may, for
19 good cause—

20 (i) remove the Chair of the Board
21 from the position of Chair; or

22 (ii) remove from the Board any non-
23 Federal member of the Board.

24 (7) ANNUAL MEETINGS.—In addition to any
25 other meetings necessary to carry out the duties of

1 the Board under this section, the Board shall
2 meet—

3 (A) subject to the call of the Chair; and

4 (B) annually to consider the most recent
5 report submitted by the Administrator under
6 section 203(f)(1).

7 (8) QUORUM.—Seven members of the Board,
8 including not fewer than 6 non-Federal members,
9 shall constitute a quorum.

10 (9) RESOURCES.—The Commission shall pro-
11 vide the Board with the staff, administrative sup-
12 port, and facilities necessary to carry out the duties
13 of the Board under this section.

14 (10) PROHIBITION AGAINST COMPENSATION.—
15 A member of the Board shall serve without pay but
16 shall be allowed a per diem allowance for travel ex-
17 penses, at rates authorized for an employee of an
18 agency under subchapter I of chapter 57 of title 5,
19 United States Code, while away from the home or
20 regular place of business of the member in the per-
21 formance of the duties of the Board. Compensation
22 of a Federal member of the Board for service in the
23 Federal office or employment by reason of which
24 such member is a member of the Board shall not be
25 considered compensation under this paragraph.

1 (11) FEDERAL ADVISORY COMMITTEE ACT IN-
2 APPLICABLE.—The Federal Advisory Committee Act
3 (5 U.S.C. App.) shall not apply to the Board.

4 (b) DEVELOPMENT OF PLAN BY BOARD.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date on which the Board is established under
7 subsection (a)(1), the Board shall submit to the
8 Commission a detailed proposal for a National Pub-
9 lic Safety Communications Plan to govern the use of
10 the spectrum licensed to the Administrator in order
11 to meet long-term public safety communications
12 needs.

13 (2) LIMITATION ON RECOMMENDATIONS.—The
14 Board may not make any recommendations for re-
15 quirements generally applicable to providers of com-
16 mercial mobile service or private mobile service (as
17 defined in section 332 of the Communications Act of
18 1934 (47 U.S.C. 332)).

19 (c) CONSIDERATION OF PLAN BY COMMISSION.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the date of the submission of the proposal by the
22 Board under subsection (b)(1), the Commission shall
23 complete a single proceeding to—

1 (A) adopt such proposal, without modifica-
2 tion, as the National Public Safety Communica-
3 tions Plan; or

4 (B) reject such proposal.

5 (2) PROCEDURES IF PLAN REJECTED.—If the
6 Commission rejects such proposal under paragraph
7 (1)(B), the Board shall, not later than 90 days
8 thereafter, submit to the Commission a revised pro-
9 posal. Such revised proposal shall be treated as a
10 proposal submitted by the Board under subsection
11 (b)(1).

12 (3) REVISIONS TO PLAN.—

13 (A) SUBMISSION.—The Board shall peri-
14 odically submit to the Commission proposals for
15 revisions to the Plan.

16 (B) CONSIDERATION BY COMMISSION.—
17 Not later than 90 days after the submission of
18 such a proposal, the Commission shall complete
19 a single proceeding to—

20 (i) revise the Plan in accordance with
21 such proposal, without modification of the
22 proposal; or

23 (ii) reject such proposal.

24 (d) REQUIREMENTS FOR PLAN.—The Plan shall in-
25 clude the following requirements:

1 (1) DEPLOYMENT STANDARDS.—The Plan
2 shall—

3 (A) require each State public safety
4 broadband communications network to be inter-
5 connected and interoperable with all other such
6 networks;

7 (B) require each State public safety
8 broadband communications network to be based
9 on a network architecture that evolves with
10 technological advancements;

11 (C) require all State public safety
12 broadband communications networks to be
13 based on the same commercial standards;

14 (D) require each State public safety
15 broadband communications network to be de-
16 ployed as networks are typically deployed by
17 providers of commercial mobile data service;

18 (E) promote competition in the public safe-
19 ty equipment market by requiring equipment
20 for use on the State public safety broadband
21 communications networks to be—

22 (i) built to open, nonproprietary, com-
23 mercial standards;

24 (ii) capable of being used by any pro-
25 vider of public safety services and accessed

1 by devices manufactured by multiple ven-
2 dors; and

3 (iii) backward-compatible with prior
4 generations of commercial mobile service
5 and commercial mobile data service net-
6 works to the extent typically deployed by
7 providers of commercial mobile service and
8 commercial mobile data service; and

9 (F) require each State public safety
10 broadband communications network to be inte-
11 grated with public safety answering points, or
12 the equivalent of public safety answering points,
13 and with networks for the provision of Next
14 Generation 9–1–1 services.

15 (2) STATE-SPECIFIC REQUIREMENTS.—The
16 Plan shall require each State Public Safety
17 Broadband Office to include in requests for pro-
18 posals for the construction, management, mainte-
19 nance, and operation of the State public safety
20 broadband communications network of such State—

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

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

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

3 (iii) minimum service levels; and

4 (iv) specific performance criteria;

5 (B) the technical and operational require-
6 ments for such network;

7 (C) the practices, procedures, and stand-
8 ards for the management and operation of such
9 network;

10 (D) the terms of service for the use of such
11 network; and

12 (E) specifications for ongoing compliance
13 review and monitoring of—

14 (i) the construction, management,
15 maintenance, and operation of such net-
16 work;

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

19 (iii) the necessary training needs of
20 network users.

21 (e) DEVELOPMENT OF BASELINE REQUEST FOR
22 PROPOSALS.—

23 (1) DEVELOPMENT BY BOARD.—Not later than
24 1 year after the date on which the Board is estab-
25 lished under subsection (a)(1), the Board shall sub-

1 mit to the Commission a draft baseline request for
2 proposals for each State to use in developing its re-
3 quest for proposals for the construction, manage-
4 ment, maintenance, and operation of a State public
5 safety broadband communications network.

6 (2) CONSIDERATION BY COMMISSION.—

7 (A) IN GENERAL.—Not later than 90 days
8 after the date of the submission of the draft
9 baseline request for proposals by the Board
10 under paragraph (1), the Commission shall
11 complete a single proceeding to—

12 (i) adopt such draft, without modifica-
13 tion; or

14 (ii) reject such draft.

15 (B) PROCEDURES IF DRAFT REJECTED.—

16 If the Commission rejects such draft under sub-
17 paragraph (A)(ii), the Board shall, not later
18 than 60 days thereafter, submit to the Commis-
19 sion a revised draft baseline request for pro-
20 posals. Such revised draft shall be treated as a
21 draft submitted by the Board under paragraph
22 (1).

23 (3) REVISIONS.—

24 (A) SUBMISSION.—The Board shall peri-
25 odically submit to the Commission draft revi-

1 sions to the baseline request for proposals
2 adopted under paragraph (2)(A)(i).

3 (B) CONSIDERATION BY COMMISSION.—

4 Not later than 90 days after the submission of
5 such a draft revision, the Commission shall
6 complete a single proceeding to—

7 (i) revise the baseline request for pro-
8 posals in accordance with such draft revi-
9 sion, without modification of such draft re-
10 vision; or

11 (ii) reject such draft revision.

12 **SEC. 203. PLAN ADMINISTRATION.**

13 (a) SELECTION OF ADMINISTRATOR.—

14 (1) IN GENERAL.—The Assistant Secretary
15 shall, through an open, transparent request-for-pro-
16 posals process, select an entity to serve as the Ad-
17 ministrators of the Plan. The Assistant Secretary
18 shall commence such process not later than 120
19 days after the date of the adoption of the Plan by
20 the Commission under section 202(c)(1)(A).

21 (2) REPLACEMENT.—If an entity ceases to
22 serve as Administrator under a contract awarded
23 under paragraph (1) or this paragraph, the Assist-
24 ant Secretary shall, through an open, transparent

1 request-for-proposals process, select another entity
2 to serve as Administrator.

3 (b) POWERS AND DUTIES OF ADMINISTRATOR.—The
4 Administrator shall—

5 (1) review and coordinate the implementation of
6 the Plan and the construction, management, mainte-
7 nance, and operation of the State public safety
8 broadband communications networks, in accordance
9 with the Plan, under contracts entered into by the
10 State Public Safety Broadband Offices;

11 (2) transmit to each State Public Safety
12 Broadband Office the baseline request for proposals
13 adopted by the Commission under section
14 202(e)(2)(A)(i) and any revisions to such baseline
15 request for proposals adopted by the Commission
16 under section 202(e)(3)(B)(i);

17 (3) review and approve or disapprove, in ac-
18 cordance with section 221(e), each contract proposed
19 by a State Public Safety Broadband Office for the
20 construction, management, maintenance, and oper-
21 ation of a State public safety broadband communica-
22 tions network;

23 (4) give public notice of each decision to ap-
24 prove or disapprove such a contract and of any other
25 decision of the Administrator with respect to such a

1 contract, a State Public Safety Broadband Office, or
2 a State public safety broadband communications
3 network;

4 (5) in consultation with State Public Safety
5 Broadband Offices, conduct assessments for inclu-
6 sion in the annual report required by subsection
7 (f)(1) of—

8 (A) progress on construction and adoption
9 of the State public safety broadband commu-
10 nications networks; and

11 (B) the management, maintenance, and
12 operation of such networks; and

13 (6) conduct such audits as are necessary to en-
14 sure—

15 (A) with respect to contracts described in
16 paragraph (3), the integrity of the contracting
17 process and the adequate performance of such
18 contracts; and

19 (B) that the State public safety broadband
20 communications networks are constructed, man-
21 aged, maintained, and operated in accordance
22 with the Plan.

23 (c) LIMITATION ON POWERS OF ADMINISTRATOR.—
24 The Administrator may not—

1 (1) take any action unless this Act expressly
2 confers on the Administrator the power to take such
3 action or such action is necessary to carry out a
4 power that this Act expressly confers on the Admin-
5 istrator; or

6 (2) prohibit or refuse to approve any action of
7 a State Public Safety Broadband Office or with re-
8 spect to a State public safety broadband communica-
9 tions network unless such action would violate the
10 Plan or the license terms of the spectrum licensed
11 to the Administrator.

12 (d) REVIEW OF DECISIONS OF ADMINISTRATOR.—

13 (1) IN GENERAL.—The United States District
14 Court for the District of Columbia shall have exclu-
15 sive jurisdiction to review decisions of the Adminis-
16 trator.

17 (2) FILING OF PETITION.—Any party aggrieved
18 by a decision of the Administrator may seek review
19 of such decision by filing a petition for review with
20 the court not later than 30 days after the date on
21 which public notice is given of such decision.

22 (3) CONTENTS OF PETITION.—The petition
23 shall contain a concise statement of the following:

24 (A) The nature of the proceedings as to
25 which review is sought.

1 (B) The grounds on which relief is sought.

2 (C) The relief prayed.

3 (4) ATTACHMENT TO PETITION.—The peti-
4 tioner shall attach to the petition, as an exhibit, a
5 copy of the decision of the Administrator on which
6 review is sought.

7 (5) SERVICE.—The clerk shall serve a true copy
8 of the petition on the Administrator, the Assistant
9 Secretary, and the Commission by registered mail,
10 with request for a return receipt.

11 (6) STANDARD OF REVIEW.—The court may af-
12 firm or vacate a decision of the Administrator on re-
13 view. The court may vacate a decision of the Admin-
14 istrator only—

15 (A) where the decision was procured by
16 corruption, fraud, or undue means;

17 (B) where there was actual partiality or
18 corruption in the Administrator;

19 (C) where the Administrator was guilty of
20 misconduct in refusing to hear evidence perti-
21 nent and material to the decision or of any
22 other misbehavior by which the rights of any
23 party have been prejudiced; or

24 (D) where the Administrator exceeded the
25 powers conferred on it by this Act or otherwise

1 did not arguably construe or apply the Plan in
2 making its decision.

3 (7) REVIEW BY NTIA PROHIBITED.—The As-
4 sistant Secretary shall take such action as is nec-
5 essary to ensure that the Administrator complies
6 with the requirements of this Act, the Plan, and the
7 terms of the contract entered into under subsection
8 (a), but the Assistant Secretary may not vacate or
9 otherwise modify a decision by the Administrator
10 with respect to a third party.

11 (e) AUDITS OF USE OF FEDERAL FUNDS BY ADMIN-
12 ISTRATOR.—Not later than 1 year after entering into a
13 contract to serve as Administrator, and annually there-
14 after, the Administrator shall provide to the Assistant Sec-
15 retary a statement, audited by an independent auditor,
16 that details the use during the preceding fiscal year of any
17 Federal funds received by the Administrator in connection
18 with its service as Administrator.

19 (f) ANNUAL REPORT BY ADMINISTRATOR.—

20 (1) IN GENERAL.—Not later than 1 year after
21 entering into a contract to serve as Administrator,
22 and annually thereafter, the Administrator shall sub-
23 mit a report covering the preceding fiscal year to—

24 (A) the Committee on Energy and Com-
25 merce of the House of Representatives and the

1 Committee on Commerce, Science, and Trans-
2 portation of the Senate;

3 (B) the Assistant Secretary;

4 (C) the Commission; and

5 (D) the Board.

6 (2) REQUIRED CONTENT.—The report required
7 by paragraph (1) shall include—

8 (A) a comprehensive and detailed descrip-
9 tion of—

10 (i) the results of assessments con-
11 ducted under subsection (b)(5) and audits
12 conducted under subsection (b)(6);

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

15 (iii) the financial condition of the Ad-
16 ministrator; and

17 (B) such recommendations or proposals for
18 legislative or administrative action as the Ad-
19 ministrator considers appropriate.

20 **SEC. 204. INITIAL FUNDING FOR ADMINISTRATOR.**

21 (a) BORROWING AUTHORITY.—Prior to the end of
22 fiscal year 2021, the Assistant Secretary may borrow from
23 the general fund of the Treasury of the United States not
24 more than \$40,000,000 to enter into a contract with an
25 entity to serve as Administrator under section 203(a).

1 (b) REIMBURSEMENT.—The Assistant Secretary
2 shall reimburse the general fund of the Treasury, without
3 interest, for any amounts borrowed under subsection (a)
4 from funds made available from the Public Safety Trust
5 Fund established by section 241(a)(1), as such funds be-
6 come available.

7 **SEC. 205. STUDY ON EMERGENCY COMMUNICATIONS BY**
8 **AMATEUR RADIO AND IMPEDIMENTS TO AMA-**
9 **TEUR RADIO COMMUNICATIONS.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of the enactment of this Act, the Commission, in con-
12 sultation with the Office of Emergency Communications
13 in the Department of Homeland Security, shall—

14 (1) complete a study on the uses and capabili-
15 ties of amateur radio service communications in
16 emergencies and disaster relief; and

17 (2) submit to the Committee on Energy and
18 Commerce of the House of Representatives and the
19 Committee on Commerce, Science, and Transpor-
20 tation of the Senate a report on the findings of such
21 study.

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

24 (1)(A) a review of the importance of emergency
25 amateur radio service communications relating to

1 disasters, severe weather, and other threats to lives
2 and property in the United States; and

3 (B) recommendations for—

4 (i) enhancements in the voluntary deploy-
5 ment of amateur radio operators in disaster and
6 emergency communications and disaster relief
7 efforts; and

8 (ii) improved integration of amateur radio
9 operators in the planning and furtherance of
10 initiatives of the Federal Government; and

11 (2)(A) an identification of impediments to en-
12 hanced amateur radio service communications, such
13 as the effects of unreasonable or unnecessary private
14 land use restrictions on residential antenna installa-
15 tions; and

16 (B) recommendations regarding the removal of
17 such impediments.

18 (c) EXPERTISE.—In conducting the study required
19 by subsection (a), the Commission shall use the expertise
20 of stakeholder entities and organizations, including the
21 amateur radio, emergency response, and disaster commu-
22 nications communities.

1 **Subtitle B—State Implementation**

2 **SEC. 221. NEGOTIATION AND APPROVAL OF CONTRACTS.**

3 (a) STATE PUBLIC SAFETY BROADBAND OFFICES.—

4 Each State desiring to establish a State public safety
5 broadband communications network shall establish or des-
6 ignate a State Public Safety Broadband Office.

7 (b) NEGOTIATION BY STATES.—

8 (1) IN GENERAL.—Each State Public Safety
9 Broadband Office shall—

10 (A) use the baseline request for proposals
11 transmitted under section 203(b)(2) to develop
12 a request for proposals for the construction,
13 management, maintenance, and operation of a
14 State public safety broadband communications
15 network;

16 (B) negotiate a contract with a private-sec-
17 tor entity for such construction, management,
18 maintenance, and operation;

19 (C) transmit such contract to the Adminis-
20 trator for approval; and

21 (D) if the Administrator approves such
22 contract, enter into such contract with such en-
23 tity.

24 (2) FACTORS FOR CONSIDERATION.—In devel-
25 oping a request for proposals under paragraph

1 (1)(A) and negotiating a proposed contract under
2 paragraph (1)(B), the State Public Safety
3 Broadband Office shall take into consideration the
4 following:

5 (A) The most efficient and effective use
6 and integration by State, local, and tribal pro-
7 viders of public safety services within such
8 State of the spectrum licensed to the Adminis-
9 trator and the infrastructure, equipment, and
10 other architecture associated with the State
11 public safety broadband communications net-
12 work to satisfy the wireless communications
13 and data services needs of such providers.

14 (B) The particular assets and specialized
15 needs of such providers. Such assets may in-
16 clude available towers and infrastructure. Such
17 needs may include the projected number of
18 users, preferred buildout timeframes, special
19 coverage needs, special hardening, reliability,
20 security, and resiliency needs, local user priority
21 assignments, and integration needs of public
22 safety answering points and emergency oper-
23 ations centers.

24 (C) Whether any entities that are not pro-
25 viders of public safety services should have

1 emergency access to the State public safety
2 broadband communications network, as de-
3 scribed in subsection (e).

4 (D) Whether the State public safety
5 broadband communications network provides
6 for the selection on a localized basis of network
7 options that remain consistent with the Plan.

8 (E) How to ensure the reliability, security,
9 and resiliency of the State public safety
10 broadband communications network, including
11 through measures for—

12 (i) protecting and monitoring the
13 cybersecurity of the network; and

14 (ii) managing supply chain risks to
15 the network.

16 (3) PARTNERSHIPS.—

17 (A) IN GENERAL.—In choosing from
18 among the entities that respond to the request
19 for proposals developed under paragraph
20 (1)(A), the State Public Safety Broadband Of-
21 fice shall—

22 (i) select a provider of commercial mo-
23 bile service or commercial mobile data
24 service; and

1 (ii) give additional consideration to
2 providers of commercial mobile service or
3 commercial mobile data service whose pro-
4 posals include a partnership with a utility
5 provider.

6 (B) JOINT VENTURES.—For purposes of
7 subparagraph (A), a joint venture that includes
8 a provider of commercial mobile service or com-
9 mercial mobile data service shall be considered
10 to be such a provider.

11 (c) REVIEW BY ADMINISTRATOR.—

12 (1) IN GENERAL.—Upon receiving from a State
13 Public Safety Broadband Office a contract nego-
14 tiated under subsection (b), the Administrator shall
15 either approve or disapprove such contract but may
16 not make any changes to its terms.

17 (2) DISAPPROVAL.—In the case of disapproval
18 under paragraph (1), the State Public Safety
19 Broadband Office may renegotiate the contract, ne-
20 gotiate a contract with another entity that re-
21 sponded to the Office's request for proposals, or
22 issue a new request for proposals.

23 (d) PUBLIC-PRIVATE PARTNERSHIPS.—Notwith-
24 standing any limitation in section 337 of the Communica-
25 tions Act of 1934 (47 U.S.C. 337), a contract entered into

1 between a State Public Safety Broadband Office and a
2 private entity under subsection (b)(1)(D) may permit—

3 (1) such entity to obtain access to the spectrum
4 licensed to the Administrator in such State for serv-
5 ices that are not public safety services; or

6 (2) the State Public Safety Broadband Office to
7 share with such entity equipment or infrastructure
8 of the State public safety broadband communications
9 network, including antennas and towers.

10 (e) EMERGENCY ACCESS BY NON-PUBLIC SAFETY
11 ENTITIES.—

12 (1) IN GENERAL.—Notwithstanding any limita-
13 tion in section 337 of the Communications Act of
14 1934 (47 U.S.C. 337), as expressly permitted by the
15 terms of a contract entered into under subsection
16 (b)(1)(D) for the construction, management, mainte-
17 nance, and operation of a State public safety
18 broadband communications network, the Adminis-
19 trator may enter into agreements with entities in
20 such State that are not providers of public safety
21 services to permit such entities to obtain access on
22 a secondary, preemptible basis to the State public
23 safety broadband communications network of such
24 State in order to facilitate interoperability between
25 such entities and providers of public safety services

1 in protecting the safety of life, health, and property
2 during emergencies and during preparation for and
3 recovery from emergencies, including during emer-
4 gency drills, exercises, and tests.

5 (2) PREEMPTION.—The Administrator shall en-
6 sure that, under any agreement entered into under
7 paragraph (1), providers of public safety services
8 may preempt use of the State public safety
9 broadband communications network by an entity
10 with which the Administrator has entered into such
11 agreement.

12 (f) MULTI-STATE NEGOTIATION.—The State Public
13 Safety Broadband Offices of more than one State may
14 form a consortium for purposes of developing a request
15 for proposals and negotiating and entering into a contract
16 for the construction, management, maintenance, and oper-
17 ation of a State public safety broadband communications
18 network for such States. While such Offices remain in the
19 consortium, such States shall be treated as a single State,
20 such Offices shall be treated as a single Office of a single
21 State, and such network shall be treated as the State pub-
22 lic safety broadband communications network of a single
23 State.

1 **SEC. 222. STATE IMPLEMENTATION GRANT PROGRAM.**

2 (a) IN GENERAL.—From amounts made available
3 under section 223(b), the Assistant Secretary shall, in
4 consultation with the Administrator, make grants to State
5 Public Safety Broadband Offices to assist such Offices in
6 carrying out the duties of such Offices under this subtitle,
7 except for making payments under contracts entered into
8 under section 221(b)(1)(D).

9 (b) APPLICATION.—The Assistant Secretary may
10 only make a grant under this section to a State Public
11 Safety Broadband Office that submits an application at
12 such time, in such form, and containing such information
13 and assurances as the Assistant Secretary may require.

14 (c) MATCHING REQUIREMENTS; FEDERAL SHARE.—

15 (1) IN GENERAL.—The Federal share of the
16 cost of any activity carried out using a grant under
17 this section may not exceed 80 percent of the eligible
18 costs of carrying out that activity, as determined by
19 the Assistant Secretary.

20 (2) WAIVER.—The Assistant Secretary may
21 waive, in whole or in part, the requirements of para-
22 graph (1) if the State Public Safety Broadband Of-
23 fice has demonstrated financial hardship.

24 (d) PROGRAMMATIC REQUIREMENTS.—Not later
25 than 1 year after the date of the adoption of the Plan
26 by the Commission under section 202(c)(1)(A), the Assist-

1 ant Secretary, in consultation with the Board, shall estab-
2 lish requirements relating to the grant program to be car-
3 ried out under this section, including the following:

4 (1) Defining eligible costs for purposes of sub-
5 section (c)(1).

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

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

10 **SEC. 223. STATE IMPLEMENTATION FUND.**

11 (a) ESTABLISHMENT.—There is established in the
12 Treasury of the United States a fund to be known as the
13 State Implementation Fund.

14 (b) AMOUNTS AVAILABLE FOR STATE IMPLEMENTA-
15 TION GRANT PROGRAM.—Any amounts borrowed under
16 subsection (c)(1) and any amounts in the State Implemen-
17 tation Fund that are not necessary to reimburse the gen-
18 eral fund of the Treasury for such borrowed amounts shall
19 be available to the Assistant Secretary to implement sec-
20 tion 222.

21 (c) BORROWING AUTHORITY.—

22 (1) IN GENERAL.—Prior to the end of fiscal
23 year 2021, the Assistant Secretary may borrow from
24 the general fund of the Treasury such sums as may

1 be necessary, but not to exceed \$100,000,000, to im-
2 plement section 222.

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

8 (d) TRANSFER OF UNUSED FUNDS.—If there is a
9 balance remaining in the State Implementation Fund on
10 September 30, 2021, the Secretary of the Treasury shall
11 transfer such balance to the general fund of the Treasury,
12 where such balance shall be dedicated for the sole purpose
13 of deficit reduction.

14 **SEC. 224. GRANTS TO STATES FOR NETWORK BUILDOUT.**

15 (a) ESTABLISHMENT.—From amounts made avail-
16 able from the Public Safety Trust Fund established by
17 section 241(a)(1), the Assistant Secretary shall make
18 grants to State Public Safety Broadband Offices for pay-
19 ments under contracts entered into under section
20 221(b)(1)(D).

21 (b) APPLICATION.—The Assistant Secretary may
22 only make a grant under this section to a State Public
23 Safety Broadband Office that submits an application at
24 such time, in such form, and containing such information
25 and assurances as the Assistant Secretary may require.

1 (c) QUARTERLY REPORTS.—

2 (1) FROM GRANTEES TO NTIA.—Not later than
3 3 months after receiving a grant under this section
4 and not less frequently than quarterly thereafter
5 until the date that is 1 year after all such funds
6 have been expended, a State Public Safety
7 Broadband Office shall submit to the Assistant Sec-
8 retary a report on—

9 (A) the use of grant funds by such Office;

10 and

11 (B) the construction, management, mainte-
12 nance, and operation of the State public safety
13 broadband communications network of such
14 State.

15 (2) FROM NTIA TO CONGRESS.—Not later than
16 6 months after making the first grant under this
17 section and not less frequently than quarterly there-
18 after until the date that is 18 months after all such
19 funds have been expended by the grantees, the As-
20 sistant Secretary shall submit to the Committee on
21 Commerce, Science, and Transportation of the Sen-
22 ate and the Committee on Energy and Commerce of
23 the House of Representatives a report that—

24 (A) summarizes the reports submitted by
25 grantees under paragraph (1); and

- 1 (B) describes and evaluates—
- 2 (i) the use of grant funds disbursed
- 3 under this section; and
- 4 (ii) the construction, management,
- 5 maintenance, and operation of the State
- 6 public safety broadband communications
- 7 networks under the contracts under which
- 8 grantees make payments using grant
- 9 funds.

10 **SEC. 225. WIRELESS FACILITIES DEPLOYMENT.**

11 (a) FACILITY MODIFICATIONS.—

12 (1) IN GENERAL.—Notwithstanding section 704

13 of the Telecommunications Act of 1996 (Public Law

14 104–104) or any other provision of law, a State or

15 local government may not deny, and shall approve,

16 any eligible facilities request for a modification of an

17 existing wireless tower or base station that does not

18 substantially change the physical dimensions of such

19 tower or base station.

20 (2) ELIGIBLE FACILITIES REQUEST.—For pur-

21 poses of this subsection, the term “eligible facilities

22 request” means any request for modification of an

23 existing wireless tower or base station that in-

24 volves—

1 (A) collocation of new transmission equip-
2 ment;

3 (B) removal of transmission equipment; or

4 (C) replacement of transmission equip-
5 ment.

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

7 (1) GRANT.—If an executive agency, a State, a
8 political subdivision or agency of a State, or a per-
9 son, firm, or organization applies for the grant of an
10 easement or right-of-way to, in, over, or on a build-
11 ing or other property owned by the Federal Govern-
12 ment for the right to install, construct, and maintain
13 wireless service antenna structures and equipment
14 and backhaul transmission equipment, the executive
15 agency having control of the building or other prop-
16 erty may grant to the applicant, on behalf of the
17 Federal Government, an easement or right-of-way to
18 perform such installation, construction, and mainte-
19 nance.

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

1 (3) FEE.—

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

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

12 (i) in consideration of the public ben-
13 efit provided by a grant of an easement or
14 right-of-way; and

15 (ii) in the interest of expanding wire-
16 less and broadband coverage.

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

22 (c) MASTER CONTRACTS FOR WIRELESS FACILITY
23 SITINGS.—

24 (1) IN GENERAL.—Notwithstanding section 704
25 of the Telecommunications Act of 1996 or any other

1 provision of law, and not later than 60 days after
2 the date of the enactment of this Act, the Adminis-
3 trator of General Services shall—

4 (A) develop 1 or more master contracts
5 that shall govern the placement of wireless serv-
6 ice antenna structures on buildings and other
7 property owned by the Federal Government;
8 and

9 (B) in developing the master contract or
10 contracts, standardize the treatment of the
11 placement of wireless service antenna structures
12 on building rooftops or facades, the placement
13 of wireless service antenna equipment on roof-
14 tops or inside buildings, the technology used in
15 connection with wireless service antenna struc-
16 tures or equipment placed on Federal buildings
17 and other property, and any other key issues
18 the Administrator of General Services considers
19 appropriate.

20 (2) APPLICABILITY.—The master contract or
21 contracts developed by the Administrator of General
22 Services under paragraph (1) shall apply to all pub-
23 licly accessible buildings and other property owned
24 by the Federal Government, unless the Adminis-
25 trator of General Services decides that issues with

1 respect to the siting of a wireless service antenna
2 structure on a specific building or other property
3 warrant nonstandard treatment of such building or
4 other property.

5 (3) APPLICATION.—The Administrator of Gen-
6 eral Services shall develop a common form or set of
7 forms for wireless service antenna structure siting
8 applications under this subsection for all executive
9 agencies that shall be used by applicants with re-
10 spect to the buildings and other property of each
11 such agency.

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

15 **Subtitle C—Public Safety Trust** 16 **Fund**

17 **SEC. 241. PUBLIC SAFETY TRUST FUND.**

18 (a) ESTABLISHMENT OF PUBLIC SAFETY TRUST
19 FUND.—

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

23 (2) AVAILABILITY.—Amounts deposited in the
24 Public Safety Trust Fund shall remain available
25 through fiscal year 2021. Any amounts remaining in

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

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

9 (1) REPAYMENT OF AMOUNT BORROWED FOR
10 ADMINISTRATION OF NATIONAL PUBLIC SAFETY
11 COMMUNICATIONS PLAN.—An amount not to exceed
12 \$40,000,000 shall be available to the Assistant Sec-
13 retary to reimburse the general fund of the Treasury
14 for any amounts borrowed under section 204(a).

15 (2) STATE IMPLEMENTATION FUND.—
16 \$100,000,000 shall be deposited in the State Imple-
17 mentation Fund established by section 223(a).

18 (3) BUILDOUT OF STATE PUBLIC SAFETY
19 BROADBAND COMMUNICATIONS NETWORKS.—
20 \$4,960,000,000 shall be available to the Assistant
21 Secretary to carry out section 224.

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

1 (5) 9-1-1, E9-1-1, AND NEXT GENERATION 9-
2 1-1 IMPLEMENTATION GRANTS.—\$250,000,000 shall
3 be available to the Assistant Secretary and the Ad-
4 ministrator of the National Highway Traffic Safety
5 Administration to carry out the grant program
6 under section 158 of the National Telecommuni-
7 cations and Information Administration Organiza-
8 tion Act, as amended by section 265 of this Act.

9 (6) BUILDOUT OF STATE PUBLIC SAFETY
10 BROADBAND COMMUNICATIONS NETWORKS AND
11 DEFICIT REDUCTION.—Of the remaining amounts
12 deposited in the Fund—

13 (A) 10 percent of any such amounts, not
14 to exceed \$1,500,000,000, shall be available to
15 the Assistant Secretary to carry out section
16 224; and

17 (B) 90 percent of any such amounts (or
18 100 percent of any such amounts after amounts
19 made available under subparagraph (A) exceed
20 \$1,500,000,000) shall be deposited in the gen-
21 eral fund of the Treasury, where such amounts
22 shall be dedicated for the sole purpose of deficit
23 reduction.

24 (c) INVESTMENT.—Amounts in the Public Safety
25 Trust Fund shall be invested in accordance with section

1 9702 of title 31, United States Code, and any interest on,
2 and proceeds from, any such investment shall be credited
3 to, and become a part of, the Fund.

4 **Subtitle D—Next Generation 9–1–1**
5 **Advancement Act of 2011**

6 **SEC. 261. SHORT TITLE.**

7 This subtitle may be cited as the “Next Generation
8 9–1–1 Advancement Act of 2011”.

9 **SEC. 262. FINDINGS.**

10 Congress finds that—

11 (1) for the sake of the public safety of our Na-
12 tion, a universal emergency service number (9–1–1)
13 that is enhanced with the most modern and state-of-
14 the-art telecommunications capabilities possible, in-
15 cluding voice, data, and video communications,
16 should be available to all citizens wherever they live,
17 work, and travel;

18 (2) a successful migration to Next Generation
19 9–1–1 service communications systems will require
20 greater Federal, State, and local government re-
21 sources and coordination;

22 (3) any funds that are collected from fees im-
23 posed on consumer bills for the purposes of funding
24 9–1–1 services, enhanced 9–1–1 services, or Next

1 Generation 9-1-1 services should only be used for
2 the purposes for which the funds are collected;

3 (4) it is a national priority to foster the migra-
4 tion from analog, voice-centric 9-1-1 and current
5 generation emergency communications systems to a
6 21st century, Next Generation, IP-based emergency
7 services model that embraces a wide range of voice,
8 video, and data applications;

9 (5) ensuring 9-1-1 access for all citizens in-
10 cludes improving access to 9-1-1 systems for the
11 deaf, hard of hearing, deaf-blind, and individuals
12 with speech disabilities, who increasingly commu-
13 nicate with non-traditional text, video, and instant-
14 messaging communications services, and who expect
15 those services to be able to connect directly to 9-1-
16 1 systems;

17 (6) a coordinated public educational effort on
18 current and emerging 9-1-1 system capabilities and
19 proper use of the 9-1-1 system is essential to the
20 operation of effective 9-1-1 systems;

21 (7) Federal policies and funding should enable
22 the transition to Internet Protocol-based (IP-based)
23 Next Generation 9-1-1 systems, and Federal 9-1-
24 1 and emergency communications laws and regula-
25 tions must keep pace with rapidly changing tech-

1 nology to ensure an open and competitive 9–1–1 en-
2 vironment based on the most advanced technology
3 available; and

4 (8) Federal policies and grant programs should
5 reflect the growing convergence and integration of
6 emergency communications technology, such that
7 State interoperability plans and Federal funding in
8 support of such plans are made available for all as-
9 pects of Next Generation 9–1–1 service and emer-
10 gency communications systems.

11 **SEC. 263. PURPOSES.**

12 The purposes of this subtitle are—

13 (1) to focus Federal policies and funding pro-
14 grams to ensure a successful migration from voice-
15 centric 9–1–1 systems to IP-enabled, Next Genera-
16 tion 9–1–1 emergency response systems that use
17 voice, data, and video services to greatly enhance the
18 capability of 9–1–1 and emergency response services;

19 (2) to ensure that technologically advanced 9–
20 1–1 and emergency communications systems are
21 universally available and adequately funded to serve
22 all Americans; and

23 (3) to ensure that all 9–1–1 and emergency re-
24 sponse organizations have access to—

25 (A) high-speed broadband networks;

- 1 (B) interconnected IP backbones; and
2 (C) innovative services and applications.

3 **SEC. 264. DEFINITIONS.**

4 In this subtitle, the following definitions shall apply:

5 (1) 9-1-1 SERVICES AND E9-1-1 SERVICES.—

6 The terms “9-1-1 services” and “E9-1-1 services”
7 shall have the meaning given those terms in section
8 158 of the National Telecommunications and Infor-
9 mation Administration Organization Act (47 U.S.C.
10 942), as amended by this subtitle.

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

22 (3) OFFICE.—The term “Office” means the 9-
23 1-1 Implementation Coordination Office established
24 under section 158 of the National Telecommuni-
25 cations and Information Administration Organiza-

1 tion Act (47 U.S.C. 942), as amended by this sub-
2 title.

3 **SEC. 265. COORDINATION OF 9-1-1 IMPLEMENTATION.**

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

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

9 “(a) 9-1-1 IMPLEMENTATION COORDINATION OF-
10 FICE.—

11 “(1) ESTABLISHMENT AND CONTINUATION.—

12 The Assistant Secretary and the Administrator of
13 the National Highway Traffic Safety Administration
14 shall—

15 “(A) establish and further a program to
16 facilitate coordination and communication be-
17 tween Federal, State, and local emergency com-
18 munications systems, emergency personnel,
19 public safety organizations, telecommunications
20 carriers, and telecommunications equipment
21 manufacturers and vendors involved in the im-
22 plementation of 9-1-1 services; and

23 “(B) establish a 9-1-1 Implementation
24 Coordination Office to implement the provisions
25 of this section.

1 “(2) MANAGEMENT PLAN.—

2 “(A) DEVELOPMENT.—The Assistant Sec-
3 retary and the Administrator shall develop a
4 management plan for the grant program estab-
5 lished under this section, including by devel-
6 oping—

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

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

11 “(B) SUBMISSION TO CONGRESS.—Not
12 later than 90 days after the date of enactment
13 of the Next Generation 9–1–1 Advancement Act
14 of 2011, the Assistant Secretary and the Ad-
15 ministrator shall submit the management plan
16 developed under subparagraph (A) to—

17 “(i) the Committees on Commerce,
18 Science, and Transportation and Appro-
19 priations of the Senate; and

20 “(ii) the Committees on Energy and
21 Commerce and Appropriations of the
22 House of Representatives.

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

24 “(A) take actions, in concert with coordi-
25 nators designated in accordance with subsection

1 (b)(3)(A)(ii), to improve coordination and com-
2 munication with respect to the implementation
3 of 9-1-1 services, E9-1-1 services, and Next
4 Generation 9-1-1 services;

5 “(B) develop, collect, and disseminate in-
6 formation concerning practices, procedures, and
7 technology used in the implementation of 9-1-
8 1 services, E9-1-1 services, and Next Genera-
9 tion 9-1-1 services;

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

13 “(D) receive, review, and recommend the
14 approval or disapproval of applications for
15 grants under subsection (b); and

16 “(E) oversee the use of funds provided by
17 such grants in fulfilling such implementation
18 plans.

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

1 “(b) 9–1–1, E9–1–1, AND NEXT GENERATION 9–1–
2 1 IMPLEMENTATION GRANTS.—

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

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

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

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

23 “(2) MATCHING REQUIREMENT.—The Federal
24 share of the cost of a project eligible for a grant
25 under this section shall not exceed 80 percent. The

1 non-Federal share of the cost shall be provided from
2 non-Federal sources unless waived by the Assistant
3 Secretary and the Administrator.

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

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

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

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

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

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

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

11 “(4) CRITERIA.—Not later than 120 days after
12 the date of enactment of the Next Generation 9–1–
13 1 Advancement Act of 2011, the Assistant Secretary
14 and the Administrator shall issue regulations, after
15 providing the public with notice and an opportunity
16 to comment, prescribing the criteria for selection for
17 grants under this section. The criteria shall include
18 performance requirements and a timeline for comple-
19 tion of any project to be financed by a grant under
20 this section. The Assistant Secretary and the Ad-
21 ministrator shall update such regulations as nec-
22 essary.

23 “(c) DIVERSION OF 9–1–1 CHARGES.—

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

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

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

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

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

12 “(4) PENALTY FOR PROVIDING FALSE INFOR-
13 MATION.—Any applicant that provides a certification
14 under paragraph (2) knowing that the information
15 provided in the certification was false shall—

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

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

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

23 “(d) FUNDING AND TERMINATION.—

24 “(1) IN GENERAL.—From the amounts made
25 available to the Secretary under section 241(b)(5) of

1 the Jumpstarting Opportunity with Broadband
2 Spectrum Act of 2011, the Secretary of Commerce
3 is authorized to provide grants under this section
4 through the end of fiscal year 2021. Not more than
5 5 percent of such amounts may be obligated or ex-
6 pended to cover the administrative costs of carrying
7 out this section.

8 “(2) TERMINATION.—Effective on October 1,
9 2021, the authority provided by this section termi-
10 nates and this section shall have no effect.

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

13 “(1) 9–1–1 SERVICES.—The term ‘9–1–1 serv-
14 ices’ includes both E9–1–1 services and Next Gen-
15 eration 9–1–1 services.

16 “(2) E9–1–1 SERVICES.—The term ‘E9–1–1
17 services’ means both phase I and phase II enhanced
18 9–1–1 services, as described in section 20.18 of the
19 Commission’s regulations (47 C.F.R. 20.18), as in
20 effect on the date of enactment of the Next Genera-
21 tion 9–1–1 Advancement Act of 2011, or as subse-
22 quently revised by the Commission.

23 “(3) ELIGIBLE ENTITY.—

24 “(A) IN GENERAL.—The term ‘eligible en-
25 tity’ means a State or local government or a

1 tribal organization (as defined in section 4(l) of
2 the Indian Self-Determination and Education
3 Assistance Act (25 U.S.C. 450b(l))).

4 “(B) INSTRUMENTALITIES.—The term ‘eli-
5 gible entity’ includes public authorities, boards,
6 commissions, and similar bodies created by 1 or
7 more eligible entities described in subparagraph
8 (A) to provide 9–1–1 services, E9–1–1 services,
9 or Next Generation 9–1–1 services.

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

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

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

21 “(B) nonhuman-initiated automatic event
22 alerts, such as alarms, telematics, or sensor
23 data, which may also include real-time voice,
24 text, or video communications.

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

5 “(A) provides standardized interfaces from
6 emergency call and message services to support
7 emergency communications;

8 “(B) processes all types of emergency calls,
9 including voice, data, and multimedia informa-
10 tion;

11 “(C) acquires and integrates additional
12 emergency call data useful to call routing and
13 handling;

14 “(D) delivers the emergency calls, mes-
15 sages, and data to the appropriate public safety
16 answering point and other appropriate emer-
17 gency entities;

18 “(E) supports data or video communica-
19 tions needs for coordinated incident response
20 and management; and

21 “(F) provides broadband service to public
22 safety answering points or other first responder
23 entities.

24 “(6) OFFICE.—The term ‘Office’ means the 9–
25 1–1 Implementation Coordination Office.

1 mission, one or more mechanisms to provide a suffi-
2 ciently precise indication of a 9–1–1 caller’s location,
3 while avoiding the imposition of undue burdens on
4 MLTS manufacturers, providers, and operators.

5 (2) SPECIFIC REQUIREMENT.—The public no-
6 tice under paragraph (1) shall seek comment on the
7 National Emergency Number Association’s “Tech-
8 nical Requirements Document On Model Legislation
9 E9–1–1 for Multi-Line Telephone Systems” (NENA
10 06–750, Version 2).

11 **SEC. 267. GAO STUDY OF STATE AND LOCAL USE OF 9-1-1**
12 **SERVICE CHARGES.**

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

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

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

1 (b) REPORT.—Not later than 18 months after initi-
2 ating the study required by subsection (a), the Comp-
3 troller General shall prepare and submit a report on the
4 results of the study to the Committee on Commerce,
5 Science, and Transportation of the Senate and the Com-
6 mittee on Energy and Commerce of the House of Rep-
7 resentatives setting forth the findings, conclusions, and
8 recommendations, if any, of the study, including—

9 (1) the identity of each State or political sub-
10 division that imposes such taxes, fees, or other
11 charges; and

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

16 **SEC. 268. PARITY OF PROTECTION FOR PROVISION OR USE**
17 **OF NEXT GENERATION 9-1-1 SERVICES.**

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

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

3 (2) the use or provision of 9–1–1 services, E9–
4 1–1 services, or Next Generation 9–1–1 services;
5 and

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

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

18 **SEC. 269. COMMISSION PROCEEDING ON AUTODIALING.**

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

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

1 (1) permit verified public safety answering
2 point administrators or managers to register the
3 telephone numbers of all 9–1–1 trunks and other
4 lines used for the provision of emergency services to
5 the public or for communications between public
6 safety agencies;

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

11 (3) provide a process for granting and tracking
12 access to the registry by the operators of automatic
13 dialing equipment;

14 (4) protect the list of registered numbers from
15 disclosure or dissemination by parties granted access
16 to the registry; and

17 (5) prohibit the use of automatic dialing or
18 “robocall” equipment to establish contact with reg-
19 istered numbers.

20 (c) ENFORCEMENT.—The Commission shall—

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

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

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

12 **SEC. 270. NHTSA REPORT ON COSTS FOR REQUIREMENTS**
13 **AND SPECIFICATIONS OF NEXT GENERATION**
14 **9-1-1 SERVICES.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of enactment of this Act, the Administrator of the
17 National Highway Traffic Safety Administration, in con-
18 sultation with the Commission, the Secretary of Homeland
19 Security, and the Office, shall prepare and submit a report
20 to Congress that analyzes and determines detailed costs
21 for specific Next Generation 9-1-1 service requirements
22 and specifications.

23 (b) PURPOSE OF REPORT.—The purpose of the re-
24 port required under subsection (a) is to serve as a resource
25 for Congress as it considers creating a coordinated, long-

1 term funding mechanism for the deployment and oper-
2 ation, accessibility, application development, equipment
3 procurement, and training of personnel for Next Genera-
4 tion 9–1–1 services.

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

7 (1) How costs would be broken out geographi-
8 cally and/or allocated among public safety answering
9 points, broadband service providers, and third-party
10 providers of Next Generation 9–1–1 services.

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

14 (3) How differences in public safety answering
15 points' access to broadband across the country may
16 affect costs.

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

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

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

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

4 **SEC. 271. FCC RECOMMENDATIONS FOR LEGAL AND STATU-**
5 **TORY FRAMEWORK FOR NEXT GENERATION**
6 **9-1-1 SERVICES.**

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

18 (1) A legal and regulatory framework for the
19 development of Next Generation 9-1-1 services and
20 the transition from legacy 9-1-1 to Next Generation
21 9-1-1 networks.

22 (2) Legal mechanisms to ensure efficient and
23 accurate transmission of 9-1-1 caller information to
24 emergency response agencies.

1 (3) Recommendations for removing jurisdic-
2 tional barriers and inconsistent legacy regulations
3 including—

4 (A) proposals that would require States to
5 remove regulatory roadblocks to Next Genera-
6 tion 9–1–1 services development, while recog-
7 nizing existing State authority over 9–1–1 serv-
8 ices;

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

11 (C) preempting inconsistent State regula-
12 tions.

13 **TITLE III—FEDERAL SPECTRUM** 14 **RELOCATION**

15 **SEC. 301. RELOCATION OF AND SPECTRUM SHARING BY** 16 **FEDERAL GOVERNMENT STATIONS.**

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

20 (1) in subsection (g)—

21 (A) by striking the heading and inserting
22 “RELOCATION OF AND SPECTRUM SHARING BY
23 FEDERAL GOVERNMENT STATIONS”;

24 (B) by amending paragraph (1) to read as
25 follows:

1 “(1) ELIGIBLE FEDERAL ENTITIES.—Any Fed-
2 eral entity that operates a Federal Government sta-
3 tion authorized to use a band of eligible frequencies
4 described in paragraph (2) and that incurs reloca-
5 tion or sharing costs because of planning for an auc-
6 tion of spectrum frequencies or the reallocation of
7 spectrum frequencies from Federal use to exclusive
8 non-Federal use or to shared use shall receive pay-
9 ment for such relocation or sharing costs from the
10 Spectrum Relocation Fund, in accordance with this
11 section and section 118. For purposes of this para-
12 graph, Federal power agencies exempted under sub-
13 section (c)(4) that choose to relocate from the fre-
14 quencies identified for reallocation pursuant to sub-
15 section (a) are eligible to receive payment under this
16 paragraph.”;

17 (C) by amending paragraph (2)(B) to read
18 as follows:

19 “(B) any other band of frequencies reallo-
20 cated from Federal use to exclusive non-Federal
21 use or to shared use after January 1, 2003,
22 that is assigned by competitive bidding pursu-
23 ant to section 309(j) of the Communications
24 Act of 1934 (47 U.S.C. 309(j)).”;

1 (D) by amending paragraph (3) to read as
2 follows:

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

5 “(A) IN GENERAL.—For purposes of this
6 section and section 118, the term ‘relocation or
7 sharing costs’ means the costs incurred by a
8 Federal entity in connection with the auction of
9 spectrum frequencies previously assigned to
10 such entity or the sharing of spectrum fre-
11 quencies assigned to such entity (including the
12 auction or a planned auction of the rights to
13 use spectrum frequencies on a shared basis with
14 such entity) in order to achieve comparable ca-
15 pability of systems as before the relocation or
16 sharing arrangement. Such term includes, with
17 respect to relocation or sharing, as the case
18 may be—

19 “(i) the costs of any modification or
20 replacement of equipment, spares, associ-
21 ated ancillary equipment, software, facili-
22 ties, operating manuals, training, or com-
23 pliance with regulations that are attrib-
24 utable to relocation or sharing;

1 “(ii) the costs of all engineering,
2 equipment, software, site acquisition, and
3 construction, as well as any legitimate and
4 prudent transaction expense, including
5 term-limited Federal civil servant and con-
6 tractor staff necessary to carry out the re-
7 location or sharing activities of a Federal
8 entity, and reasonable additional costs in-
9 curred by the Federal entity that are at-
10 tributable to relocation or sharing, includ-
11 ing increased recurring costs associated
12 with the replacement of facilities;

13 “(iii) the costs of research, engineer-
14 ing studies, economic analyses, or other ex-
15 penses reasonably incurred in connection
16 with—

17 “(I) calculating the estimated re-
18 location or sharing costs that are pro-
19 vided to the Commission pursuant to
20 paragraph (4)(A);

21 “(II) determining the technical or
22 operational feasibility of relocation to
23 1 or more potential relocation bands;
24 or

1 “(III) planning for or managing
2 a relocation or sharing arrangement
3 (including spectrum coordination with
4 auction winners);

5 “(iv) the one-time costs of any modi-
6 fication of equipment reasonably nec-
7 essary—

8 “(I) to accommodate non-Federal
9 use of shared frequencies; or

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

23 “(v) the costs associated with the ac-
24 celerated replacement of systems and
25 equipment if the acceleration is necessary

1 to ensure the timely relocation of systems
2 to a new frequency assignment or the time-
3 ly accommodation of sharing of Federal
4 frequencies.

5 “(B) COMPARABLE CAPABILITY OF SYS-
6 TEMS.—For purposes of subparagraph (A),
7 comparable capability of systems—

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

21 “(ii) includes the acquisition of state-
22 of-the-art replacement systems intended to
23 meet comparable operational scope, which
24 may include incidental increases in
25 functionality.”;

1 (E) in paragraph (4)—

2 (i) in the heading, by striking “RELO-
3 CATIONS COSTS” and inserting “RELOCA-
4 TION OR SHARING COSTS”;

5 (ii) by striking “relocation costs” each
6 place it appears and inserting “relocation
7 or sharing costs”; and

8 (iii) in subparagraph (A), by inserting
9 “or sharing” after “such relocation”;

10 (F) in paragraph (5)—

11 (i) by striking “relocation costs” and
12 inserting “relocation or sharing costs”; and

13 (ii) by inserting “or sharing” after
14 “for relocation”; and

15 (G) by amending paragraph (6) to read as
16 follows:

17 “(6) IMPLEMENTATION OF PROCEDURES.—The
18 NTIA shall take such actions as necessary to ensure
19 the timely relocation of Federal entities’ spectrum-
20 related operations from frequencies described in
21 paragraph (2) to frequencies or facilities of com-
22 parable capability and to ensure the timely imple-
23 mentation of arrangements for the sharing of fre-
24 quencies described in such paragraph. Upon a find-
25 ing by the NTIA that a Federal entity has achieved

1 comparable capability of systems, the NTIA shall
2 terminate or limit the entity's authorization and no-
3 tify the Commission that the entity's relocation has
4 been completed or sharing arrangement has been im-
5 plemented. The NTIA shall also terminate such enti-
6 ty's authorization if the NTIA determines that the
7 entity has unreasonably failed to comply with the
8 timeline for relocation or sharing submitted by the
9 Director of the Office of Management and Budget
10 under section 118(d)(2)(C).”;

11 (2) by redesignating subsections (h) and (i) as
12 subsections (k) and (l), respectively; and

13 (3) by inserting after subsection (g) the fol-
14 lowing:

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

17 “(1) DEVELOPMENT OF TRANSITION PLAN BY
18 FEDERAL ENTITY.—Not later than 240 days before
19 the commencement of any auction of eligible fre-
20 quencies described in subsection (g)(2), a Federal
21 entity authorized to use any such frequency shall
22 submit to the NTIA and to the Technical Panel es-
23 tablished by paragraph (3) a transition plan for the
24 implementation by such entity of the relocation or
25 sharing arrangement. The NTIA shall specify, after

1 public input, a common format for all Federal enti-
2 ties to follow in preparing transition plans under
3 this paragraph.

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

7 “(A) The use by the Federal entity of the
8 eligible frequencies to be auctioned, current as
9 of the date of the submission of the plan.

10 “(B) The geographic location of the facili-
11 ties or systems of the Federal entity that use
12 such frequencies.

13 “(C) The frequency bands used by such fa-
14 cilities or systems, described by geographic loca-
15 tion.

16 “(D) The steps to be taken by the Federal
17 entity to relocate its spectrum use from such
18 frequencies or to share such frequencies, includ-
19 ing timelines for specific geographic locations in
20 sufficient detail to indicate when use of such
21 frequencies at such locations will be discon-
22 tinued by the Federal entity or shared between
23 the Federal entity and non-Federal users.

1 “(E) The specific interactions between the
2 eligible Federal entity and the NTIA needed to
3 implement the transition plan.

4 “(F) The name of the officer or employee
5 of the Federal entity who is responsible for the
6 relocation or sharing efforts of the entity and
7 who is authorized to meet and negotiate with
8 non-Federal users regarding the transition.

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

11 “(i) using funds received from the
12 Spectrum Relocation Fund established by
13 section 118;

14 “(ii) procuring new equipment and
15 additional personnel needed for relocation
16 or sharing;

17 “(iii) field-testing and deploying new
18 equipment needed for relocation or shar-
19 ing; and

20 “(iv) hiring and relying on contract
21 personnel, if any, needed for relocation or
22 sharing.

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

25 “(3) TECHNICAL PANEL.—

1 “(A) ESTABLISHMENT.—There is estab-
2 lished within the NTIA a panel to be known as
3 the Technical Panel.

4 “(B) MEMBERSHIP.—

5 “(i) NUMBER AND APPOINTMENT.—
6 The Technical Panel shall be composed of
7 3 members, to be appointed as follows:

8 “(I) One member to be appointed
9 by the Director of the Office of Man-
10 agement and Budget (in this sub-
11 section referred to as ‘OMB’).

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

14 “(III) One member to be ap-
15 pointed by the Chairman of the Com-
16 mission.

17 “(ii) QUALIFICATIONS.—Each mem-
18 ber of the Technical Panel shall be a radio
19 engineer or a technical expert.

20 “(iii) INITIAL APPOINTMENT.—The
21 initial members of the Technical Panel
22 shall be appointed not later than 180 days
23 after the date of the enactment of the
24 Jumpstarting Opportunity with Broadband
25 Spectrum Act of 2011.

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

5 “(v) VACANCIES.—Any member ap-
6 pointed to fill a vacancy occurring before
7 the expiration of the term for which the
8 member’s predecessor was appointed shall
9 be appointed only for the remainder of that
10 term. A member may serve after the expi-
11 ration of that member’s term until a suc-
12 cessor has taken office. A vacancy shall be
13 filled in the manner in which the original
14 appointment was made.

15 “(vi) NO COMPENSATION.—The mem-
16 bers of the Technical Panel shall not re-
17 ceive any compensation for service on the
18 Technical Panel. If any such member is an
19 employee of the agency of the official that
20 appointed such member to the Technical
21 Panel, compensation in the member’s ca-
22 pacity as such an employee shall not be
23 considered compensation under this clause.

24 “(C) ADMINISTRATIVE SUPPORT.—The
25 NTIA shall provide the Technical Panel with

1 the administrative support services necessary to
2 carry out its duties under this subsection and
3 subsection (i).

4 “(D) REGULATIONS.—Not later than 180
5 days after the date of the enactment of the
6 Jumpstarting Opportunity with Broadband
7 Spectrum Act of 2011, the NTIA shall, after
8 public notice and comment and subject to ap-
9 proval by the Director of OMB, adopt regula-
10 tions to govern the workings of the Technical
11 Panel.

12 “(E) CERTAIN REQUIREMENTS INAPPLI-
13 CABLE.—The Federal Advisory Committee Act
14 (5 U.S.C. App.) and sections 552 and 552b of
15 title 5, United States Code, shall not apply to
16 the Technical Panel.

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

19 “(A) IN GENERAL.—Not later than 30
20 days after the submission of the plan under
21 paragraph (1), the Technical Panel shall submit
22 to the NTIA and to the Federal entity a report
23 on the sufficiency of the plan, including whether
24 the plan includes the information required by
25 paragraph (2) and an assessment of the reason-

1 ableness of the proposed timelines and esti-
2 mated relocation or sharing costs, including the
3 costs of any proposed expansion of the capabili-
4 ties of a Federal system in connection with relo-
5 cation or sharing.

6 “(B) INSUFFICIENCY OF PLAN.—If the
7 Technical Panel finds the plan insufficient, the
8 Federal entity shall, not later than 90 days
9 after the submission of the report by the Tech-
10 nical panel under subparagraph (A), submit to
11 the Technical Panel a revised plan. Such re-
12 vised plan shall be treated as a plan submitted
13 under paragraph (1).

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

19 “(6) UPDATES OF TRANSITION PLAN.—As the
20 Federal entity implements the transition plan, it
21 shall periodically update the plan to reflect any
22 changed circumstances, including changes in esti-
23 mated relocation or sharing costs or the timeline for
24 relocation or sharing. The NTIA shall make the up-
25 dates available on its website.

1 “(7) CLASSIFIED AND OTHER SENSITIVE IN-
2 FORMATION.—

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

8 “(i) include in the plan—

9 “(I) an explanation of the exclu-
10 sion of any such information, which
11 shall be as specific as possible; and

12 “(II) all relevant non-classified
13 information that is available; and

14 “(ii) discuss as a factor under para-
15 graph (2)(H) the extent of the classified
16 information and the effect of such informa-
17 tion on the implementation of the reloca-
18 tion or sharing arrangement.

19 “(B) REGULATIONS.—Not later than 180
20 days after the date of the enactment of the
21 Jumpstarting Opportunity with Broadband
22 Spectrum Act of 2011, the NTIA, in consulta-
23 tion with the Director of OMB and the Sec-
24 retary of Defense, shall adopt regulations to en-
25 sure that the information publicly released

1 under paragraph (5) or (6) does not contain
2 classified information or other sensitive infor-
3 mation.

4 “(i) DISPUTE RESOLUTION PROCESS.—

5 “(1) IN GENERAL.—If a dispute arises between
6 a Federal entity and a non-Federal user regarding
7 the execution, timing, or cost of the transition plan
8 submitted by the Federal entity under subsection
9 (h)(1), the Federal entity or the non-Federal user
10 may request that the NTIA establish a dispute reso-
11 lution board to resolve the dispute.

12 “(2) ESTABLISHMENT OF BOARD.—

13 “(A) IN GENERAL.—If the NTIA receives
14 a request under paragraph (1), it shall establish
15 a dispute resolution board.

16 “(B) MEMBERSHIP AND APPOINTMENT.—

17 The dispute resolution board shall be composed
18 of 3 members, as follows:

19 “(i) A representative of the Office of
20 Management and Budget (in this sub-
21 section referred to as ‘OMB’), to be ap-
22 pointed by the Director of OMB.

23 “(ii) A representative of the NTIA, to
24 be appointed by the Assistant Secretary.

1 “(iii) A representative of the Commis-
2 sion, to be appointed by the Chairman of
3 the Commission.

4 “(C) CHAIR.—The representative of OMB
5 shall be the Chair of the dispute resolution
6 board.

7 “(D) VACANCIES.—Any vacancy in the dis-
8 pute resolution board shall be filled in the man-
9 ner in which the original appointment was
10 made.

11 “(E) NO COMPENSATION.—The members
12 of the dispute resolution board shall not receive
13 any compensation for service on the board. If
14 any such member is an employee of the agency
15 of the official that appointed such member to
16 the board, compensation in the member’s capac-
17 ity as such an employee shall not be considered
18 compensation under this subparagraph.

19 “(F) TERMINATION OF BOARD.—The dis-
20 pute resolution board shall be terminated after
21 it rules on the dispute that it was established
22 to resolve and the time for appeal of its decision
23 under paragraph (7) has expired, unless an ap-
24 peal has been taken under such paragraph. If
25 such an appeal has been taken, the board shall

1 continue to exist until the appeal process has
2 been exhausted and the board has completed
3 any action required by a court hearing the ap-
4 peal.

5 “(3) PROCEDURES.—The dispute resolution
6 board shall meet simultaneously with representatives
7 of the Federal entity and the non-Federal user to
8 discuss the dispute. The dispute resolution board
9 may require the parties to make written submissions
10 to it.

11 “(4) DEADLINE FOR DECISION.—The dispute
12 resolution board shall rule on the dispute not later
13 than 30 days after the request was made to the
14 NTIA under paragraph (1).

15 “(5) ASSISTANCE FROM TECHNICAL PANEL.—
16 The Technical Panel established under subsection
17 (h)(3) shall provide the dispute resolution board
18 with such technical assistance as the board requests.

19 “(6) ADMINISTRATIVE SUPPORT.—The NTIA
20 shall provide the dispute resolution board with the
21 administrative support services necessary to carry
22 out its duties under this subsection.

23 “(7) APPEALS.—A decision of the dispute reso-
24 lution board may be appealed to the United States
25 Court of Appeals for the District of Columbia Cir-

1 cuit by filing a notice of appeal with that court not
2 later than 30 days after the date of such decision.
3 Each party shall bear its own costs and expenses, in-
4 cluding attorneys' fees, for any appeal under this
5 paragraph.

6 “(8) REGULATIONS.—Not later than 180 days
7 after the date of the enactment of the Jumpstarting
8 Opportunity with Broadband Spectrum Act of 2011,
9 the NTIA shall, after public notice and comment
10 and subject to approval by OMB, adopt regulations
11 to govern the working of any dispute resolution
12 boards established under paragraph (2)(A) and the
13 role of the Technical Panel in assisting any such
14 board.

15 “(9) CERTAIN REQUIREMENTS INAPPLI-
16 CABLE.—The Federal Advisory Committee Act (5
17 U.S.C. App.) and sections 552 and 552b of title 5,
18 United States Code, shall not apply to a dispute res-
19 olution board established under paragraph (2)(A).

20 “(j) RELOCATION PRIORITIZED OVER SHARING.—

21 “(1) IN GENERAL.—In evaluating a band of
22 frequencies for possible reallocation for exclusive
23 non-Federal use or shared use, the NTIA shall give
24 priority to options involving reallocation of the band
25 for exclusive non-Federal use and shall choose op-

1 tions involving shared use only when it determines,
2 in consultation with the Director of the Office of
3 Management and Budget, that relocation of a Fed-
4 eral entity from the band is not feasible because of
5 technical or cost constraints.

6 “(2) NOTIFICATION OF CONGRESS WHEN SHAR-
7 ING CHOSEN.—If the NTIA determines under para-
8 graph (1) that relocation of a Federal entity from
9 the band is not feasible, the NTIA shall notify the
10 Committee on Commerce, Science, and Transpor-
11 tation of the Senate and the Committee on Energy
12 and Commerce of the House of Representatives of
13 the determination, including the specific technical or
14 cost constraints on which the determination is
15 based.”.

16 (b) CONFORMING AMENDMENT.—Section 309(j) of
17 the Communications Act of 1934, as amended by section
18 105, is further amended by striking “relocation costs”
19 each place it appears and inserting “relocation or sharing
20 costs”.

21 **SEC. 302. SPECTRUM RELOCATION FUND.**

22 Section 118 of the National Telecommunications and
23 Information Administration Organization Act (47 U.S.C.
24 928) is amended—

1 (1) by striking “relocation costs” each place it
2 appears and inserting “relocation or sharing costs”;

3 (2) by amending subsection (c) to read as fol-
4 lows:

5 “(c) USE OF FUNDS.—The amounts in the Fund
6 from auctions of eligible frequencies are authorized to be
7 used to pay relocation or sharing costs of an eligible Fed-
8 eral entity incurring such costs with respect to relocation
9 from or sharing of those frequencies.”;

10 (3) in subsection (d)—

11 (A) in paragraph (2)—

12 (i) in subparagraph (A), by inserting
13 “or sharing” before the semicolon;

14 (ii) in subparagraph (B), by inserting
15 “or sharing” before the period at the end;

16 (iii) by redesignating subparagraphs
17 (A) and (B) as subparagraphs (B) and
18 (C), respectively; and

19 (iv) by inserting before subparagraph
20 (B), as so redesignated, the following:

21 “(A) unless the eligible Federal entity has
22 submitted a transition plan to the NTIA as re-
23 quired by paragraph (1) of section 113(h), the
24 Technical Panel has found such plan sufficient
25 under paragraph (4) of such section, and the

1 NTIA has made available such plan on its
2 website as required by paragraph (5) of such
3 section;”;

4 (B) by striking paragraph (3); and

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

6 “(3) TRANSFERS FOR PRE-AUCTION COSTS.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), the Director of OMB may transfer
9 to an eligible Federal entity, at any time (in-
10 cluding prior to a scheduled auction), such
11 sums as may be available in the Fund to pay
12 relocation or sharing costs related to pre-auc-
13 tion estimates or research, as such costs are de-
14 scribed in section 113(g)(3)(A)(iii).

15 “(B) NOTIFICATION.—No funds may be
16 transferred pursuant to subparagraph (A) un-
17 less—

18 “(i) the notification provided under
19 paragraph (2)(C) includes a certification
20 from the Director of OMB that—

21 “(I) funds transferred before an
22 auction will likely allow for timely im-
23 plementation of relocation or sharing,
24 thereby increasing net expected auc-
25 tion proceeds by an amount not less

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

3 “(II) the auction is intended to
4 occur not later than 5 years after
5 transfer of funds; and

6 “(ii) the transition plan submitted by
7 the eligible Federal entity under section
8 113(h)(1) provides—

9 “(I) to the fullest extent possible,
10 for sharing and coordination of eligi-
11 ble frequencies with non-Federal
12 users, including reasonable accommo-
13 dation by the eligible Federal entity
14 for the use of eligible frequencies by
15 non-Federal users during the period
16 that the entity is relocating its spec-
17 trum uses (in this clause referred to
18 as the ‘transition period’);

19 “(II) for non-Federal users to be
20 able to use eligible frequencies during
21 the transition period in geographic
22 areas where the eligible Federal entity
23 does not use such frequencies;

24 “(III) that the eligible Federal
25 entity will, during the transition pe-

1 riod, make itself available for negotia-
2 tion and discussion with non-Federal
3 users not later than 30 days after a
4 written request therefor; and

5 “(IV) that the eligible Federal
6 entity will, during the transition pe-
7 riod, make available to a non-Federal
8 user with appropriate security clear-
9 ances any classified information (as
10 defined in section 798(b) of title 18,
11 United States Code) regarding the re-
12 location process, on a need-to-know
13 basis, to assist the non-Federal user
14 in the relocation process with such eli-
15 gible Federal entity or other eligible
16 Federal entities.

17 “(C) APPLICABILITY TO CERTAIN COSTS.—

18 “(i) IN GENERAL.—The Director of
19 OMB may transfer under subparagraph
20 (A) not more than \$10,000,000 for costs
21 incurred after June 28, 2010, but before
22 the date of the enactment of the
23 Jumpstarting Opportunity with Broadband
24 Spectrum Act of 2011.

1 “(ii) SUPPLEMENT NOT SUPPLANT.—
2 Any amounts transferred by the Director
3 of OMB pursuant to clause (i) shall be in
4 addition to any amounts that the Director
5 of OMB may transfer for costs incurred on
6 or after the date of the enactment of the
7 Jumpstarting Opportunity with Broadband
8 Spectrum Act of 2011.

9 “(4) REVERSION OF UNUSED FUNDS.—Any
10 amounts in the Fund that are remaining after the
11 payment of the relocation or sharing costs that are
12 payable from the Fund shall revert to and be depos-
13 ited in the general fund of the Treasury, for the sole
14 purpose of deficit reduction, not later than 8 years
15 after the date of the deposit of such proceeds to the
16 Fund, unless within 60 days in advance of the rever-
17 sion of such funds, the Director of OMB, in con-
18 sultation with the NTIA, notifies the congressional
19 committees described in paragraph (2)(C) that such
20 funds are needed to complete or to implement cur-
21 rent or future relocation or sharing arrangements.”;

22 (4) in subsection (e)—

23 (A) in paragraph (1)(B)—

1 (i) in clause (i), by striking “sub-
2 section (d)(2)(A)” and inserting “sub-
3 section (d)(2)(B)”;

4 (ii) in clause (ii), by striking “sub-
5 section (d)(2)(B)” and inserting “sub-
6 section (d)(2)(C)”;

7 (B) in paragraph (2)—

8 (i) by striking “entity’s relocation”
9 and inserting “relocation of the entity or
10 implementation of the sharing arrange-
11 ment by the entity”;

12 (ii) by inserting “or the implementa-
13 tion of such arrangement” after “such re-
14 location”;

15 (iii) by striking “subsection
16 (d)(2)(A)” and inserting “subsection
17 (d)(2)(B)”;

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

19 “(f) ADDITIONAL PAYMENTS FROM FUND.—

20 “(1) AMOUNTS AVAILABLE.—Notwithstanding
21 subsections (c) through (e), after the date of the en-
22 actment of the Jumpstarting Opportunity with
23 Broadband Spectrum Act of 2011, there are appro-
24 priated from the Fund and available to the Director
25 of OMB for use in accordance with paragraph (2)

1 not more than 10 percent of the amounts deposited
2 in the Fund from auctions occurring after such date
3 of enactment of licenses for the use of spectrum va-
4 cated by eligible Federal entities.

5 “(2) USE OF AMOUNTS.—

6 “(A) IN GENERAL.—The Director of OMB,
7 in consultation with the NTIA, may use
8 amounts made available under paragraph (1) to
9 make payments to eligible Federal entities that
10 are implementing a transition plan submitted
11 under section 113(h)(1) in order to encourage
12 such entities to complete the implementation
13 more quickly, thereby encouraging timely access
14 to the eligible frequencies that are being reallo-
15 cated for exclusive non-Federal use or shared
16 use.

17 “(B) CONDITIONS.—In the case of any
18 payment by the Director of OMB under sub-
19 paragraph (A)—

20 “(i) such payment shall be based on
21 the market value of the eligible fre-
22 quencies, the timeliness with which the eli-
23 gible Federal entity clears its use of such
24 frequencies, and the need for such fre-

1 frequencies in order for the entity to conduct
2 its essential missions;

3 “(ii) the eligible Federal entity shall
4 use such payment for the purposes speci-
5 fied in clauses (i) through (v) of section
6 113(g)(3)(A) to achieve comparable capa-
7 bility of systems affected by the realloca-
8 tion of eligible frequencies from Federal
9 use to exclusive non-Federal use or to
10 shared use;

11 “(iii) such payment may not be made
12 if the amount remaining in the Fund after
13 such payment will be less than 10 percent
14 of the winning bids in the auction of the
15 spectrum with respect to which the Federal
16 entity is incurring relocation or sharing
17 costs; and

18 “(iv) such payment may not be made
19 until 30 days after the Director of OMB
20 has notified the congressional committees
21 described in subsection (d)(2)(C).”.

22 **SEC. 303. NATIONAL SECURITY AND OTHER SENSITIVE IN-**
23 **FORMATION.**

24 Part B of title I of the National Telecommunications
25 and Information Administration Organization Act (47

1 U.S.C. 921 et seq.) is amended by adding at the end the
2 following:

3 **“SEC. 119. NATIONAL SECURITY AND OTHER SENSITIVE IN-**
4 **FORMATION.**

5 “(a) DETERMINATION.—If the head of an Executive
6 agency (as defined in section 105 of title 5, United States
7 Code) determines that public disclosure of any information
8 contained in a notification or report required by section
9 113 or 118 would reveal classified national security infor-
10 mation, or other information for which there is a legal
11 basis for nondisclosure and the public disclosure of which
12 would be detrimental to national security, homeland secu-
13 rity, or public safety or would jeopardize a law enforce-
14 ment investigation, the head of the Executive agency shall
15 notify the Assistant Secretary of that determination prior
16 to the release of such information.

17 “(b) INCLUSION IN ANNEX.—The head of the Execu-
18 tive agency shall place the information with respect to
19 which a determination was made under subsection (a) in
20 a separate annex to the notification or report required by
21 section 113 or 118. The annex shall be provided to the
22 subcommittee of primary jurisdiction of the congressional
23 committee of primary jurisdiction in accordance with ap-
24 propriate national security stipulations but shall not be

1 disclosed to the public or provided to any unauthorized
2 person through any means.”.

3 **TITLE IV—TELECOMMUNI-**
4 **CATIONS DEVELOPMENT**
5 **FUND**

6 **SEC. 401. NO ADDITIONAL FEDERAL FUNDS.**

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

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

15 **SEC. 402. INDEPENDENCE OF THE FUND.**

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

18 (1) by striking subsection (c) and inserting the
19 following:

20 “(c) INDEPENDENT BOARD OF DIRECTORS.—The
21 Fund shall have a Board of Directors consisting of 5 peo-
22 ple with experience in areas including finance, investment
23 banking, government banking, communications law and
24 administrative practice, and public policy. A Chairman of
25 the Board will be selected from among the directors annu-

1 ally. Appointment of the directors shall be pursuant to a
2 nominating committee comprised of the Chairman of the
3 Board and two other directors of the Chairman's selection.
4 The Fund's bylaws shall regulate the other aspects of the
5 Board of Directors, including provisions relating to meet-
6 ings, quorums, committees, and other matters, all as typi-
7 cally contained in the bylaws of a similar private invest-
8 ment fund.”;

9 (2) in subsection (d)—

10 (A) by striking “(after consultation with
11 the Commission and the Secretary of the Treas-
12 ury)”;

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

14 (C) by redesignating paragraphs (2)
15 through (4) as paragraphs (1) through (3), re-
16 spectively; and

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

