

112TH CONGRESS
1ST SESSION

H. R. 2482

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

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2011

Mr. DINGELL (for himself and Mr. GENE GREEN of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Science, Space, and Technology and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

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

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—REALLOCATION OF PUBLIC SAFETY SPECTRUM

- Sec. 101. Reallocation of D block to public safety.
- Sec. 102. Flexible use of narrowband spectrum.

TITLE II—GOVERNANCE OF PUBLIC SAFETY SPECTRUM

Subtitle A—Public Safety Broadband Corporation

- Sec. 201. Single public safety wireless network licensee.
- Sec. 202. Establishment of Public Safety Broadband Corporation.
- Sec. 203. Board of Directors of the Corporation.
- Sec. 204. Officers, employees, and committees of the Corporation.
- Sec. 205. Nonprofit and nonpolitical nature of the Corporation.
- Sec. 206. Powers, duties, and responsibilities of the Corporation.
- Sec. 207. Initial funding for the Corporation.
- Sec. 208. Permanent self-funding; duty to assess and collect fees for network use.
- Sec. 209. Audit and report.
- Sec. 210. Annual report to Congress.
- Sec. 211. Public safety roaming and priority access.
- Sec. 212. Transitional analysis of public safety network attributes.
- Sec. 213. Prohibition on direct offering of commercial telecommunications service directly to consumers.
- Sec. 214. Provision of technical assistance.

Subtitle B—Public Safety Commitments

- Sec. 221. State and Local Implementation Fund.
- Sec. 222. State and local implementation.
- Sec. 223. Public safety wireless communications research and development.
- Sec. 224. Advanced information and communications technology research.

TITLE III—SPECTRUM AUCTION AUTHORITY

- Sec. 301. Extension of auction authority.
- Sec. 302. Auction of spectrum.
- Sec. 303. Incentive auction authority.
- Sec. 304. Efficient use of public safety spectrum.
- Sec. 305. Report on satellite broadband.
- Sec. 306. Federal infrastructure sharing.
- Sec. 307. Report on unlicensed spectrum.

TITLE IV—PUBLIC SAFETY TRUST FUND

- Sec. 401. Public Safety Trust Fund.

TITLE V—SPECTRUM POLICY

Subtitle A—Inventory and Planning

- Sec. 501. Radio spectrum inventory.
 Sec. 502. Federal spectrum planning.

Subtitle B—Markets

- Sec. 511. Promoting secondary spectrum markets.
 Sec. 512. Unlicensed use in 5 GHz.
 Sec. 513. Experimental licenses.
 Sec. 514. Repurposing Federal spectrum for commercial purposes and Federal spectrum sharing.
 Sec. 515. Report on spectrum sharing.

Subtitle C—Efficiency and Management

- Sec. 521. Functional responsibility of the NTIA to ensure efficient use of spectrum.
 Sec. 522. Spectrum efficiency analytic tools.
 Sec. 523. Study on receiver performance and spectrum efficiency.
 Sec. 524. Frequency assignment.
 Sec. 525. Spectrum opportunity cost transparency.
 Sec. 526. System certification.
 Sec. 527. Report to Congress on improving spectrum management.
 Sec. 528. Wireless facilities deployment.

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

- Sec. 601. Definitions.
 Sec. 602. NHTSA report on costs for requirements and specifications of Next Generation 9–1–1 services.
 Sec. 603. FCC recommendations for legal and statutory framework for Next Generation 9–1–1 services.

TITLE VII—MISCELLANEOUS

- Sec. 701. Severability.
 Sec. 702. Rule of construction.

1 **SEC. 2. DEFINITIONS.**

2 In this Act, the following definitions shall apply:

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

7 (2) 700 MHz D BLOCK SPECTRUM.—The term
 8 “700 MHz D block spectrum” means the portion of
 9 the electromagnetic spectrum between the fre-

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

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

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

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

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

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

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

20 (7) EXISTING PUBLIC SAFETY BROADBAND
21 SPECTRUM.—The term “existing public safety
22 broadband spectrum” means the portion of the elec-
23 tromagnetic spectrum between the frequencies—

24 (A) from 763 megahertz to 768 megahertz;

1 (B) from 793 megahertz to 798 mega-
2 hertz;

3 (C) from 768 megahertz to 769 megahertz;
4 and

5 (D) from 798 megahertz to 799 mega-
6 hertz.

7 (8) FEDERAL ENTITY.—The term “Federal en-
8 tity” has the same meaning as in section 113(i) of
9 the National Telecommunications and Information
10 Administration Organization Act (47 U.S.C. 923(i)).

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

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

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

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

1 (13) PUBLIC SAFETY SERVICES.—The term
2 “public safety services”—

3 (A) has the meaning given the term in sec-
4 tion 337(f) of the Communications Act of 1934
5 (47 U.S.C. 337(f)); and

6 (B) includes services provided by emer-
7 gency response providers, as that term is de-
8 fined in section 2 of the Homeland Security Act
9 of 2002 (6 U.S.C. 101).

10 **TITLE I—REALLOCATION OF** 11 **PUBLIC SAFETY SPECTRUM**

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

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

16 (b) SPECTRUM ALLOCATION.—Section 337(a) of the
17 Communications Act of 1934 (47 U.S.C. 337(a)) is
18 amended—

19 (1) by striking “24” in paragraph (1) and in-
20 serting “34”; and

21 (2) by striking “36” in paragraph (2) and in-
22 serting “26”.

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

24 The Commission may allow the narrowband spectrum
25 to be used in a flexible manner, including usage for public

1 safety broadband communications, subject to such tech-
2 nical and interference protection measures as the Commis-
3 sion may require.

4 **TITLE II—GOVERNANCE OF** 5 **PUBLIC SAFETY SPECTRUM**

6 **Subtitle A—Public Safety** 7 **Broadband Corporation**

8 **SEC. 201. SINGLE PUBLIC SAFETY WIRELESS NETWORK LI-** 9 **CENSEE.**

10 (a) REALLOCATION AND GRANT OF LICENSE.—Not-
11 withstanding any other provision of law, and subject to
12 the provisions of this Act, the Commission shall reallocate
13 and grant a license to the Public Safety Broadband Cor-
14 poration established under section 202 for the use of the
15 700 MHz D block spectrum and existing public safety
16 broadband spectrum.

17 (b) TERM OF LICENSE.—

18 (1) INITIAL LICENSE.—The license granted
19 under subsection (a) shall be for an initial term of
20 10 years from the date of the initial issuance of the
21 license.

22 (2) RENEWAL OF LICENSE.—Prior to expiration
23 of the term of the initial license granted under sub-
24 section (a) or the expiration of any subsequent re-
25 newal of such license, the Corporation shall submit

1 to the Commission an application for the renewal of
2 such license. Such renewal application shall dem-
3 onstrate that, during the preceding license term, the
4 Corporation has met the duties and obligations set
5 forth under this Act. A renewal license granted
6 under this paragraph shall be for a term of not to
7 exceed 10 years.

8 (c) FACILITATION OF TRANSITION.—The Commis-
9 sion shall take all actions necessary to facilitate the transi-
10 tion of the existing public safety broadband spectrum to
11 the Public Safety Broadband Corporation established
12 under section 202.

13 **SEC. 202. ESTABLISHMENT OF PUBLIC SAFETY BROADBAND**
14 **CORPORATION.**

15 (a) ESTABLISHMENT.—There is authorized to be es-
16 tablished a private, nonprofit corporation, to be known as
17 the “Public Safety Broadband Corporation”, which is nei-
18 ther an agency nor establishment of the United States
19 Government or the District of Columbia Government.

20 (b) APPLICATION OF PROVISIONS.—The Corporation
21 shall be subject to the provisions of this Act, and, to the
22 extent consistent with this Act, to the District of Columbia
23 Nonprofit Corporation Act (sec. 29–301.01 et seq., D.C.
24 Official Code).

1 (c) RESIDENCE.—The Corporation shall have its
2 place of business in the District of Columbia and shall be
3 considered, for purposes of venue in civil actions, to be
4 a resident of the District of Columbia.

5 (d) POWERS UNDER DC ACT.—In order to carry out
6 the duties and activities of the Corporation, the Corpora-
7 tion shall have the usual powers conferred upon a non-
8 profit corporation by the District of Columbia Nonprofit
9 Corporation Act.

10 (e) INCORPORATION.—The members of the initial
11 Board of Directors of the Corporation shall serve as
12 incorporators and shall take whatever steps that are nec-
13 essary to establish the Corporation under the District of
14 Columbia Nonprofit Corporation Act.

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

16 (a) MEMBERSHIP.—The management of the Corpora-
17 tion shall be vested in a Board of Directors (referred to
18 in this subtitle as the “Board”), which shall consist of the
19 following members:

20 (1) FEDERAL MEMBERS.—The following indi-
21 viduals, or their respective designees, shall serve as
22 Federal members:

23 (A) The Secretary of Commerce.

24 (B) The Secretary of Homeland Security.

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

3 (D) The Director of the Office of Manage-
4 ment and Budget.

5 (2) NON-FEDERAL MEMBERS.—

6 (A) IN GENERAL.—The Secretary of Com-
7 merce shall appoint 11 individuals to serve as
8 non-Federal members of the Board.

9 (B) STATE AND LOCAL INTERESTS TO BE
10 REPRESENTED.—In making appointments
11 under subparagraph (A), the Secretary of Com-
12 merce, in consultation with the Secretary of
13 Homeland Security and the Attorney General of
14 the United States, should—

15 (i) appoint at least 3 individuals to
16 represent the collective interests of the
17 States, localities, tribes, and territories;

18 (ii) seek to ensure geographic and re-
19 gional representation of the United States
20 in such appointments; and

21 (iii) seek to ensure rural and urban
22 representation in such appointments.

23 (C) PUBLIC SAFETY INTERESTS TO BE
24 REPRESENTED.—In making appointments
25 under subparagraph (A), the Secretary of Com-

1 merce should appoint at least 3 individuals who
2 have served or are currently serving as public
3 safety professionals.

4 (D) REQUIRED QUALIFICATIONS.—

5 (i) IN GENERAL.—Each non-Federal
6 member appointed under subparagraph (A)
7 should meet at least 1 of the following cri-
8 teria:

9 (I) PUBLIC SAFETY EXPERI-
10 ENCE.—Knowledge and experience in
11 the use of Federal, State, local, or
12 tribal public safety or emergency re-
13 sponse.

14 (II) TECHNICAL EXPERTISE.—
15 Technical expertise and fluency re-
16 garding broadband communications,
17 including public safety communica-
18 tions.

19 (III) NETWORK EXPERTISE.—
20 Expertise in building, deploying, and
21 operating commercial telecommuni-
22 cations networks.

23 (IV) FINANCIAL EXPERTISE.—
24 Expertise in financing and funding
25 telecommunications networks.

1 (ii) EXPERTISE TO BE REP-
2 RESENTED.—In making appointments
3 under subparagraph (A), the Secretary of
4 Commerce shall appoint—

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

8 (II) at least one individual who
9 satisfies the requirement under sub-
10 clause (III) of clause (i); and

11 (III) at least one individual who
12 satisfies the requirement under sub-
13 clause (IV) of clause (i).

14 (E) INDEPENDENCE.—

15 (i) IN GENERAL.—Each non-Federal
16 member of the Board shall be independent
17 and neutral.

18 (ii) INDEPENDENCE DETERMINA-
19 TION.—In order to be considered inde-
20 pendent for purposes of this subparagraph,
21 a member of the Board—

22 (I) may not, other than in his or
23 her capacity as a member of the
24 Board or any committee thereof—

1 (aa) accept any consulting,
2 advisory, or other compensatory
3 fee from the Corporation; or

4 (bb) be a person associated
5 with the Corporation or with any
6 affiliated company thereof; and

7 (II) shall be disqualified from
8 any deliberation involving any trans-
9 action of the Corporation in which the
10 Board member has a financial interest
11 in the outcome of the transaction.

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

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

21 (b) TERMS OF APPOINTMENT.—

22 (1) INITIAL APPOINTMENT DEADLINE.—Mem-
23 bers of the Board shall be appointed not later than
24 180 days after the date of the enactment of this Act.

25 (2) TERMS.—

1 (A) LENGTH.—

2 (i) FEDERAL MEMBERS.—Each Fed-
3 eral member of the Board shall serve as a
4 member of the Board for the life of the
5 Corporation.

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

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

16 (C) APPOINTMENT TO FILL VACANCY.—
17 Any non-Federal member appointed to fill a va-
18 cancy occurring prior to the expiration of the
19 term for which that member's predecessor was
20 appointed shall be appointed for the remainder
21 of the predecessor's term.

22 (D) STAGGERED TERMS.—With respect to
23 the initial non-Federal members of the Board—

24 (i) 4 members shall serve for a term
25 of 3 years;

1 (ii) 4 members shall serve for a term
2 of 2 years; and

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

5 (3) VACANCIES.—A vacancy in the membership
6 of the Board shall not affect the Board’s powers,
7 and shall be filled in the same manner as the origi-
8 nal member was appointed.

9 (c) CHAIR.—

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

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

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

20 (d) REMOVAL.—All members of the Board may by
21 majority vote—

22 (1) remove any non-Federal member of the
23 Board from office for conduct determined by the
24 Board to be detrimental to the Board or Corpora-
25 tion; and

1 (2) request that the Secretary of Commerce ex-
2 ercise his or her authority to remove the Chair of
3 the Board for conduct determined by the Board to
4 be detrimental to the Board or Corporation.

5 (e) MEETINGS.—

6 (1) FREQUENCY.—The Board shall meet in ac-
7 cordance with the bylaws of the Corporation—

8 (A) at the call of the Chairperson; and

9 (B) not less frequently than once each
10 quarter.

11 (2) TRANSPARENCY.—Meetings of the Board,
12 including any committee of the Board, shall be open
13 to the public. The Board may, by majority vote,
14 close any such meeting only for the time necessary
15 to preserve the confidentiality of commercial or fi-
16 nancial information that is privileged or confidential,
17 to discuss personnel matters, or to discuss legal mat-
18 ters affecting the Corporation, including pending or
19 potential litigation.

20 (f) QUORUM.—Eight members of the Board shall
21 constitute a quorum, including at least 6 non-Federal
22 members of the Board.

23 (g) BYLAWS.—A majority of the members of the
24 Board of Directors may amend the bylaws of the Corpora-
25 tion.

1 (h) ATTENDANCE.—Members of the Board of Direc-
2 tors may attend meetings of the Corporation and vote in
3 person, via telephone conference, or via video conference.

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

13 **SEC. 204. OFFICERS, EMPLOYEES, AND COMMITTEES OF**
14 **THE CORPORATION.**

15 (a) OFFICERS AND EMPLOYEES.—

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

1 (2) LIMITATION.—No individual other than a
2 citizen of the United States may be an officer of the
3 Corporation.

4 (3) NONPOLITICAL NATURE OF APPOINT-
5 MENT.—No political test or qualification shall be
6 used in selecting, appointing, promoting, or taking
7 other personnel actions with respect to officers,
8 agents, or employees of the Corporation.

9 (4) COMPENSATION.—

10 (A) IN GENERAL.—The Board may hire
11 and fix the compensation of employees hired
12 under this subsection as may be necessary to
13 carry out the purposes of the Corporation.

14 (B) APPROVAL OF COMPENSATION BY
15 FEDERAL MEMBERS.—Notwithstanding any
16 other provision of law, or any bylaw adopted by
17 the Corporation, all rates of compensation, in-
18 cluding benefit plans and salary ranges, for of-
19 ficers and employees of the Board, shall be
20 jointly approved by the Federal members of the
21 Board.

22 (C) LIMITATION ON OTHER COMPENSA-
23 TION.—No officer or employee of the Corpora-
24 tion may receive any salary or other compensa-
25 tion (except for compensation for services on

1 boards of directors of other organizations that
2 do not receive funds from the Corporation, on
3 committees of such boards, and in similar ac-
4 tivities for such organizations) from any sources
5 other than the Corporation for services ren-
6 dered during the period of the employment of
7 the officer or employee by the Corporation.

8 (5) SERVICE ON OTHER BOARDS.—Service by
9 any officer on boards of directors of other organiza-
10 tions, on committees of such boards, and in similar
11 activities for such organizations shall be subject to
12 annual advance approval by the Board and subject
13 to the provisions of the Corporation’s Statement of
14 Ethical Conduct.

15 (6) RULE OF CONSTRUCTION.—No officer or
16 employee of the Board or of the Corporation shall be
17 considered to be an officer or employee of the United
18 States Government or of the government of the Dis-
19 trict of Columbia.

20 (b) ADVISORY COMMITTEES.—The Board—

21 (1) shall establish a standing public safety advi-
22 sory committee to assist the Board in carrying out
23 its duties and responsibilities under this subtitle;
24 and

1 (2) may establish additional standing or ad hoc
2 committees, panels, or councils as the Board deter-
3 mines are necessary.

4 (c) SELECTION OF AGENTS, CONSULTANTS, AND EX-
5 PERTS.—

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

9 (2) BINDING AND FINAL.—If the selection of an
10 agent, consultant, or expert satisfies the require-
11 ments under paragraph (1), the selection of that
12 agent, consultant, or expert shall be final and bind-
13 ing.

14 **SEC. 205. NONPROFIT AND NONPOLITICAL NATURE OF THE**
15 **CORPORATION.**

16 (a) STOCK.—The Corporation shall have no power to
17 issue any shares of stock, or to declare or pay any divi-
18 dends.

19 (b) PROFIT.—No part of the income or assets of the
20 Corporation shall inure to the benefit of any director, offi-
21 cer, employee, or any other individual associated with the
22 Corporation, except as salary or reasonable compensation
23 for services.

1 (c) POLITICS.—The Corporation may not contribute
2 to or otherwise support any political party or candidate
3 for elective public office.

4 (d) PROHIBITION ON LOBBYING ACTIVITIES.—The
5 Corporation shall not engage in lobbying activities (as de-
6 fined in section 3(7) of the Lobbying Disclosure Act of
7 1995 (5 U.S.C. 1602(7))).

8 **SEC. 206. POWERS, DUTIES, AND RESPONSIBILITIES OF THE**
9 **CORPORATION.**

10 (a) GENERAL POWERS.—The Corporation shall have
11 the authority to do the following:

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

13 (2) To have succession until dissolved by an Act
14 of Congress.

15 (3) To prescribe, through the actions of its
16 Board, bylaws not inconsistent with Federal law and
17 the laws of the District of Columbia, regulating the
18 manner in which the Corporation's general business
19 may be conducted and the manner in which the
20 privileges granted to the Corporation by law may be
21 exercised.

22 (4) To exercise, through the actions of its
23 Board, all powers specifically granted by the provi-
24 sions of this subtitle, and such incidental powers as
25 shall be necessary.

1 (5) To hold such hearings, sit and act at such
2 times and places, take such testimony, and receive
3 such evidence as the Corporation considers necessary
4 to carry out its responsibilities and duties.

5 (6) To obtain grants and funds from and make
6 contracts with individuals, private companies, orga-
7 nizations, institutions, and Federal, State, regional,
8 and local agencies.

9 (7) To accept, hold, administer, and utilize
10 gifts, donations, and bequests of property, both real
11 and personal, for the purposes of aiding or facili-
12 tating the work of the Corporation.

13 (8) To issue notes or bonds to purchasers of
14 such instruments in the private capital markets.

15 (9) To incur indebtedness to carry out the pur-
16 poses of this subtitle.

17 (10) To spend funds under paragraph (6) in a
18 manner authorized by the Board, but only for pur-
19 poses that will advance or enhance public safety
20 communications consistent with this Act.

21 (11) To establish reserve accounts with funds
22 that the Corporation may receive from time to time
23 that exceed the amounts required by the Corporation
24 to timely pay its debt service and other obligations.

1 (12) To expend the funds placed in any reserve
2 accounts established under paragraph (11) (includ-
3 ing interest earned on any such amounts) in a man-
4 ner authorized by the Board, but only for purposes
5 that—

6 (A) will advance or enhance public safety
7 communications consistent with this Act; or

8 (B) are otherwise approved by an Act of
9 Congress.

10 (13) To take such other actions as the Corpora-
11 tion (through its Board) may from time to time de-
12 termine necessary, appropriate, or advisable to ac-
13 complish the purposes of this subtitle.

14 (b) DUTY AND RESPONSIBILITY TO DEPLOY AND
15 OPERATE A NATIONWIDE PUBLIC SAFETY INTEROPER-
16 ABLE BROADBAND NETWORK.—

17 (1) IN GENERAL.—The Corporation shall hold
18 the single public safety wireless license granted
19 under section 201 and take all actions necessary to
20 ensure the building, deployment, and operation of a
21 nationwide public safety interoperable broadband
22 network in consultation with Federal, State, tribal,
23 and local public safety entities, the Director of
24 NIST, the Commission, and the public safety advi-

1 sory committee established in section 204(b)(1), in-
2 cluding by, at a minimum—

3 (A) ensuring nationwide standards for use
4 and access of the network;

5 (B) issuing open, transparent, and com-
6 petitive requests for proposals to private sector
7 entities for the purposes of building, operating,
8 and maintaining the network;

9 (C) encouraging that such requests lever-
10 age, to the maximum extent economically desir-
11 able, existing commercial wireless infrastructure
12 to speed deployment of the network; and

13 (D) managing and overseeing the imple-
14 mentation and execution of contracts or agree-
15 ments with non-Federal entities to build, oper-
16 ate, and maintain the network.

17 (2) INTEROPERABILITY.—In carrying out the
18 duties and responsibilities of this subsection, includ-
19 ing issuing requests for proposals, the Corporation
20 shall—

21 (A) ensure the safety, security, and resil-
22 iency of the network, including requirements for
23 protecting and monitoring the network to pro-
24 tect against cyberattack;

1 (B) promote competition in the equipment
2 market, including devices for public safety com-
3 munications, by requiring that equipment for
4 use on the network be—

5 (i) built to open, non-proprietary,
6 commercially available standards;

7 (ii) capable of being used by any pub-
8 lic safety entity and by multiple vendors
9 across all public safety broadband net-
10 works operating in the 700 MHz band;
11 and

12 (iii) backward-compatible with exist-
13 ing second and third generation commer-
14 cial networks to the extent that such capa-
15 bilities are necessary and technically and
16 economically reasonable; and

17 (C) promote integration of the network
18 with public safety answering points or their
19 equivalent.

20 (3) RURAL COVERAGE.—In carrying out the du-
21 ties and responsibilities of this subsection, including
22 issuing requests for proposals, the Corporation, con-
23 sistent with the license granted under section 201,
24 shall require deployment phases with substantial
25 rural coverage milestones as part of each phase of

1 the construction and deployment of the network. To
2 the maximum extent economically desirable, such
3 proposals shall include partnerships with existing
4 commercial mobile providers to utilize cost-effective
5 opportunities to speed deployment in rural areas.

6 (4) EXECUTION OF AUTHORITY.—In carrying
7 out the duties and responsibilities of this subsection,
8 the Corporation may—

9 (A) obtain grants from and make contracts
10 with individuals, private companies, and Fed-
11 eral, State, regional, and local agencies;

12 (B) hire or accept voluntary services of
13 consultants, experts, advisory boards, and pan-
14 els to aid the Corporation in carrying out such
15 duties and responsibilities;

16 (C) receive payment for use of—

17 (i) network capacity licensed to the
18 Corporation; and

19 (ii) network infrastructure con-
20 structed, owned, or operated by the Cor-
21 poration; and

22 (D) take such other actions as may be nec-
23 essary to accomplish the purposes set forth in
24 this subsection.

1 (c) OTHER SPECIFIC DUTIES AND RESPONSIBIL-
2 ITIES.—

3 (1) ESTABLISHMENT OF NETWORK POLICIES.—

4 In carrying out the requirements under subsection
5 (b), the Corporation shall develop—

6 (A) requests for proposals with appro-
7 priate—

8 (i) timetables for construction, includ-
9 ing by taking into consideration the time
10 needed to build out to rural areas and the
11 advantages offered through partnerships
12 with existing commercial providers under
13 paragraph (3);

14 (ii) coverage areas, including coverage
15 in rural and nonurban areas;

16 (iii) service levels;

17 (iv) performance criteria; and

18 (v) other similar matters for the con-
19 struction and deployment of such network;

20 (B) the technical and operational require-
21 ments of the network;

22 (C) practices, procedures, and standards
23 for the management and operation of such net-
24 work;

1 (D) terms of service for the use of such
2 network, including billing practices; and

3 (E) ongoing compliance review and moni-
4 toring of the—

5 (i) management and operation of such
6 network;

7 (ii) practices and procedures of the
8 entities operating on and the personnel
9 using such network; and

10 (iii) necessary training needs of net-
11 work operators and users.

12 (2) STATE AND LOCAL PLANNING.—

13 (A) REQUIRED CONSULTATION.—In devel-
14 oping requests for proposals and otherwise car-
15 rying out its responsibilities under this Act, the
16 Corporation shall consult with regional, State,
17 tribal, and local jurisdictions regarding the dis-
18 tribution and expenditure of any amounts re-
19 quired to carry out the policies established
20 under paragraph (1), including with regard to
21 the—

22 (i) construction of an Evolved Packet
23 Core and any Radio Access Network build
24 out;

25 (ii) placement of towers;

1 (iii) coverage areas of the network,
2 whether at the regional, State, tribal, or
3 local level;

4 (iv) adequacy of hardening, security,
5 reliability, and resiliency requirements;

6 (v) assignment of priority to local
7 users;

8 (vi) assignment of priority and selec-
9 tion of entities seeking access to or use of
10 the nationwide public safety interoperable
11 broadband network established under sub-
12 section (b); and

13 (vii) training needs of local users.

14 (B) METHOD OF CONSULTATION.—The
15 consultation required under subparagraph (A)
16 shall occur between the Corporation and the
17 single officer or governmental body designated
18 under section 222(d).

19 (3) LEVERAGING EXISTING INFRASTRUC-
20 TURE.—In carrying out the requirement under sub-
21 section (b), the Corporation shall enter into agree-
22 ments to utilize, to the maximum extent economi-
23 cally desirable, existing—

24 (A) commercial or other communications
25 infrastructure; and

1 (B) Federal, State, tribal, or local infra-
2 structure.

3 (4) MAINTENANCE AND UPGRADES.—The Cor-
4 poration shall ensure the maintenance, operation,
5 and improvement of the nationwide public safety
6 interoperable broadband network established under
7 subsection (b), including by ensuring that the Cor-
8 poration updates and revises any policies established
9 under paragraph (1) to take into account new and
10 evolving technologies.

11 (5) ROAMING AGREEMENTS.—The Corporation
12 shall negotiate and enter into, as it determines ap-
13 propriate, roaming agreements with commercial net-
14 work providers to allow the nationwide public safety
15 interoperable broadband network to roam onto com-
16 mercial networks and gain prioritization of public
17 safety communications over such networks in times
18 of an emergency.

19 (6) NETWORK INFRASTRUCTURE AND DEVICE
20 CRITERIA.—The Director of NIST, in consultation
21 with the Corporation and the Commission, shall en-
22 sure the development of a list of certified devices
23 and components meeting appropriate protocols and
24 standards for public safety entities and commercial
25 vendors to adhere to, if such entities or vendors seek

1 to have access to, use of, or compatibility with the
2 nationwide public safety interoperable broadband
3 network established under subsection (b).

4 (7) REPRESENTATION BEFORE STANDARD SET-
5 TING ENTITIES.—The Director of NIST, in con-
6 sultation with the Corporation, the Commission, and
7 the public safety advisory committee established
8 under section 204(b)(1), shall represent the interests
9 of public safety users of the nationwide public safety
10 interoperable broadband network established under
11 subsection (b) before any proceeding, negotiation, or
12 other matter in which a standards organization,
13 standards body, standards development organization,
14 or any other recognized standards-setting entity re-
15 garding the development of standards relating to
16 interoperability.

17 (8) PROHIBITION ON NEGOTIATION WITH FOR-
18 EIGN GOVERNMENTS.—The Corporation shall not
19 have the authority to negotiate or enter into any
20 agreements with a foreign government on behalf of
21 the United States.

22 (d) USE OF MAILS.—The Corporation may use the
23 United States mails in the same manner and under the
24 same conditions as the departments and agencies of the
25 United States.

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

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

3 (1) **IN GENERAL.—**Prior to the commencement
4 of incentive auctions to be carried out under section
5 309(j)(8)(F) of the Communications Act of 1934 or
6 the auction of spectrum pursuant to section 302, the
7 NTIA is authorized to make loans to the Corpora-
8 tion.

9 (2) **CONDITION OF LOANS.—**At the time of ap-
10 plication for, and as a condition to, any such loan,
11 the Corporation shall file with the NTIA a state-
12 ment with respect to the anticipated use of the pro-
13 ceeds of the loan.

14 (3) **NTIA APPROVAL.—**If the NTIA determines
15 that such loan is necessary for the Corporation to
16 carry out its duties and responsibilities under this
17 subtitle and that the Corporation has submitted a
18 plan which provides as reasonable an assurance of
19 prompt repayment as may be feasible under the cir-
20 cumstances, then the NTIA shall so certify to the
21 Secretary of the Treasury, and issue notes or other
22 obligations to the Secretary of the Treasury pursu-
23 ant to subsection (b).

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

25 (1) **IN GENERAL.—**To enable the NTIA to
26 make loans under subsection (a), the NTIA is au-

1 thorized to issue to the Secretary of the Treasury
2 notes or other obligations, in such forms and de-
3 nominations, bearing such maturities, and subject to
4 such terms and conditions, as may be prescribed by
5 the Secretary of the Treasury.

6 (2) INTEREST ON NOTES.—

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

16 (B) REDUCTION.—The Secretary of the
17 Treasury may reduce the interest rate set forth
18 under subparagraph (A) if he determines such
19 reduction to be in the national interest.

20 (3) AUTHORITY OF THE TREASURY TO SELL
21 NOTES.—The Secretary of the Treasury may at any
22 time sell any of the notes or other obligations ac-
23 quired by him under this subsection. All redemp-
24 tions, purchases, and sales by the Secretary of the
25 Treasury of such notes or other obligations shall be

1 treated as public debt transactions of the United
2 States.

3 **SEC. 208. PERMANENT SELF-FUNDING; DUTY TO ASSESS**
4 **AND COLLECT FEES FOR NETWORK USE.**

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

7 (1) NETWORK USER FEE.—A user or subscrip-
8 tion fee from each entity, including any public safety
9 entity or secondary user, that seeks access to or use
10 of the nationwide public safety interoperable
11 broadband network established under this subtitle.

12 (2) LEASE FEES RELATED TO NETWORK CA-
13 PACITY.—

14 (A) IN GENERAL.—A fee from any entity
15 that seeks to enter into a covered leasing agree-
16 ment.

17 (B) COVERED LEASING AGREEMENT.—For
18 purposes of subparagraph (A), a “covered leas-
19 ing agreement” means a written agreement be-
20 tween the Corporation and secondary user to
21 permit—

22 (i) access to network capacity on a
23 secondary basis for non-public safety serv-
24 ices; and

1 (ii) the spectrum allocated to such en-
2 tity to be used for commercial trans-
3 missions along the dark fiber of the long-
4 haul network of such entity.

5 (3) LEASE FEES RELATED TO NETWORK EQUIP-
6 MENT AND INFRASTRUCTURE.—A fee from any enti-
7 ty that seeks access to or use of any equipment or
8 infrastructure, including antennas or towers, con-
9 structed or otherwise owned by the Corporation.

10 (b) ESTABLISHMENT OF FEE AMOUNTS; PERMA-
11 NENT SELF-FUNDING.—The total amount of the fees as-
12 sessed for each fiscal year pursuant to this section shall
13 be sufficient, and shall not exceed the amount necessary,
14 to recoup the total expenses of the Corporation in carrying
15 out its duties and responsibilities described under this sub-
16 title for the fiscal year involved.

17 (c) REQUIRED REINVESTMENT OF FUNDS.—The
18 Corporation shall reinvest amounts received from the as-
19 sessment of fees under this section in the nationwide pub-
20 lic safety interoperable broadband network by using such
21 funds only for constructing, maintaining, or improving the
22 network.

23 **SEC. 209. AUDIT AND REPORT.**

24 (a) AUDIT.—

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

12 (2) LOCATION.—Any audit conducted under
13 paragraph (1) shall be conducted at the place or
14 places where accounts of the Corporation are nor-
15 mally kept.

16 (3) ACCESS TO CORPORATION BOOKS AND DOC-
17 UMENTS.—

18 (A) IN GENERAL.—For purposes of an
19 audit conducted under paragraph (1), the rep-
20 resentatives of the Comptroller General shall—

21 (i) have access to all books, accounts,
22 records, reports, files, and all other papers,
23 things, or property belonging to or in use
24 by the Corporation that pertain to the fi-
25 nancial transactions of the Corporation

1 and are necessary to facilitate the audit;
2 and

3 (ii) be afforded full facilities for
4 verifying transactions with the balances or
5 securities held by depositories, fiscal
6 agents, and custodians.

7 (B) REQUIREMENT.—All books, accounts,
8 records, reports, files, papers, and property of
9 the Corporation shall remain in the possession
10 and custody of the Corporation.

11 (b) REPORT.—

12 (1) IN GENERAL.—The Comptroller General of
13 the United States shall submit a report of each
14 audit conducted under subsection (a) to—

15 (A) the appropriate committees of Con-
16 gress;

17 (B) the President; and

18 (C) the Corporation.

19 (2) CONTENTS.—Each report submitted under
20 paragraph (1) shall contain—

21 (A) such comments and information as the
22 Comptroller General determines necessary to in-
23 form Congress of the financial operations and
24 condition of the Corporation;

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

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

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

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, and each year thereafter,
14 the Corporation shall submit an annual report covering
15 the preceding fiscal year to the appropriate committees of
16 Congress.

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

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

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

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

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

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

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

10 **SEC. 211. PUBLIC SAFETY ROAMING AND PRIORITY AC-**
11 **CESS.**

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

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

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

20 (3) such access does not preempt or otherwise
21 terminate or degrade all existing voice conversations
22 or data sessions.

1 **SEC. 212. TRANSITIONAL ANALYSIS OF PUBLIC SAFETY**
2 **NETWORK ATTRIBUTES.**

3 (a) ESTABLISHMENT OF EVALUATION FRAME-
4 WORK.—Not later than 180 days after the date of enact-
5 ment of this Act, the Director of NIST, in consultation
6 with the Secretary of Homeland Security, the Attorney
7 General, and the Director of the Office of Management
8 and Budget, shall develop an evaluation framework. The
9 development of such an evaluation framework shall be in-
10 formed by a study commissioned by the Director of NIST
11 and completed by an independent and neutral agent, con-
12 sultant, or expert, who has—

13 (1) at least 5 years of technical and economic
14 experience in analyzing the costs and effectiveness of
15 communications networks; and

16 (2) agreed not to contract or subcontract with
17 the Corporation for at least 3 years from the date
18 such study is completed other than for follow-on and
19 related studies.

20 (b) CONSIDERATIONS.—The evaluation framework
21 required to be developed under subsection (a) shall take
22 into consideration the public safety network attributes
23 identified in a report completed by the Visiting Committee
24 on Advanced Technology of NIST. The report required
25 under this subsection shall identify the desired attributes
26 of the nationwide public safety interoperable broadband

1 network to be established under this title, as well as any
2 other attributes the Secretary of Commerce may request.

3 (c) REQUIRED EVALUATIONS.—The evaluation
4 framework required to be developed under subsection (a)
5 shall evaluate—

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

10 (2) the benefit of each public safety network at-
11 tribute to the nationwide public safety interoperable
12 broadband network;

13 (3) the economic feasibility of requiring that
14 each public safety attribute be required as part of
15 the nationwide public safety interoperable broadband
16 network;

17 (4) the resulting competitive vendor supply eco-
18 system created by each public safety attribute that
19 is a part of the nationwide public safety interoper-
20 able broadband network; and

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

1 (d) PROVISION OF FRAMEWORK TO THE CORPORA-
2 TION.—The evaluation framework required to be devel-
3 oped under subsection (a) shall be provided to the Board
4 of Directors of the Corporation, and the Corporation shall
5 utilize the findings of such framework to develop a cost-
6 benefit analysis to inform the building, deployment, and
7 operation of the nationwide public safety interoperable
8 broadband network to be established under this title.

9 (e) OMB RESPONSIBILITY.—The Director of the Of-
10 fice of Management and Budget, or his designee, as a
11 member of the Board of Directors of the Corporation,
12 shall have the responsibility to ensure that evaluation
13 framework required to be developed under subsection (a)
14 is appropriately utilized by the Corporation.

15 **SEC. 213. PROHIBITION ON DIRECT OFFERING OF COMMER-**
16 **CIAL TELECOMMUNICATIONS SERVICE DI-**
17 **RECTLY TO CONSUMERS.**

18 (a) IN GENERAL.—The Corporation shall not offer,
19 provide, or market commercial telecommunications or in-
20 formation services directly to consumers.

21 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to prohibit the Corporation and
23 a secondary user from entering into a covered leasing
24 agreement pursuant to section 208(a)(2)(B). Nothing in
25 this section shall be construed to limit the Corporation

1 from collecting lease fees related to network equipment
2 and infrastructure pursuant to section 208(a)(3).

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

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

8 **Subtitle B—Public Safety**
9 **Commitments**

10 **SEC. 221. STATE AND LOCAL 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 and Local Implementation Fund”.

14 (b) PURPOSE.—The Assistant Secretary shall estab-
15 lish and administer the grant program under section 222
16 using the funds deposited in the State and Local Imple-
17 mentation Fund.

18 (c) CREDITING OF RECEIPTS.—There shall be depos-
19 ited into or credited to the State and Local Implementa-
20 tion Fund—

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

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

24 (d) BORROWING AUTHORITY.—

1 (1) IN GENERAL.—The Assistant Secretary
2 may borrow from the general fund of the Treasury
3 beginning on October 1, 2011, such sums as may be
4 necessary, but not to exceed \$250,000,000, to imple-
5 ment section 222.

6 (2) REIMBURSEMENT.—The Assistant Sec-
7 retary shall reimburse the general fund of the Treas-
8 ury, without interest, for any amounts borrowed
9 under subparagraph (A) as funds are deposited into
10 the State and Local Implementation Fund.

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

12 (a) ESTABLISHMENT OF STATE AND LOCAL IMPLE-
13 MENTATION GRANT PROGRAM.—The Assistant Secretary,
14 in consultation with the Corporation, shall take such ac-
15 tion as is necessary to establish a grant program to make
16 grants to States to assist State, regional, tribal, and local
17 jurisdictions to identify, plan, and implement the most ef-
18 ficient and effective way for such jurisdictions to utilize
19 and integrate the infrastructure, equipment, and other ar-
20 chitecture associated with the nationwide public safety
21 interoperable broadband network established under sub-
22 title A to satisfy the wireless communications and data
23 services needs of that jurisdiction, including with regards
24 to coverage, siting, and other needs.

25 (b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

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

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

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

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

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

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

24 (d) CERTIFICATION AND DESIGNATION OF OFFICER
25 OR GOVERNMENTAL BODY.—In carrying out the grant

1 program established under this section, the Assistant Sec-
2 retary shall require each State to certify in its application
3 for grant funds that the State has designated a single offi-
4 cer or governmental body to serve as the coordinator of
5 implementation of the grant funds.

6 **SEC. 223. PUBLIC SAFETY WIRELESS COMMUNICATIONS RE-**
7 **SEARCH AND DEVELOPMENT.**

8 (a) NIST DIRECTED RESEARCH AND DEVELOPMENT
9 PROGRAM.—From amounts made available from the Pub-
10 lic Safety Trust Fund established under section 401, the
11 Director of NIST, in consultation with the Commission,
12 the Secretary of Homeland Security, and the National In-
13 stitute of Justice of the Department of Justice, as appro-
14 priate, shall conduct research and assist with the develop-
15 ment of standards, technologies, and applications to ad-
16 vance wireless public safety communications.

17 (b) REQUIRED ACTIVITIES.—In carrying out the re-
18 quirement under subsection (a), the Director of NIST, in
19 consultation with the Corporation and the public safety
20 advisory committee established under section 204(b)(1),
21 shall—

22 (1) document public safety wireless communica-
23 tions technical requirements;

24 (2) accelerate the development of the capability
25 for communications between currently deployed pub-

1 lic safety narrowband systems and the nationwide
2 public safety interoperable broadband network to be
3 established under this title;

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

9 (4) accelerate the development of mission crit-
10 ical voice, including device-to-device “talkaround”
11 capability over broadband networks, public safety
12 prioritization, authentication capabilities, and stand-
13 ard application programing interfaces for the nation-
14 wide public safety interoperable broadband network
15 to be established under this title, if necessary and
16 practical;

17 (5) accelerate the development of communica-
18 tions technology and equipment that can facilitate
19 the eventual migration of public safety narrowband
20 communications to the nationwide public safety
21 interoperable broadband network to be established
22 under this title; and

23 (6) convene working groups of relevant govern-
24 ment and commercial parties to achieve the require-
25 ments in paragraphs (1) through (5).

1 **SEC. 224. ADVANCED INFORMATION AND COMMUNICA-**
2 **TIONS TECHNOLOGY RESEARCH.**

3 (a) **ADVANCED COMMUNICATIONS SERVICES FOR**
4 **ALL AMERICANS.**—The Director of NIST shall continue
5 to support research and support standards development
6 in advanced information and communications technologies
7 focused on enhancing or facilitating the availability and
8 affordability of advanced communications services to all
9 Americans, in order to implement the Institute’s respon-
10 sibilities under section 2(c)(12) of the National Institute
11 of Standards and Technology Act (15 U.S.C. 272(c)(12)).
12 The Director of NIST shall support intramural research
13 and cooperative research with institutions of higher edu-
14 cation (as defined in section 101(a) of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1001(a))) and industry.

16 (b) **DARPA RESEARCH.**—

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

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

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

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

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

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

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

1 (4) OMB REVIEW.—Amounts appropriated to
2 DARPA under this subsection shall be available
3 upon approval by the Director of the Office of Man-
4 agement and Budget of an implementation plan that
5 has been developed and submitted to the Director by
6 the head of DARPA.

7 **TITLE III—SPECTRUM AUCTION**
8 **AUTHORITY**

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

10 Section 309(j)(11) of the Communications Act of
11 1934 (47 U.S.C. 309(j)(11)) is amended by striking
12 “2012” and inserting “2021”.

13 **SEC. 302. AUCTION OF SPECTRUM.**

14 (a) IDENTIFICATION OF SPECTRUM.—Not later than
15 1 year after the date of enactment of this Act, the Assist-
16 ant Secretary shall identify and make available for imme-
17 diate reallocation, at a minimum, 15 megahertz of contig-
18 uous spectrum at frequencies located between 1675 mega-
19 hertz and 1710 megahertz, inclusive, minus the geo-
20 graphic exclusion zones, or any amendment thereof, identi-
21 fied in NTIA’s October 2010 report entitled “An Assess-
22 ment of Near-Term Viability of Accommodating Wireless
23 Broadband Systems in 1675–1710 MHz, 1755–1780
24 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–
25 4400 MHz Bands”.

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

4 (1) The spectrum between the frequencies of
5 1915 megahertz and 1920 megahertz, inclusive.

6 (2) The spectrum between the frequencies of
7 1995 megahertz and 2000 megahertz, inclusive.

8 (3) The spectrum between the frequencies of
9 2020 megahertz and 2025 megahertz, inclusive.

10 (4) The spectrum between the frequencies of
11 2155 megahertz and 2175 megahertz, inclusive.

12 (5) The spectrum between the frequencies of
13 2175 megahertz and 2180 megahertz, inclusive.

14 (6) The spectrum between the frequencies of
15 1755 megahertz and 1850 megahertz, inclusive.

16 (7) The spectrum identified pursuant to sub-
17 section (a).

18 (c) AUCTION ORGANIZATION.—The Commission may,
19 if technically feasible and consistent with the public inter-
20 est, combine the spectrum identified in paragraphs (4),
21 (5), and the portion of paragraph (6) between the fre-
22 quencies of 1755 megahertz and 1780 megahertz, inclu-
23 sive, of subsection (b) in an auction of licenses for paired
24 spectrum blocks.

1 (d) FURTHER REALLOCATION OF CERTAIN OTHER
2 SPECTRUM.—

3 (1) COVERED SPECTRUM.—For purposes of this
4 subsection, the term “covered spectrum” means the
5 portion of the electromagnetic spectrum between the
6 frequencies of 3550 to 3650 megahertz, inclusive,
7 minus the geographic exclusion zones, or any amend-
8 ment thereof, identified in NTLA’s October 2010 re-
9 port entitled “An Assessment of Near-Term Viabil-
10 ity of Accommodating Wireless Broadband Systems
11 in 1675–1710 MHz, 1755–1780 MHz, 3550–3650
12 MHz, and 4200–4220 MHz, 4380–4400 MHz
13 Bands”.

14 (2) IN GENERAL.—Consistent with require-
15 ments of section 309(j) of the Communications Act
16 of 1934, the Commission shall reallocate covered
17 spectrum for assignment by competitive bidding un-
18 less the President of the United States determines
19 that—

20 (A) such spectrum cannot be reallocated
21 due to the need to protect incumbent Federal
22 systems from interference; or

23 (B) allocation of other spectrum—

24 (i) better serves the public interest,
25 convenience, and necessity; and

1 (ii) can reasonably be expected to
2 produce receipts comparable to what the
3 covered spectrum might auction for with-
4 out the geographic exclusion zones.

5 (3) ACTIONS REQUIRED IF COVERED SPECTRUM
6 CANNOT BE REALLOCATED.—

7 (A) IN GENERAL.—If the President makes
8 a determination under paragraph (2) that the
9 covered spectrum cannot be reallocated, then
10 the President shall, within 1 year after the date
11 of such determination—

12 (i) identify alternative bands of fre-
13 quencies totaling more than 20 megahertz
14 and no more than 100 megahertz of spec-
15 trum used primarily by Federal agencies
16 that satisfy the requirements of clauses (i)
17 and (ii) of paragraph (2)(B);

18 (ii) report to the appropriate commit-
19 tees of Congress and the Commission an
20 identification of such alternative spectrum
21 for assignment by competitive bidding; and

22 (iii) make such alternative spectrum
23 for assignment immediately available for
24 reallocation.

1 (B) AUCTION.—If the President makes a
2 determination under paragraph (2) that the
3 covered spectrum cannot be reallocated, the
4 Commission shall commence the bidding of the
5 alternative spectrum identified pursuant to sub-
6 paragraph (A) within 3 years of the date of en-
7 actment of this Act.

8 (4) ACTIONS REQUIRED IF COVERED SPECTRUM
9 CAN BE REALLOCATED.—If the President does not
10 make a determination under paragraph (1) that the
11 covered spectrum cannot be reallocated, the Commis-
12 sion shall commence the competitive bidding for the
13 covered spectrum within 3 years of the date of en-
14 actment of this Act.

15 (e) PROCEEDS.—Notwithstanding section
16 309(j)(8)(A) of the Communications Act of 1934, and ex-
17 cept as provided in subparagraphs (B), (C), and (D) of
18 such section 309(j)(8), all proceeds (including deposits
19 and up front payments from successful bidders) from the
20 auctions to be carried out pursuant to subsections (b) and
21 (d) shall be deposited with the Public Safety Trust Fund
22 established under section 401.

23 (f) AMENDMENTS TO DESIGN REQUIREMENTS RE-
24 LATED TO COMPETITIVE BIDDING.—Section 309(j) of the

1 Communications Act of 1934 (47 U.S.C. 309(j)) is
2 amended—

3 (1) in paragraph (3)—

4 (A) in subparagraph (E)(ii), by striking “;
5 and” and inserting a semicolon;

6 (B) in subparagraph (F), by striking the
7 period at the end and inserting a semicolon;
8 and

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

10 “(G) ensuring that there is an adequate
11 opportunity for applicants to obtain licenses
12 covering both large and small geographic areas,
13 as such areas are determined by the Commis-
14 sion.”; and

15 (2) by amending clause (i) of the second sen-
16 tence of paragraph (8)(C) to read as follows:

17 “(i) the deposits—

18 “(I) of successful bidders of any
19 auction conducted pursuant to sub-
20 paragraph (F) or to section 302 of
21 the Public Safety Spectrum and Wire-
22 less Innovation Act shall be paid to
23 the Public Safety Trust Fund estab-
24 lished under section 401 of such Act;
25 and

1 “(II) of successful bidders of any
2 other auction shall be paid to the
3 Treasury;”.

4 **SEC. 303. INCENTIVE AUCTION AUTHORITY.**

5 (a) IN GENERAL.—Paragraph (8) of section 309(j)
6 of the Communications Act of 1934 (47 U.S.C. 309(j))
7 is amended—

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

11 (2) by adding at the end the following:

12 “(F) INCENTIVE AUCTION AUTHORITY.—

13 “(i) AUTHORITY.—Notwithstanding
14 any other provision of law, if the Commis-
15 sion determines that it is consistent with
16 the public interest in utilization of the
17 spectrum for a licensee to relinquish volun-
18 tarily some or all of its licensed spectrum
19 usage rights in order to permit the assign-
20 ment of new initial licenses through a com-
21 petitive bidding process subject to new
22 service rules, or the designation of new
23 spectrum for unlicensed use, the Commis-
24 sion may disburse to that licensee a por-
25 tion of any auction proceeds that the Com-

1 mission determines, in its discretion, are
2 attributable to the licensee’s relinquished
3 spectrum usage rights, provided that tele-
4 vision broadcast stations required to be
5 carried pursuant to sections 338, 614, or
6 615 that voluntarily elect to share a chan-
7 nel shall retain the rights to carriage set
8 forth in such sections and the rules of the
9 Commission, as such rights apply to such
10 station at its shared location.

11 “(ii) LIMITATION.—The Commission
12 may not conduct more than one incentive
13 auction of frequencies licensed to television
14 stations pursuant to the provisions of sec-
15 tion 303 of this Act.

16 “(iii) PROHIBITION.—

17 “(I) IN GENERAL.—The Commis-
18 sion may not reclaim spectrum li-
19 censed on a primary basis to a tele-
20 vision broadcast station, directly or in-
21 directly, on an involuntary basis for
22 purposes of providing spectrum to
23 carry out an incentive auction under
24 this subparagraph.

1 “(II) MODIFICATION OR REVOCATION.—Notwithstanding the provisions in sections 303 and 304, the Commission shall have no authority to modify or revoke a license or take any action if the effect of such modification, revocation, or other action is to compel a licensee to participate in an incentive auction as authorized in this section or otherwise make frequencies available for such an auction.

12 “(III) REPACKING PERMITTED.—The Commission may reassign the frequency which a television broadcast station licensee is permitted to utilize, or a portion thereof in accordance with the provisions of this section, only if such reassignment—

19 “(aa) consists of a 6 MHz channel, located between channels 14 and 50, inclusive, in the same geographic market and with the same city of license, to each such licensee, and

1 “(bb) preserves such licens-
2 ee’s—

3 “(AA) signal power
4 level;

5 “(BB) tower height or
6 transmission architecture;
7 and

8 “(CC) interference lev-
9 els with respect to such li-
10 censee’s signal.

11 “(IV) LOW-POWER TELE-
12 VISION.—

13 “(aa) IN GENERAL.—The
14 Commission may not reclaim
15 spectrum licensed to a low-power
16 television licensee, directly or in-
17 directly, on an involuntary basis,
18 unless the Commission finds the
19 low-power television licensee a re-
20 placement channel with similar
21 population coverage in the UHF
22 television band of frequencies.

23 “(bb) EXCEPTION.—If the
24 Commission or the licensee can-
25 not locate a suitable channel

1 within the UHF band, after an
2 explanation to the licensee show-
3 ing the basis for the determina-
4 tion that no channel is available,
5 the Commission shall—

6 “(AA) collocate mul-
7 tiple low-power television li-
8 censees in a channel in the
9 UHF band, by using chan-
10 nel sharing, with each li-
11 censee assigned half of the
12 total bandwidth; or

13 “(BB) if no space ex-
14 ists for collocation of low-
15 power television licensees in
16 the UHF band as described
17 in item (aa), assign a low-
18 power television licensee a
19 full channel between chan-
20 nels seven and 13, inclusive,
21 in the VHF band.

22 “(V) PROHIBITION.—The Com-
23 mission may not require any television
24 station licensee involuntarily to collo-
25 cate its facilities with the facilities of

1 any other television broadcast station
2 licensee in order to transmit on the
3 same frequency.

4 “(VI) COLLOCATION PER-
5 MITTED.—Notwithstanding the re-
6 quirement of subclause (III)(aa) that
7 a frequency reassignment must con-
8 sist of a 6 MHz channel, in any given
9 market any 2 television broadcast sta-
10 tion licensees shall be permitted to
11 collocate their facilities in order to
12 transmit on the same frequency.

13 “(VII) TREATMENT OF TRANS-
14 MISSION FROM COLLOCATED FACILI-
15 TIES.—The transmission of any tele-
16 vision broadcast stations voluntarily
17 electing to share a 6 MHz channel
18 shall each be treated as a ‘primary
19 channel’ for purposes of the Commis-
20 sion’s regulations implementing sec-
21 tions 338, 614, and 615 as in effect
22 on the date of enactment of this sub-
23 clause.

24 “(VIII) REIMBURSEMENT OF
25 COSTS.—Any licensee that is affected,

1 directly or indirectly, by the Commis-
2 sion reassigning a licensee to a dif-
3 ferent channel shall be reimbursed for
4 the costs resulting from such reas-
5 signment, including—

6 “(aa) those associated with
7 the modification or replacement
8 of broadcast signal transmission
9 facilities and equipment, includ-
10 ing the cost of temporary facili-
11 ties;

12 “(bb) those associated with
13 the construction, replacement, or
14 relocation of a broadcast trans-
15 mission tower, to the extent that
16 those costs are related either to
17 the reassignment to a different
18 channel that a licensee is author-
19 ized to utilize, or to mitigate in-
20 terference resulting from the re-
21 assignment of another licensee;

22 “(cc) those associated with
23 the upgrade, replacement, or re-
24 location of translator or booster

1 stations affiliated with the rel-
2 evant full-power licensee;

3 “(dd) those associated with
4 consumer education efforts con-
5 cerning the effect of a Commis-
6 sion reassignment of channels in
7 a designated market area; and

8 “(ee) any other costs di-
9 rectly or indirectly resulting from
10 the reassignment of channels in a
11 designated market area.

12 “(IX) UNLICENSED SPEC-
13 TRUM.—With respect to frequency
14 bands between 54 and 72 MHz, 76
15 and 88 MHz, 174 and 216 MHz, 470
16 and 698 MHz, 84 MHz shall be as-
17 signed via a competitive bidding proc-
18 ess. A portion of the proceeds from
19 the competitive bidding of the fre-
20 quency bands identified in the prior
21 sentence may, if consistent with the
22 public interest, be disbursed to other
23 licensees, for the purpose of ensuring
24 that unlicensed spectrum remains

1 available in these frequency bands,
2 nationwide, and in each local market.

3 “(iv) TREATMENT OF REVENUES.—

4 Notwithstanding subparagraph (A), and
5 except as provided in subparagraphs (B),
6 (C), and (D), all proceeds (including de-
7 posits and up front payments from suc-
8 cessful bidders) from the auction of spec-
9 trum under this subparagraph shall be de-
10 posited with the Public Safety Trust Fund
11 established under section 401 of the Public
12 Safety Spectrum and Wireless Innovation
13 Act.

14 “(G) ESTABLISHMENT OF INCENTIVE AUC-
15 TION RELOCATION FUND.—

16 “(i) IN GENERAL.—There is estab-
17 lished in the Treasury of the United States
18 a fund to be known as the ‘Incentive Auc-
19 tion Relocation Fund’.

20 “(ii) ADMINISTRATION.—The Assist-
21 ant Secretary shall administer the Incen-
22 tive Auction Relocation Fund using the
23 amounts deposited pursuant to this sec-
24 tion.

1 “(iii) CREDITING OF RECEIPTS.—

2 There shall be deposited into or credited to
3 the Incentive Auction Relocation Fund any
4 amounts specified in section 401 of the
5 Public Safety Spectrum and Wireless Inno-
6 vation Act.

7 “(iv) AVAILABILITY.—Amounts in the
8 Incentive Auction Relocation Fund shall be
9 available to the NTIA for use—

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

12 “(aa) the completion of in-
13 centive auction from which such
14 amounts were derived; or

15 “(bb) the date on which the
16 Commission issues all the new
17 channel assignments pursuant to
18 any repacking required under
19 subparagraph (F)(iii)(III); and

20 “(II) without further appropria-
21 tion.

22 “(v) USE OF FUNDS.—Amounts in the
23 Incentive Auction Relocation Fund may
24 only be used by the NTIA, in consultation
25 with the Commission, to cover—

1 “(I) the costs identified in sub-
2 paragraph (F)(iii)(VIII); and

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

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

22 (c) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that any spectrum identified for auction under this
24 section should be licensed—

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

3 (2) consistent with the public interest, conven-
4 ience, and necessity.

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

6 (a) **STUDY AND REPORT.**—Not later than 180 days
7 after the date of enactment of this Act and not later than
8 every 2 years thereafter, the Commission shall conduct a
9 study and submit a report to the appropriate committees
10 of Congress and to the Corporation on the spectrum used
11 by public safety licensees or for public safety services pur-
12 suant to section 337(f) of the Communications Act of
13 1934 (47 U.S.C. 337).

14 (b) **REQUIREMENTS.**—The report required under
15 subsection (a) shall—

16 (1) inventory the spectrum assigned to public
17 safety use; and

18 (2) include—

19 (A) the amount of spectrum allocated to
20 public safety use;

21 (B) the number of licensees and amount of
22 spectrum assigned to each licensee;

23 (C) a general description of technologies
24 and systems in each band;

1 (D) an approximation of network coverage,
2 as appropriate, of major systems (such as an
3 estimation of land mobile radio coverage by
4 population) in major metropolitan areas; and

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

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

12 (4) assess the opportunity for return of any ad-
13 ditional spectrum to the Commission for realloca-
14 tion.

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

16 Not later than 2 years after the date of enactment
17 of this Act, the Comptroller General of the United States
18 shall conduct a study and submit to the appropriate com-
19 mittees of Congress a report on the current and future
20 capabilities of fixed and mobile satellite broadband to as-
21 sist public safety entities during an emergency.

22 **SEC. 306. FEDERAL INFRASTRUCTURE SHARING.**

23 The Administrator of General Services shall establish
24 rules to allow public safety entities licensed or otherwise
25 permitted to use spectrum allocated to the Public Safety

1 Broadband Corporation to have access to those compo-
2 nents of Federal infrastructure appropriate for the con-
3 struction and maintenance of the nationwide public safety
4 interoperable broadband network to be established under
5 title II.

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

7 Not later than 5 years after the date of enactment
8 of this Act, the Commission shall submit to the appro-
9 priate committees of Congress a report on—

10 (1) the status of development of any spectrum
11 designated as unlicensed spectrum by the Commis-
12 sion under this Act; and

13 (2) the use of any unlicensed spectrum de-
14 scribed in paragraph (1).

15 **TITLE IV—PUBLIC SAFETY**
16 **TRUST FUND**

17 **SEC. 401. 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) CREDITING OF RECEIPTS.—

24 (A) IN GENERAL.—There shall be depos-
25 ited into or credited to the Public Safety Trust

1 Fund the proceeds from the auction of spec-
2 trum carried out pursuant to—

3 (i) section 302 of this Act; and

4 (ii) section 309(j)(8)(F) of the Com-
5 munications Act of 1934, as added by sec-
6 tion 303 of this Act.

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

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

18 (1) PAYMENT OF AUCTION INCENTIVE.—

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

23 (i) clause (i) and subclause (VIII) of
24 clause (iii) of section 309(j)(8)(F) of the
25 Communications Act of 1934; and

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

2 (B) NOTIFICATION TO CONGRESS.—

3 (i) IN GENERAL.—At least 3 months
4 in advance of any incentive auction con-
5 ducted pursuant to subparagraph (F) of
6 section 309(j)(8) of the Communications
7 Act of 1934, the Chairman of the Commis-
8 sion, in consultation with the Director of
9 the Office of Management and Budget,
10 shall notify the appropriate committees of
11 Congress—

12 (I) of the methodology for calcu-
13 lating the disbursal of payments to
14 certain licensees required pursuant to
15 clause (i) and subclause (VIII) of
16 clause (iii) of such subparagraph; and

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

23 (ii) DEFINITION.—In this clause, the
24 term “appropriate committees of Con-
25 gress” means—

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

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

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

9 (IV) the Committee on Appro-
10 priations of the House of Representa-
11 tives.

12 (2) INCENTIVE AUCTION RELOCATION FUND.—
13 Not less than 5 percent of the amounts in the Public
14 Safety Trust Fund but not more than
15 \$1,500,000,000 shall be deposited in the Incentive
16 Auction Relocation Fund established under section
17 309(j)(8)(G) of the Communications Act of 1934.

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

22 (4) PUBLIC SAFETY BROADBAND CORPORA-
23 TION.—\$11,750,000,000 shall deposited with the
24 Public Safety Broadband Corporation established
25 under section 202, of which pursuant to its respon-

1 sibilities and duties set forth under section 206 to
2 deploy and operate a nationwide public safety inter-
3 operable broadband network—

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

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

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

15 (6) ADVANCED INFORMATION AND TECH-
16 NOLOGY RESEARCH.—\$70,000,000 per year for each
17 of the fiscal years 2012 through 2016 shall be made
18 available to carry out the research program estab-
19 lished under section 224(b).

20 (7) DEFICIT REDUCTION.—Any amounts re-
21 maining after the deduction of the amounts required
22 under paragraphs (1) through (6) shall be deposited
23 in the General Fund of the Treasury, where such
24 amounts shall be dedicated for the sole purpose of
25 deficit reduction.

1 (c) INVESTMENT.—Amounts in the Public Safety
2 Trust Fund shall be invested in accordance with section
3 9702 of title 31, United States Code, and any interest on,
4 and proceeds from, any such investment shall be credited
5 to, and become a part of, the Fund.

6 **TITLE V—SPECTRUM POLICY**
7 **Subtitle A—Inventory and**
8 **Planning**

9 **SEC. 501. RADIO SPECTRUM INVENTORY.**

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

13 **“SEC. 342. SPECTRUM INVENTORY.**

14 “(a) RADIO SPECTRUM INVENTORY.—Not later than
15 180 days after the date of enactment of the Public Safety
16 Spectrum and Wireless Innovation Act, and biennially
17 thereafter, the Commission, in consultation with the NTLA
18 and the Office of Science and Technology Policy, shall
19 carry out the following activities:

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

1 “(A) the licensee or government user au-
2 thorized in the band;

3 “(B) the total spectrum authorized for
4 each licensee or government user (in percentage
5 terms and in sum) in the band;

6 “(C) the approximate number of transmit-
7 ters, end-user terminals, or receivers, excluding
8 unintended radiators, that have been deployed
9 or authorized, for each licensee or government
10 user, in the band; and

11 “(D) if such information is available—

12 “(i) the type of transmitters, end-user
13 terminals, or receivers, excluding unin-
14 tended radiators, operating in the band
15 and whether they are space-, air-, or
16 ground-based;

17 “(ii) the type of transmitters, end-
18 user terminals, or receivers, excluding un-
19 intended radiators, authorized to operate
20 in the band and whether they are space-,
21 air-, or ground-based;

22 “(iii) contour maps or other informa-
23 tion that illustrate the coverage area, re-
24 ceiver performance, and other parameters

1 relevant to an assessment of the avail-
2 ability of spectrum in each band;

3 “(iv) the approximate geolocation of
4 base stations or fixed transmitters;

5 “(v) the approximate extent of use, by
6 geography, of each band of frequencies,
7 such as the amount and percentage of time
8 of use, number of end-users, or other
9 measures as appropriate to the particular
10 band;

11 “(vi) the activities, capabilities, func-
12 tions, or missions supported by the trans-
13 mitters, end-user terminals, or receivers;
14 and

15 “(vii) the types of unlicensed devices
16 authorized to operate in the band.

17 “(2) PUBLIC ACCESS.—Create a centralized
18 portal or website utilizing data from the Commission
19 and the NTIA to make a centralized inventory of the
20 bands of each agency available to the public via an
21 Internet-accessible website.

22 “(3) UPDATES.—Make all reasonable efforts to
23 maintain and update the information required under
24 paragraph (2) no less frequently than quarterly to
25 reflect, at a minimum, any transfer or auction of li-

1 censes or change in allocation, assignment, or au-
2 thorization.

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

9 “(5) PAPERWORK REDUCTION ACT EXEMP-
10 TION.—Any forms prescribed by the Commission
11 under this section, and any information-gathering
12 activities of the Commission under this section, shall
13 not be subject to the provisions of sections 3507 or
14 3512 of title 44, United States Code (44 U.S.C.
15 3507, 3512).

16 “(b) NATIONAL SECURITY; CLASSIFIED INFORMA-
17 TION.—

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

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

24 and

25 “(B) provide to the NTIA—

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

3 “(ii) to the maximum extent prac-
4 ticable, a summary description of the infor-
5 mation with respect to which the deter-
6 mination was made; and

7 “(iii) an annex containing the infor-
8 mation with respect to which the deter-
9 mination was made.

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

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

19 and

20 “(B) provide to the NTIA—

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

23 “(ii) to the maximum extent prac-
24 ticable, a summary description of the infor-
25 mation that is classified; and

1 “(iii) an annex containing the infor-
2 mation that is classified.

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

10 “(c) PUBLIC SAFETY NONDISCLOSURE.—

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

22 “(2) BURDEN.—A licensee seeking an exemp-
23 tion under this subsection bears the burden of justi-
24 fying the exemption and shall provide clear and con-
25 vincing evidence to support the requested exemption.

1 “(3) INFORMATION REQUIRED.—If the Com-
2 mission grants an exemption under this subsection,
3 the licensee shall provide to the Commission—

4 “(A) the publicly releasable information re-
5 quired by subsection (a)(1) for the inventory;

6 “(B) to the maximum extent practicable, a
7 summary description, suitable for public re-
8 lease, of the information for which public disclo-
9 sure would be detrimental to public safety or
10 that the licensee is prohibited by law from dis-
11 closing; and

12 “(C) an annex, under appropriate cover,
13 containing the information that the Commission
14 has determined should be withheld from public
15 disclosure.

16 “(d) INFORMING THE CONGRESS.—

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

21 “(2) NONDISCLOSURE OF ANNEXES.—Each
22 such report shall be submitted in unclassified form,
23 but may include 1 or more annexes as provided for
24 by subsections (b)(1)(B)(iii), (b)(2)(B)(iii), and
25 (c)(3)(C). No Congressional committee may make

1 any such annex available to the public or to any un-
2 authorized person.

3 “(3) CLASSIFIED ANNEXES.—If a report in-
4 cludes a classified annex as provided for by sub-
5 section (b)(2)(B)(iii), the NTIA and the Commission
6 shall—

7 “(A) submit the classified annex only to
8 the appropriate committees of Congress with
9 primary oversight jurisdiction for the user agen-
10 cies or licensees concerned; and

11 “(B) provide notice of the submission to
12 the other appropriate committees of Congress.

13 “(e) DEFINITIONS.—In this section:

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

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

1 (b) PROGRESS REPORT.—Within 180 days after the
2 date of enactment of this title, the Commission and the
3 NTIA shall provide an update as to the status of the in-
4 ventory and report required by section 342(a) of the Com-
5 munications Act of 1934, as added by subsection (a), to
6 the appropriate committees of Congress.

7 **SEC. 502. FEDERAL SPECTRUM PLANNING.**

8 (a) REVIEW OF EVALUATION PROCESS.—Not later
9 than 6 months after the date of enactment of this title,
10 the Comptroller General of the United States shall—

11 (1) conduct a review of the processes that Fed-
12 eral entities utilize to evaluate their spectrum needs
13 and manage their spectrum resources;

14 (2) make recommendations on how to improve
15 such processes; and

16 (3) submit a written report to the appropriate
17 committees of Congress on the review, analysis, and
18 recommendations made pursuant to paragraphs (1)
19 and (2).

20 (b) REVISION OF EVALUATION PROCESS.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of this title, each Federal en-
23 tity shall establish, update, or revise the process
24 used by such entity to evaluate their proposed spec-
25 trum needs, taking into account any applicable rec-

1 ommendations made in the report required under
2 subsection (a).

3 (2) REQUIRED INCLUSIONS.—

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

8 (i) the options available to a Federal
9 entity to obtain associated communications
10 services that are the most spectrum-effi-
11 cient; and

12 (ii) the effective alternatives available
13 to such entity that will permit the entity to
14 continue to satisfy the mission require-
15 ments of the entity.

16 (B) ANALYSIS SUBMITTED TO NTIA.—The
17 analysis and assessment carried out pursuant to
18 subparagraph (A) shall be submitted by the
19 Federal entity to the NTIA at the same time
20 that the entity seeks certification or recertifi-
21 cation, if applicable, of spectrum support from
22 the NTIA pursuant to the requirements of the
23 National Telecommunications and Information
24 Administration Organization Act and OMB Cir-
25 cular A-11.

1 (c) SPECTRUM PLANS OF FEDERAL ENTITIES.—

2 (1) IN GENERAL.—Not later than 1 year after
3 the date of enactment of this title, and every 2 years
4 thereafter, each Federal entity shall provide an enti-
5 ty-specific strategic spectrum plan to the Assistant
6 Secretary and the Director of the Office of Manage-
7 ment and Budget.

8 (2) REQUIRED INCLUSIONS.—Each strategic
9 spectrum plan submitted pursuant to paragraph (1)
10 shall include—

11 (A) the spectrum requirements of the enti-
12 ty;

13 (B) the planned uses of new technologies
14 or expanded services requiring spectrum over a
15 period of time agreed to by the entity;

16 (C) suggested spectrum-efficient ap-
17 proaches to meeting the spectrum requirements
18 identified under subparagraph (A); and

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

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

23 (1) IN GENERAL.—If the head of a Federal en-
24 tity determines that disclosure of information re-
25 quired by subsection (c) would be harmful to the na-

1 tional security of the United States, the entity
2 shall—

3 (A) notify the NTIA of its determination;

4 and

5 (B) provide to the NTIA—

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

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

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

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

23 (A) notify the NTIA of its determination;

24 and

25 (B) provide to the NTIA—

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

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

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

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

17 (e) FEDERAL STRATEGIC SPECTRUM PLAN.—

18 (1) DEVELOPMENT AND SUBMISSION.—

19 (A) IN GENERAL.—Not later than 6
20 months after the receipt of the initial entity-
21 specific strategic spectrum plans required under
22 subsection (c), the Secretary of Commerce shall
23 develop a Federal Strategic Spectrum Plan, in
24 coordination with the Assistant Secretary and

1 the Director of the Office of Management and
2 Budget.

3 (B) SUBMISSION TO CONGRESS.—Con-
4 sistent with the requirements set forth in sub-
5 section (d)(3), the Secretary of Commerce shall
6 submit the Federal Strategic Spectrum Plan
7 developed under subparagraph (A) to the ap-
8 propriate committees of Congress.

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

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

23 (i) submit the classified annex only to
24 the appropriate committees of Congress

1 with primary oversight jurisdiction for the
2 user entities or licensees concerned; and

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

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

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

20 (3) REQUIRED INCLUSIONS.—The Federal
21 Strategic Spectrum Plan developed under paragraph
22 (1) shall include—

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

1 (B) opportunities to increase efficient use
2 of infrastructure and spectrum assigned and
3 used by Federal entities;

4 (C) an assessment of the future spectrum
5 needs of the Federal Government; and

6 (D) plans to incorporate such needs in the
7 NTIA's frequency assignment, equipment cer-
8 tification, and review processes.

9 (4) UPDATES.—The Secretary of Commerce
10 shall revise and update the Federal Strategic Spec-
11 trum Plan developed under paragraph (1) accord-
12 ingly pursuant to the biennial submission of the en-
13 tity-specific strategic spectrum plans submitted
14 under subsection (c).

15 (f) NATIONAL STRATEGIC SPECTRUM PLAN.—

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

22 (2) REQUIRED INCLUSION.—The National Stra-
23 tegic Spectrum Plan shall include the following:

24 (A) The Federal Strategic Spectrum Plan
25 developed under subsection (c).

1 (B) Long-range spectrum planning of both
2 commercial, State and local government, and
3 Federal Government users.

4 (C) New technologies or expanded services
5 requiring spectrum.

6 (D) The nature and characteristics of the
7 new radio communication systems required and
8 the nature and characteristics of the spectrum
9 required.

10 (E) Efficient approaches to meeting the
11 future spectrum requirements of all users, in-
12 cluding—

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

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

18 (iii) possible reallocation; and

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

21 (F) An evaluation of current auction proc-
22 esses to determine the effectiveness of such
23 processes in—

24 (i) promoting competition;

- 1 (ii) improving spectrum use efficiency;
2 and
3 (iii) maximizing the full economic
4 value to customers, industry, and the tax-
5 payer of the spectrum.

6 **Subtitle B—Markets**

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

8 (a) IN GENERAL.—Not later than 18 months after
9 the date of enactment of this title, the Commission shall
10 conduct a rulemaking proceeding to determine how to fur-
11 ther promote a more robust secondary spectrum market.

12 (b) CONSIDERATION.—In carrying out the rule-
13 making required under subsection (a), the Commission
14 shall consider the feasibility and value of establishing a
15 national database to collect and disseminate information
16 on secondary spectrum market opportunities.

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

18 (a) MODIFICATION OF REGULATIONS.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this title, the Commission
21 shall modify part 15 of title 47, Code of Federal
22 Regulations, to allow unlicensed devices intended
23 and marketed for indoor use to operate in the 5350–
24 5470 MHz band.

1 (2) CONCERNS AND CONSIDERATIONS.—In car-
2 rying out the modification requirement set forth
3 under paragraph (1), the Commission shall allow the
4 unlicensed devices described in paragraph (1) to op-
5 erate in the 5350–5470 MHz band, on an indoor
6 basis only, if it—

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

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

17 (b) NTIA STUDY.—

18 (1) IN GENERAL.—Not later than 8 months
19 after the date of enactment of this title, and in con-
20 sultation with the Commission, the NTIA shall con-
21 duct and submit a study as provided in paragraph
22 (2) evaluating known and proposed sharing tech-
23 nologies and the risk to Federal users if unlicensed
24 U–NII devices were allowed to operate indoors in
25 the 5350–5470 MHz band.

1 (2) SUBMITTING STUDY.—The study required
2 by paragraph (1) shall be submitted to the appro-
3 priate committees of Congress and the Commission.

4 **SEC. 513. EXPERIMENTAL LICENSES.**

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

8 (1) streamline such regulations to promote
9 greater experimentation;

10 (2) broaden opportunities for market trials;

11 (3) promote advancements in health care;

12 (4) establish innovation zones; and

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

21 **SEC. 514. REPURPOSING FEDERAL SPECTRUM FOR COM-**
22 **MERCIAL PURPOSES AND FEDERAL SPEC-**
23 **TRUM SHARING.**

24 (a) ELIGIBLE FEDERAL ENTITIES.—Section
25 113(g)(1) of the National Telecommunications and Infor-

1 mation Administration Organization Act (47 U.S.C.
2 923(g)(1)) is amended to read as follows:

3 “(1) ELIGIBLE FEDERAL ENTITIES.—Any Fed-
4 eral entity that operates a Federal Government sta-
5 tion authorized to use a band of frequencies speci-
6 fied in paragraph (2) and that incurs relocation
7 costs because of planning for a potential auction of
8 spectrum frequencies, a planned auction of spectrum
9 frequencies, or the reallocation of spectrum fre-
10 quencies from Federal use to exclusive non-Federal
11 use, or shared Federal and non-Federal use shall re-
12 ceive payment for such costs from the Spectrum Re-
13 location Fund, in accordance with section 118 of
14 this Act. For purposes of this paragraph, Federal
15 power agencies exempted under subsection (c)(4)
16 that choose to relocate from the frequencies identi-
17 fied for reallocation pursuant to subsection (a), are
18 eligible to receive payment under this paragraph.”.

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

23 “(B) any other band of frequencies reallo-
24 cated from Federal use to non-Federal or

1 shared use, whether for licensed or unlicensed
2 use, after January 1, 2003, that is assigned—

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

6 “(ii) as a result of an Act of Congress
7 or any other administrative or executive di-
8 rection.”.

9 (c) DEFINITION OF RELOCATION AND SHARING
10 COSTS.—Section 113(g)(3) of the National Telecommuni-
11 cations and Information Administration Organization Act
12 (47 U.S.C. 923(g)(3)) is amended to read as follows:

13 “(3) DEFINITION OF RELOCATION AND SHAR-
14 ING COSTS.—For purposes of this subsection, the
15 terms ‘relocation costs’ and ‘sharing costs’ mean the
16 costs incurred by a Federal entity to plan for a po-
17 tential or planned auction or sharing of spectrum
18 frequencies and to achieve comparable capability of
19 systems, regardless of whether that capability is
20 achieved by relocating to a new frequency assign-
21 ment, relocating a Federal Government station to a
22 different geographic location, modifying Federal
23 Government equipment to mitigate interference or
24 use less spectrum, in terms of bandwidth, geog-
25 raphy, or time, and thereby permitting spectrum

1 sharing (including sharing among relocated Federal
2 entities and incumbents to make spectrum available
3 for non-Federal use) or relocation, or by utilizing an
4 alternative technology. Comparable capability of sys-
5 tems includes the acquisition of state-of-the art re-
6 placement systems intended to meet comparable
7 operational scope, which may include incidental in-
8 creases in functionality, including those necessary to
9 achieve security, reliability, and resiliency. Such
10 costs include—

11 “(A) the costs of any modification or re-
12 placement of equipment, spares, associated an-
13 cillary equipment, software, facilities, operating
14 manuals, training costs, or regulations that are
15 attributable to relocation or sharing;

16 “(B) the costs of all engineering, equip-
17 ment, software, site acquisition, and construc-
18 tion costs, as well as any legitimate and pru-
19 dent transaction expense, including term-limited
20 Federal civil servant and contractor staff nec-
21 essary to carry out the relocation activities of
22 an eligible Federal entity, and reasonable addi-
23 tional costs incurred by the Federal entity that
24 are attributable to relocation or sharing, includ-

1 ing increased recurring costs associated with
2 the replacement of facilities;

3 “(C) the costs of research, engineering
4 studies, economic analyses, or other expenses
5 reasonably incurred in connection with—

6 “(i) calculating the estimated reloca-
7 tion costs that are provided to the Com-
8 mission pursuant to paragraph (4) of this
9 subsection, or in calculating the estimated
10 sharing costs;

11 “(ii) determining the technical or
12 operational feasibility of relocation to 1 or
13 more potential relocation bands; or

14 “(iii) planning for or managing a relo-
15 cation or sharing project (including spec-
16 trum coordination with auction winners) or
17 potential relocation or sharing project;

18 “(D) the one-time costs of any modifica-
19 tion of equipment reasonably necessary to ac-
20 commodate commercial use of shared fre-
21 quencies or, in the case of frequencies reallo-
22 cated to exclusive commercial use, prior to the
23 termination of the Federal entity’s primary allo-
24 cation or protected status, when the eligible fre-
25 quencies as defined in paragraph (2) of this

1 subsection are made available for private sector
2 uses by competitive bidding and a Federal enti-
3 ty retains primary allocation or protected status
4 in those frequencies for a period of time after
5 the completion of the competitive bidding proc-
6 ess;

7 “(E) the costs associated with the acceler-
8 ated replacement of systems and equipment if
9 such acceleration is necessary to ensure the
10 timely relocation of systems to a new frequency
11 assignment or the timely accommodation of
12 sharing of Federal frequencies; and

13 “(F) the costs of the use of commercial
14 systems (including systems not utilizing spec-
15 trum) to replace Federal systems discontinued
16 or relocated pursuant to this Act, including
17 lease (including lease of land), subscription, and
18 equipment costs over an appropriate period,
19 such as the anticipated life of an equivalent
20 Federal system or other period determined by
21 the Director of the Office of Management and
22 Budget.”.

23 (d) SPECTRUM SHARING.—Section 113(g) of the Na-
24 tional Telecommunications and Information Administra-

1 tion Organization Act (47 U.S.C. 923(g)) is amended by
2 adding at the end the following:

3 “(7) SPECTRUM SHARING.—A Federal entity is
4 permitted to allow access to its frequency assign-
5 ments by a non-Federal entity upon approval of
6 NTIA, in consultation with the Director of the Of-
7 fice of Management and Budget. Such non-Federal
8 entities shall comply with all applicable rules of the
9 Commission and the NTIA, including any regula-
10 tions promulgated pursuant to this section. Any re-
11 munerated associated with such access shall be de-
12 posited into the Spectrum Relocation Fund estab-
13 lished under section 118. A Federal entity that in-
14 curs costs as a result of such access is eligible for
15 payment from the Fund for the purposes specified in
16 paragraph (3) of this section. The revenue associ-
17 ated with such access shall be at least 110 percent
18 of the estimated Federal costs.”.

19 (e) SPECTRUM RELOCATION FUND.—Section 118 of
20 the National Telecommunications and Information Ad-
21 ministration Organization Act (47 U.S.C. 928) is amend-
22 ed—

23 (1) in subsection (b), by inserting before the pe-
24 riod at the end the following: “and any payments
25 made by non-Federal entities for access to Federal

1 spectrum pursuant to section 113(g)(7) (47 U.S.C.
2 113(g)(7))”;

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

5 “(c) USE OF FUNDS.—

6 “(1) FUNDS FROM AUCTIONS.—The amounts in
7 the Fund from auctions of eligible frequencies are
8 authorized to be used to pay relocation costs, as
9 such costs are defined in section 113(g)(3), of an eli-
10 gible Federal entity incurring such costs with re-
11 spect to relocation from any eligible frequency.

12 “(2) FUNDS FROM PAYMENTS BY NON-FED-
13 ERAL ENTITIES.—The amounts in the Fund from
14 payments by non-Federal entities for access to Fed-
15 eral spectrum are authorized to be used to pay the
16 sharing costs, as such costs are defined in section
17 113(g)(3), of an eligible Federal entity incurring
18 such costs.

19 “(3) TRANSFER OF FUNDS.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), the Director of OMB may transfer
22 at any time (including prior to any auction or
23 contemplated auction, or sharing initiative)
24 such sums as may be available in the Fund to
25 an eligible Federal entity to pay eligible reloca-

1 tion or sharing costs related to pre-auction esti-
2 mates or research, as such costs are described
3 in section 113(g)(3)(C).

4 “(B) NOTIFICATION.—No funds may be
5 transferred pursuant to subparagraph (A) un-
6 less the notification provided under subsection
7 (d)(2)(B) of this section includes a certification
8 from the Director of OMB that—

9 “(i) funds transferred before an auc-
10 tion will likely allow for a timely relocation,
11 thereby increasing net expected auction
12 proceeds by an amount equal to or greater
13 than the time value of the amount of funds
14 transferred; and

15 “(ii) the auction is intended to occur
16 within 5 years of transfer of funds.

17 “(C) APPLICABILITY.—

18 “(i) PRIOR COSTS INCURRED.—The
19 Director of OMB may transfer up to
20 \$10,000,000 to eligible Federal entities for
21 eligible relocation or sharing costs related
22 to pre-auction estimates or research, as
23 such costs are described in section
24 113(g)(3)(C), for costs incurred prior to
25 the date of the enactment of the Public

1 Safety Spectrum and Wireless Innovation
2 Act, but after June 28th, 2010.

3 “(ii) SUPPLEMENT NOT SUPPLANT.—

4 Any amounts transferred by the Director
5 of OMB pursuant to clause (i) shall be in
6 addition to any amounts that the Director
7 of OMB may transfer after the date of the
8 enactment of the Public Safety Spectrum
9 and Wireless Innovation Act.”;

10 (3) in subsection (d)—

11 (A) in paragraph (1), by inserting “and
12 sharing” before “costs”;

13 (B) in paragraph (2)(B)—

14 (i) by inserting “and sharing” before
15 “costs”; and

16 (ii) by inserting “and sharing” before
17 the period at the end; and

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

20 “(3) REVERSION OF UNUSED FUNDS.—

21 “(A) IN GENERAL.—Any amounts in the
22 Fund that are remaining after the payment of
23 the relocation and sharing costs that are pay-
24 able from the Fund shall revert to and be de-
25 posited in the General Fund of the Treasury

1 not later than 8 years after the date of the de-
2 posit of such proceeds to the Fund, unless with-
3 in 60 days in advance of the reversion of such
4 funds, the Director of OMB, in consultation
5 with the Assistant Secretary for Communica-
6 tions and Information, notifies the appropriate
7 committees of Congress that such funds are
8 needed to complete or to implement current or
9 future relocations or sharing initiatives.

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

13 “(i) the Committee on Appropriations
14 of the Senate;

15 “(ii) the Committee on Commerce,
16 Science, and Transportation of the Senate;

17 “(iii) the Committee on Appropria-
18 tions of the House of Representatives; and

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

22 (4) in subsection (e)(2)—

23 (A) by inserting “and sharing” before
24 “costs”;

1 (B) by inserting “or sharing” before “is
2 complete”; and

3 (C) by inserting “or sharing” before “in
4 accordant”; and

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

6 “(f) ADDITIONAL PAYMENTS FROM THE FUND.—
7 Notwithstanding subsections (c) through (e), after the
8 date of the enactment of the Public Safety Spectrum and
9 Wireless Innovation Act, and following the credit of any
10 amounts specified in subsection (b), there are hereby ap-
11 propriated from the Fund and available to the Director
12 of the OMB up to 10 percent of the amounts deposited
13 in the Fund from the auction of licenses for frequencies
14 of spectrum vacated by Federal entities, or up to 10 per-
15 cent of the amounts deposited in the Fund by non-Federal
16 entities for sharing of Federal spectrum. The Director of
17 OMB, in consultation with the Assistant Secretary for
18 Communications and Information, may use such amounts
19 to pay eligible Federal entities for the purpose of encour-
20 aging timely access to such spectrum, provided that—

21 “(1) any such payment by the Director of OMB
22 is based on the market value of the spectrum, the
23 timeliness with which the licensee cleared its use of
24 such spectrum, and the need for such spectrum in

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

3 “(2) any such payment by the Director of OMB
4 is used to carry out the purposes specified in sub-
5 paragraphs (A) through (F) of paragraph (3) of
6 subsection 113(g) to achieve enhanced capability for
7 those systems affected by reallocation of Federal
8 spectrum to commercial use, or by sharing of Fed-
9 eral frequencies with non-Federal entities;

10 “(3) the amount remaining in the Fund after
11 any such payment by the Director is not less than
12 10 percent of the winning bids in the relevant auc-
13 tion, or is not less than 10 percent of the payments
14 from non-Federal entities in the relevant sharing
15 agreement; and

16 “(4) any such payment by the Director shall
17 not be made until 30 days after the Director has no-
18 tified the Committees on Appropriations and Com-
19 merce, Science, and Transportation of the Senate,
20 and the Committees on Appropriations and Energy
21 and Commerce of the House of Representatives.”.

22 (f) COMPETITIVE BIDDING; TREATMENT OF REVE-
23 NUES.—Subparagraph (D) of section 309(j)(8) of the
24 Communications Act of 1934 (47 U.S.C. 309(j)(8)) is
25 amended by inserting “excluding frequencies identified by

1 the Federal Communications Commission to be auctioned
2 in conjunction with eligible frequencies described in sec-
3 tion 113(g)(2)” before “shall be deposited”.

4 (g) PUBLIC DISCLOSURE AND NONDISCLOSURE.—If
5 the head of an executive agency of the Federal Govern-
6 ment determines that public disclosure of any information
7 contained in notifications and reports required by sections
8 113 or 118 of the National Telecommunications and In-
9 formation Administration Organization Act (47 U.S.C.
10 923 and 928) would reveal classified national security in-
11 formation or other information for which there is a legal
12 basis for nondisclosure and such public disclosure would
13 be detrimental to national security, homeland security,
14 public safety, or jeopardize law enforcement investiga-
15 tions, the head of the executive agency shall notify the
16 NTIA of that determination prior to release of such infor-
17 mation. In that event, such classified information shall be
18 included in a separate annex, as needed. These annexes
19 shall be provided to the appropriate subcommittee in ac-
20 cordance with appropriate national security stipulations,
21 but shall not be disclosed to the public or provided to any
22 unauthorized person through any other means.

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

24 (a) IDENTIFICATION OF SPECTRUM; REPORT TO
25 CONGRESS.—Not later than 1 year after the date of enact-

1 ment of this Act, the NTIA shall conduct a study and sub-
2 mit a report to the appropriate committees of Congress—

3 (1) that identifies spectrum between 225 MHz
4 and 3700 MHz operated or licensed by a Federal en-
5 tity that the NTIA, in consultation with the Com-
6 mission, determines appropriate for sharing with
7 non-government entities or non-Federal government
8 entities, including, after taking into account any
9 spectrum identified by the NTIA in its October 2010
10 report entitled “An Assessment of the Near-Term
11 Viability of Accommodating Wireless Broadband
12 Systems in the 1675–1710 MHz, 1755–1780 MHz,
13 3500–3650 MHz, and 4200–4220 MHz, 4380–4400
14 MHz Bands”, the additional 100 MHz most likely to
15 be appropriate for wireless broadband operations;
16 and

17 (2) on how Federal entities can utilize dynamic
18 spectrum sharing technologies to allow non-govern-
19 ment entities or non-Federal government entities to
20 share underutilized spectrum without interference to
21 the primary usage by the Federal Government of
22 that spectrum, including through use of cognitive
23 radio and sensing technologies and database and
24 geolocation approaches.

1 (b) CONSIDERATIONS.—In carrying out the study
2 and report required under subsection (a), the NTIA
3 should consider—

4 (1) radio systems that are utilized in fixed or
5 predictable geographic locations;

6 (2) radio systems that are only utilized inter-
7 mittently at fixed or predictable times;

8 (3) spectrum allocations in which radio systems
9 are currently not deployed; and

10 (4) spectrum that is harmonized regionally or
11 globally.

12 (c) PUBLIC CONSULTATION AND RULE CHANGES.—

13 (1) IN GENERAL.—Not later than 6 months
14 after the report required under subsection (a) is sub-
15 mitted, the NTIA shall conduct a public consultation
16 and, with the Interdepartment Radio Advisory Com-
17 mittee, develop rules for Federal users to increase
18 spectrum sharing by Federal entities.

19 (2) CONSIDERATIONS.—In carrying out the
20 rulemaking required under paragraph (1), the NTIA
21 shall consider—

22 (A) the findings of the report required
23 under subsection (a); and

24 (B) the recommendations in the Final Re-
25 port, dated November 8, 2010, issued by the

1 Interference and Dynamic Spectrum Access
2 Subcommittee of the Commerce Spectrum Man-
3 agement Advisory Committee.

4 **Subtitle C—Efficiency and**
5 **Management**

6 **SEC. 521. FUNCTIONAL RESPONSIBILITY OF THE NTIA TO**
7 **ENSURE EFFICIENT USE OF SPECTRUM.**

8 Section 103(b)(2) of the National Telecommuni-
9 cations and Information Administration Organization Act
10 (47 U.S.C. 902(b)(2)) is amended—

11 (1) by redesignating subparagraphs (B)
12 through (T) as subparagraphs (C) through (U), re-
13 spectively; and

14 (2) by inserting after subparagraph (A) the fol-
15 lowing:

16 “(B) The responsibility to promote the
17 best possible and most efficient use of electro-
18 magnetic spectrum resources across the Federal
19 Government, subject to and consistent with the
20 needs and missions of Federal agencies.”.

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

22 (a) IN GENERAL.—Not later than 18 months after
23 the date of enactment of this title, the NTIA, in consulta-
24 tion with NIST and the Commission, as appropriate, shall
25 develop analytic tools or metrics for the NTIA and Federal

1 entities to measure the spectrum efficiency of Federal
2 spectrum systems used by such entities.

3 (b) **REQUIRED CONSIDERATION.**—In developing the
4 tools or metrics to measure spectrum efficiency pursuant
5 to subsection (a)(1), the NTIA shall consider the conclu-
6 sions reached in the report entitled “Definitions of Effi-
7 ciency in Spectrum Use”, authored by the Commerce
8 Spectrum Management Advisory Committee and dated
9 October 1, 2008.

10 **SEC. 523. STUDY ON RECEIVER PERFORMANCE AND SPEC-**
11 **TRUM EFFICIENCY.**

12 (a) **IN GENERAL.**—The Comptroller General of the
13 United States shall conduct a study to consider efforts to
14 ensure that each transmission system that employs radio
15 spectrum is designed and operated so that reasonable use
16 of adjacent spectrum does not excessively impair the func-
17 tioning of such system.

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

20 (1) the value of—

21 (A) improving receiver performance as it
22 relates to increasing spectral efficiency;

23 (B) improving operation of services in ad-
24 jacent frequencies; and

1 (C) narrowing the guard bands between
2 adjacent spectrum use.

3 (2) the role of manufacturers, commercial li-
4 censees, and government users with respect to their
5 transmission systems and use of adjacent spectrum
6 described in subsection (a);

7 (3) the feasibility of industry self-compliance
8 with respect to the design and operational require-
9 ments of transmission systems and the reasonable
10 use of adjacent spectrum described in subsection (a);
11 and

12 (4) the value of Commission and NTIA action
13 to establish, by rule, technical requirements or
14 standards for non-Federal or Federal use, respec-
15 tively, with respect to the reasonable use of adjacent
16 spectrum described in subsection (a).

17 (c) DEFINITION.—For purposes of this section, the
18 term “transmission system” means any telecommuni-
19 cations, broadcast, satellite, commercial mobile service, or
20 other communications system that employs radio spec-
21 trum.

22 (d) REPORT.—Not later than 1 year after the date
23 of enactment of this Act, the Comptroller General of the
24 United States shall submit a report to the appropriate

1 committees of Congress on the results of the study re-
2 quired under subsection (a).

3 **SEC. 524. FREQUENCY ASSIGNMENT.**

4 (a) EXAMINATION.—Not later than 6 months after
5 the date of enactment of this title, the NTIA, in consulta-
6 tion with the Interdepartment Radio Advisory Committee,
7 shall—

8 (1) examine its frequency assignment processes,
9 including the 5-year frequency assignment review
10 program, and

11 (2) consider best practices to determine if the
12 current approach for collecting and validating data
13 from Federal entities can be streamlined or im-
14 proved to help ensure that such entities are man-
15 aging current and future spectrum assignments effi-
16 ciently.

17 (b) REQUIRED CONSIDERATIONS.—In carrying out
18 the requirements of subsection (a), the NTIA shall con-
19 sider—

20 (1) providing Federal entities with specific
21 guidance or requirements on how to justify to the
22 NTIA that requested spectrum frequency assign-
23 ments would fulfill an established mission need and
24 that other means of communication are not appro-
25 priate or available;

1 (2) requiring Federal entities to submit docu-
2 mentation, as part of the spectrum frequency assign-
3 ment process;

4 (3) verifying that such entity has completed an
5 analysis to support the use and need of the re-
6 quested assignment; and

7 (4) requiring managers of spectrum resources
8 at each Federal entity to validate, verify, or attest
9 to the accuracy of spectrum information submitted
10 by their entity to the NTIA.

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

12 (a) ANALYSIS OF ECONOMIC OPPORTUNITY COST.—

13 (1) DEVELOPMENT OF FRAMEWORK.—

14 (A) IN GENERAL.—Not later than 1 year
15 after the date of enactment of this title, the
16 NTIA, in consultation with the Commission and
17 the Director of the Office of Management and
18 Budget, shall develop a framework for deter-
19 mining the annual economic opportunity cost of
20 each specific Federal spectrum band assigned
21 or otherwise allocated for use by Federal enti-
22 ties.

23 (B) CONSIDERATIONS.—In developing the
24 framework required under subparagraph (A),
25 the NTIA shall take into account the spectrum

1 pricing methodologies adopted by other coun-
2 tries which utilize administered incentive pric-
3 ing of spectrum for government users.

4 (2) SCOPE.—The framework developed under
5 paragraph (1) shall cover all federally allocated spec-
6 trum bands between 150 MHz and 6000 MHz, in-
7 clusive.

8 (3) GOALS.—The goal of the framework devel-
9 oped under paragraph (1) is—

10 (A) to provide Federal entities with a sus-
11 tained long-term signal of spectrum value to in-
12 form the spectrum management decisions of
13 such entities; and

14 (B) to provide the public with increased
15 transparency about how Federal entities use a
16 scarce physical resource.

17 (4) REQUIREMENTS.—The framework devel-
18 oped under paragraph (1) shall—

19 (A) define the term “opportunity cost” as
20 the value of the spectrum, in dollar terms, as
21 if such spectrum were to be reallocated to the
22 highest commercial alternative use that cur-
23 rently does not have access to that spectrum;

24 (B) be updated, on an annual basis, to
25 take into account observed market valuations

1 from spectrum auctions, secondary spectrum
2 trading, and other market indicators of spec-
3 trum value;

4 (C) determine the opportunity costs borne
5 by each Federal entity for each spectrum band
6 that is entirely under the control of a single
7 agency; and

8 (D) determine the opportunity costs for
9 spectrum assigned or otherwise allocated to
10 Federal entities for both primary use and sec-
11 ondary use.

12 (b) REPORT ON OPPORTUNITY COSTS.—Each Fed-
13 eral entity that has been assigned or otherwise allocated
14 use of a Federal spectrum band shall report, as an off-
15 budget item, the opportunity cost borne by the entity for
16 each spectrum band the entity uses—

17 (1) in the budget of the entity to be included
18 in the budget of the United States Government sub-
19 mitted by the President under section 1105 of title
20 31, United States Code; and

21 (2) in the annual financial statement of the en-
22 tity required to be filed under section 3515 of title
23 31, United States Code.

24 (c) SPECTRUM VALUE ANALYSIS.—Not later than 5
25 years after the date of the enactment of this title, and

1 every 5 years thereafter, each Federal entity that has been
2 assigned or otherwise allocated use of a Federal spectrum
3 band, or otherwise utilizes such spectrum, shall engage in
4 an analysis comparing the opportunity cost of that spec-
5 trum, as such cost is determined by the framework devel-
6 oped by the NTIA under subsection (a), to the projected
7 costs of the entity relocating to other government spec-
8 trum holdings, co-locating with other government agen-
9 cies, leasing other non-Federal spectrum, or contracting
10 out for its spectrum activities.

11 (d) SPECTRUM TECHNOLOGY STUDY.—

12 (1) IN GENERAL.—Not later than 18 months
13 after the date of the enactment of this title, and
14 every 5 years thereafter, the Comptroller General of
15 the United States, in consultation with NTIA, shall
16 examine the technologies and equipment used by
17 Federal entities operating on Federal spectrum allo-
18 cations and determine if such technologies and
19 equipment are the most spectrum efficient available.

20 (2) CERTAIN DETERMINATIONS MADE.—If the
21 results of any study required under paragraph (1)
22 determines that the technologies and equipment of
23 Federal entities operating on Federal spectrum allo-
24 cations are not the most spectrum efficient available,
25 the Comptroller General shall determine—

1 (A) what the costs would be to upgrade
2 such systems to more up-to-date and readily
3 available systems;

4 (B) what benefits would be gained from
5 upgrading, particularly any cost savings or in-
6 creases in spectrum utilization efficiency; and

7 (C) if there are any possible problems with
8 upgrading to more up-to-date systems.

9 **SEC. 526. SYSTEM CERTIFICATION.**

10 Not later than 6 months after the date of enactment
11 of this title, the Director of the Office of Management and
12 Budget shall update and revise section 33.4 of OMB Cir-
13 cular A–11 to reflect the recommendations regarding such
14 Circular made in the Commerce Spectrum Management
15 Advisory Committee Incentive Subcommittee report,
16 adopted January 11, 2011.

17 **SEC. 527. REPORT TO CONGRESS ON IMPROVING SPEC-**
18 **TRUM MANAGEMENT.**

19 Not later than 3 months after the date of enactment
20 of this title, the NTIA shall submit to the appropriate
21 committees of Congress a report on the status of the
22 NTIA’s plan to implement the recommendations contained
23 in the “President’s Memorandum on Improving Spectrum
24 Management for the 21st Century”, 49 Weekly Comp.
25 Pres. Doc. 2875, Nov. 29, 2004.

1 **SEC. 528. WIRELESS FACILITIES DEPLOYMENT.**

2 (a) FACILITY MODIFICATIONS.—

3 (1) IN GENERAL.—Notwithstanding section 704
4 of the Telecommunications Act of 1996 or any other
5 provision of law, a State or local government may
6 not deny, and shall approve, any eligible facilities re-
7 quest for a modification of an existing wireless tower
8 that does not substantially change the physical di-
9 mensions of such tower.

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

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

16 (B) removal of transmission equipment;
17 and

18 (C) replacement of transmission equip-
19 ment.

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

21 (1) GRANT.—If an executive agency, a State, a
22 political subdivision or agency of a State, or a per-
23 son, firm, or organization applies for the grant of an
24 easement or rights-of-way to, in, over, or on a build-
25 ing owned by the Federal Government for the right
26 to install, construct, and maintain wireless service

1 antenna structures and equipment, and backhaul
2 transmission, the executive agency having control of
3 the building may grant to the applicant, on behalf
4 of the Federal Government, an easement or rights-
5 of-way to perform such installation, construction,
6 and maintenance.

7 (2) APPLICATION.—The Administrator of the
8 General Services Administration shall develop a com-
9 mon form for rights-of-way applications required
10 under paragraph (1) for all executive agencies that
11 shall be used by applicants with respect to the build-
12 ings or property of each such agency.

13 (3) FEE.—

14 (A) IN GENERAL.—Notwithstanding any
15 other provision of law, in making a grant of an
16 easement or rights-of-way pursuant to para-
17 graph (1), the Administrator of the General
18 Services Administration shall establish a fee for
19 the award of such grant that is based on direct
20 cost recovery.

21 (B) EXCEPTIONS.—The Administrator of
22 the General Services Administration may estab-
23 lish exceptions to the fee amount required
24 under subparagraph (A)—

1 (i) in consideration of the public ben-
2 efit provided by a grant of an easement or
3 rights-of-way; and

4 (ii) in the interest of expanding wire-
5 less and broadband coverage.

6 (4) USE OF FEES COLLECTED.—Any fee
7 amounts collected by an executive agency pursuant
8 to paragraph (2) shall be made available, without
9 further appropriation, to such agency for purposes
10 of the agency’s telecommunications and information
11 technology needs and any excess funds shall then be
12 deposited into the Federal Building Fund.

13 (c) MASTER CONTRACTS FOR WIRELESS TOWER
14 SITINGS.—

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

20 (A) develop 1 or more master contracts
21 that shall govern the placement of wireless serv-
22 ice antenna structures on buildings and prop-
23 erty owned by the Federal Government; and

24 (B) in developing the master contract, with
25 respect to the siting of wireless service antenna

1 structures, standardize the treatment of the
2 placement of wireless service antenna structures
3 on rooftop or building facades, the placement of
4 equipment on rooftops or inside buildings, and
5 technology, and any other key issues that the
6 Administrator determines appropriate.

7 (2) APPLICABILITY.—The master contract de-
8 veloped by the Administrator of the General Services
9 Administration under paragraph (1) shall apply to
10 all publicly accessible property owned by the Federal
11 Government, unless the Administrator decides that
12 issues with respect to the siting of a wireless service
13 antenna structure on a specific building or property
14 warrant nonstandard treatment of a specific prop-
15 erty.

16 (3) APPLICATION.—The Administrator of the
17 General Services Administration shall develop a com-
18 mon form or set of forms for wireless service an-
19 tenna structure siting applications required under
20 this section for all executive agencies that shall be
21 used by applicants with respect to the buildings of
22 each such agency.

1 **TITLE VI—STUDIES ON NEXT**
2 **GENERATION 9–1–1 SERVICES**

3 **SEC. 601. DEFINITIONS.**

4 As used in this title, the following definitions shall
5 apply:

6 (1) 9–1–1 SERVICES.—The term “9–1–1 serv-
7 ices” includes both E9–1–1 services and Next Gen-
8 eration 9–1–1 services.

9 (2) E9–1–1 SERVICES.—The term “E9–1–1
10 services” means both phase I and phase II enhanced
11 9–1–1 services, as described in section 20.18 of the
12 Commission’s regulations (47 C.F.R. 20.18), as in
13 effect on the date of enactment of this title, or as
14 subsequently revised by the Commission.

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

19 (A) provides standardized interfaces from
20 emergency call and message services to support
21 emergency communications;

22 (B) processes all types of emergency calls,
23 including voice, data, and multimedia informa-
24 tion;

1 (C) acquires and integrates additional
2 emergency call data useful to call routing and
3 handling;

4 (D) delivers the emergency calls, messages,
5 and data to the appropriate public safety an-
6 swering point and other appropriate emergency
7 entities;

8 (E) supports data or video communications
9 needs for coordinated incident response and
10 management; or

11 (F) provides broadband service to public
12 safety answering points or other first responder
13 entities.

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

18 **SEC. 602. NHTSA REPORT ON COSTS FOR REQUIREMENTS**
19 **AND SPECIFICATIONS OF NEXT GENERATION**
20 **9-1-1 SERVICES.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this title, the Administrator of the
23 National Highway Traffic Safety Administration, in con-
24 sultation with the Commission and the Secretary of Home-
25 land Security, shall prepare and submit a report to Con-

1 gress that analyzes and determines detailed costs for spe-
2 cific Next Generation 9–1–1 service requirements and
3 specifications.

4 (b) PURPOSE OF REPORT.—The purpose of the re-
5 port required under subsection (a) is to serve as a resource
6 for Congress as it considers creating a coordinated, long-
7 term funding mechanism for the deployment and oper-
8 ation, accessibility, application development, equipment
9 procurement, and training of personnel for Next Genera-
10 tion 9–1–1 services.

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

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

17 (2) An assessment of the current state of Next
18 Generation 9–1–1 service readiness among public
19 safety answering points.

20 (3) How differences in public safety answering
21 points' access to broadband across the country may
22 affect costs.

23 (4) A technical analysis and cost study of dif-
24 ferent delivery platforms such as wireline, wireless,
25 and satellite.

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

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

6 (7) Standards and protocols for Next Genera-
7 tion 9–1–1 service and for incorporating Voice over
8 Internet Protocol and “Real-Time Text” standards.

9 **SEC. 603. FCC RECOMMENDATIONS FOR LEGAL AND STATU-**
10 **TORY FRAMEWORK FOR NEXT GENERATION**
11 **9–1–1 SERVICES.**

12 Not later than 1 year after the date of enactment
13 of this title, the Commission, in coordination with the Sec-
14 retary of Homeland Security and the Administrator of the
15 National Highway Traffic Safety Administration, shall
16 prepare and submit a report to Congress that contains
17 recommendations for the legal and statutory framework
18 for Next Generation 9–1–1 services, consistent with rec-
19 ommendations in the National Broadband Plan developed
20 by the Commission pursuant to Public Law 111–5, includ-
21 ing the following:

22 (1) A legal and regulatory framework for the
23 development of Next Generation 9–1–1 services and
24 the transition from legacy 9–1–1 to Next Generation
25 9–1–1 networks.

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

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

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

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

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

16 **TITLE VII—MISCELLANEOUS**

17 **SEC. 701. SEVERABILITY.**

18 If any provision of this Act or an amendment made
19 by this Act, or the application of the provision to any per-
20 son or circumstance, is held to be unconstitutional, the
21 remainder of this Act and the amendments made by this
22 Act, and the application of the provisions of this Act and
23 the amendments made by this Act to any other person
24 or circumstance, shall not be affected thereby.

1 **SEC. 702. RULE OF CONSTRUCTION.**

2 Nothing in this Act shall be construed as adding or
3 subtracting from the authority the Commission may or
4 may not have to regulate broadband Internet access serv-
5 ice.

○