

111TH CONGRESS
2^D SESSION

S. 3610

To require a study on spectrum occupancy and use.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2010

Ms. SNOWE (for herself and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require a study on spectrum occupancy and use.

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.**

4 This Act may be cited as the “Spectrum Measure-
5 ment and Policy Reform Act”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act—

8 (1) the term “Administration” means the Na-
9 tional Telecommunications and Information Admin-
10 istration;

1 (2) the term “Commission” means the Federal
2 Communications Commission;

3 (3) the term “National Academies” means the
4 National Academy of Sciences, the National Acad-
5 emy of Engineering, the Institute of Medicine; and
6 the National Research Council;

7 (4) the term “spectrum sharing” means the
8 temporary use by a secondary user of unused spec-
9 trum in a band at a geographical location licensed
10 to a primary user during idle periods of the primary
11 license use;

12 (5) the term “spectrum reuse” means the tem-
13 porary use by a secondary user of unused spectrum
14 in a band at a geographical location where there is
15 no primary licensed user;

16 (6) the term “temporary dynamic short-term
17 use”—

18 (A) means the assignment of a temporary
19 spectrum license to a user that is not the in-
20 cumbent licensee for the use of spectrum in a
21 given band and specified location for a short pe-
22 riod of time in which the spectrum will be unoc-
23 cupied or in which the incumbent licensee tem-
24 porarily relinquishes rights to use; and

1 (B) includes short-term spectrum sharing
2 and short-term spectrum reuse; and

3 (7) the term “spectrum layering” means the
4 temporary use by a secondary user of unused spec-
5 trum in a band at an altitudinal level where there
6 is no primary user or during idle periods of the pri-
7 mary license use.

8 **SEC. 3. SPECTRUM SURVEY AND MEASUREMENT STUDY.**

9 (a) SURVEY AND STUDY.—

10 (1) IN GENERAL.—The Commission and the
11 Administration shall jointly conduct a study of occu-
12 pancy on the electromagnetic spectrum based on the
13 extent of the use of such spectrum, including the
14 amount and percentage of spectrum used in the
15 band and the duration and percentage of time such
16 spectrum is in use.

17 (2) EXPERT CONSULTATION.—In carrying out
18 the study required under paragraph (1), the Com-
19 mission and the Administration may consult with
20 the National Academies, other agencies, or non-
21 governmental organizations with relevant expertise
22 in developing appropriate measurement procedures
23 and systems, data analysis methodologies, or another
24 other aspect related to the surveying and measure-
25 ment of electromagnetic spectrum.

1 (3) REQUIRED CONTENT.—The study required
2 under paragraph (1) shall—

3 (A) examine occupancy measurements and
4 usage patterns on the electromagnetic spectrum
5 between, at least, 100 megahertz and 10
6 gigahertz;

7 (B) record occupancy measurements on the
8 electromagnetic spectrum in several diverse geo-
9 graphical locations across the nation over an
10 appropriate period of time, as determined joint-
11 ly by the Commission and the Administration.

12 (C) provide band-by-band commentary as
13 appropriate; and

14 (D) predict occupancy and usage patterns
15 from existing licensee and government user
16 spectrum data, and correlate such predictions
17 with the findings made under subparagraphs
18 (A) and (B) in order to determine the accuracy
19 of the data from each agencies' databases or an
20 inventory of the electromagnetic spectrum and
21 what additional data, if any, would be beneficial
22 to collect in the future.

23 (b) NATIONAL SECURITY; CLASSIFIED INFORMA-
24 TION.—

1 (1) IN GENERAL.—If the head of a Federal
2 agency determines that disclosure of information to
3 the Commission and the Administration as part of
4 the study required by subsection (a) would be harm-
5 ful to the national security of the United States, the
6 agency shall—

7 (A) notify the Commission and the Admin-
8 istration of its determination; and

9 (B) provide to the Commission and the Ad-
10 ministration—

11 (i) the other publicly releasable infor-
12 mation required by subsection (a);

13 (ii) to the maximum extent prac-
14 ticable, a summary description of the infor-
15 mation with respect to which the deter-
16 mination was made; and

17 (iii) an annex containing the informa-
18 tion with respect to which the determina-
19 tion was made.

20 (2) CLASSIFIED INFORMATION.—If the head of
21 a Federal agency determines that any information
22 required to be disclosed as part of the study required
23 by subsection (a) is classified in accordance with Ex-
24 ecutive Order 13526 of December 29, 2009, or any
25 successor Executive Order establishing or modifying

1 the uniform system for classifying, safeguarding,
2 and declassifying national security information, the
3 agency shall—

4 (A) notify the Commission and the Admin-
5 istration of its determination; and

6 (B) provide to the Commission and the Ad-
7 ministration—

8 (i) the information required by sub-
9 section (a)(3) that is not classified;

10 (ii) to the maximum extent prac-
11 ticable, a summary description of the infor-
12 mation that is classified; and

13 (iii) an annex containing the informa-
14 tion that is classified.

15 (3) ANNEX RESTRICTION.—Neither the Admin-
16 istration nor the Commission may make any annex
17 under this subsection available to the public pursu-
18 ant to subsection (d)(3) or to any unauthorized per-
19 son through any other means.

20 (c) PUBLIC SAFETY NONDISCLOSURE.—

21 (1) IN GENERAL.—If a licensee of non-Federal
22 spectrum determines that public disclosure of certain
23 information held by that licensee and required to be
24 included in the study under subsection (a) would re-
25 veal information for which public disclosure would be

1 detrimental to public safety, or that the licensee is
2 otherwise prohibited by law from disclosing, the li-
3 censee may petition the Commission and the Admin-
4 istration for a partial or total exemption from inclu-
5 sion in the public report required under subsection
6 (d)(3).

7 (2) BURDEN.—A licensee seeking an exemption
8 under this subsection bears the burden of justifying
9 the exemption and shall provide clear and convincing
10 evidence to support the requested exemption.

11 (3) INFORMATION REQUIRED.—If the Commis-
12 sion and the Administration grant an exemption
13 under this subsection, the licensee shall provide to
14 the Commission and the Administration—

15 (A) the publicly releasable information re-
16 quired by subsection (a)(3);

17 (B) to the maximum extent practicable, a
18 summary description, suitable for public re-
19 lease, of the information for which public disclo-
20 sure would be detrimental to public safety or
21 that the licensee is prohibited by law from dis-
22 closing; and

23 (C) an annex, under appropriate cover,
24 containing the information that the Commission

1 and the Administration has determined should
2 be withheld from public disclosure.

3 (d) REPORT.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date of enactment of this Act, the Commission
6 and the Administration shall jointly submit a report
7 to the Committee on Commerce, Science, and Trans-
8 portation of the Senate and the Committee on En-
9 ergy and Commerce of the House of Representatives
10 that includes—

11 (A) the findings of the study required
12 under subsection (a); and

13 (B) recommendations on the feasibility of
14 promoting alternative types of services or sys-
15 tems that result in more effective and efficient
16 use of the electromagnetic spectrum.

17 (2) NONDISCLOSURE OF ANNEXES.—The report
18 required under paragraph (1) shall be submitted in
19 unclassified form, but may include 1 or more an-
20 nexes as provided for by subsections (b)(1)(B)(iii),
21 (b)(2)(B)(iii), and (c)(3)(C). Notwithstanding para-
22 graph (3), no Congressional committee may make
23 any such annex available to the public or to any un-
24 authorized person.

1 (3) PUBLIC AVAILABILITY.—Subject to para-
2 graph (2), the Commission and the Administration
3 shall make publicly available on the Web site of each
4 agency the report required under paragraph (1).

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Chairman of the
7 Federal Communications Commission and the Assistant
8 Secretary at the National Telecommunications and Infor-
9 mation Administration for carrying out this section
10 \$5,000,000 for fiscal year 2011 and \$5,000,000 for fiscal
11 year 2012.

12 **SEC. 4. SPECTRUM ANALYSIS AND UTILIZATION STUDY.**

13 (a) DETERMINATION OF UTILIZATION DEFINI-
14 TION.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, the Commission
17 and the Administration, in consultation with the Of-
18 fice of Science and Technology Policy and the Na-
19 tional Security Council as needed on frequencies or
20 bands related to national security, shall determine
21 appropriate benchmarks for assessing—

22 (A) the utilization of each electromagnetic
23 spectrum band based on the occupancy, activi-
24 ties, capabilities, functions, and missions sup-
25 ported in that band, as well as any additional

1 factors the Commission and the Administration
2 deem appropriate; and

3 (B) the availability of similar services oper-
4 ating in other bands capable of offering substi-
5 tutable services.

6 (2) USE OF COMMON METRICS.—The bench-
7 marks developed under paragraph (1) shall include
8 a set of common metrics that apply to respective
9 broad classes of services, allowing comparison of
10 measurements and analysis in multiple bands pro-
11 viding similar classes of services across the electro-
12 magnetic spectrum.

13 (b) IDENTIFY SPECTRUM SHARING AND REUSE OP-
14 PORTUNITIES PILOT PROGRAM.—

15 (1) IDENTIFICATION.—Not later than 1 year
16 after the completion of electromagnetic spectrum
17 survey and measurement study required under sec-
18 tion 3, the Commission and the Administration shall
19 identify, based on an analysis of utilization using
20 such benchmarks and with the benefit of public com-
21 ment—

22 (A) 120 megahertz below 4 gigahertz
23 worth of close proximity electromagnetic spec-
24 trum that is most feasible for spectrum sharing

1 opportunities for commercial and government
2 users;

3 (B) 120 megahertz below 4 gigahertz
4 worth of close proximity electromagnetic spec-
5 trum that is most feasible for spectrum reuse
6 opportunities for commercial and government
7 users;

8 (C) 120 megahertz below 4 gigahertz
9 worth of electromagnetic spectrum that is most
10 feasible for temporary or dynamic short-term
11 assignment and use; and

12 (D) 120 megahertz below 4 gigahertz
13 worth of close proximity electromagnetic spec-
14 trum that is most feasible for spectrum layering
15 opportunities for commercial and government
16 users.

17 (2) SHARING AND REUSE OPPORTUNITIES
18 PILOT PROGRAM.—Not later than 12 months after
19 the time period set forth in paragraph (1), the Com-
20 mission and the Administration shall jointly estab-
21 lish and implement pilot programs to advance and
22 promote spectrum sharing and reuse activities for
23 the bands of spectrum identified under paragraph
24 (1).

1 (3) PILOT PROGRAM REPORT AND REC-
2 COMMENDATION.—Not later than 8 months after the
3 conclusion of the sharing and reuse opportunities
4 pilot program established under paragraph (2), the
5 Commission and the Administration shall jointly
6 submit a report to the Committee on Commerce,
7 Science, and Transportation of the Senate and the
8 Committee on Energy and Commerce of the House
9 of Representatives that summarizes the feasibility of
10 such programs. If the Commission and the Adminis-
11 tration jointly deem such programs viable, each
12 agency shall begin to implement similar permanent
13 programs within 18 months after the date on which
14 the report is submitted.

15 (c) IDENTIFICATION OF SPECTRUM REALLOCA-
16 TION.—Not later than 12 months after the adoption of
17 the utilization benchmarks described under subsection (a),
18 the Commission and the Administration shall, based on
19 an analysis of utilization using such benchmarks and after
20 notice and opportunity for public comment on such utiliza-
21 tion analysis—

22 (1) jointly prepare and submit to the President
23 and the Committee on Commerce, Science, and
24 Transportation of the Senate and the Committee on
25 Energy and Commerce of the House of Representa-

1 tives a report that identifies, by relevant geographic
2 area, not less than 200 megahertz of spectrum below
3 4 gigahertz of the least utilized or most appropriate
4 blocks of electromagnetic spectrum and an expla-
5 nation of the basis for that identification; and

6 (2) develop a plan, taking into consideration
7 whether the primary service on a band may be
8 deemed essential to national security or public safe-
9 ty, or otherwise determined to serve the public inter-
10 est, convenience, and necessity, for reallocation of
11 any entities or services currently operating in the
12 spectrum described under paragraph (1), along with
13 an estimate for the costs of relocating such entities
14 or services to an alternative band of such spectrum.

15 **SEC. 5. RELOCATION COST-BENEFIT ANALYSIS.**

16 (a) **IN GENERAL.**—The Commission and the Admin-
17 istration, in consultation with the Office of Management
18 and Budget, the Office of Science and Technology Policy,
19 and the National Security Council, shall perform a cost-
20 benefit analysis on electromagnetic spectrum relocation
21 opportunities to move certain Federal users and services
22 currently operating in a specific band of the spectrum to
23 more efficient spectrum bands.

24 (b) **REQUIRED CONSIDERATIONS.**—The relocation
25 analysis required under subsection (a) shall—

1 (1) include projected overall costs and time-
2 frames of any potential move; and

3 (2) be consistent with the processes set forth in
4 the Commercial Spectrum Enhancement Act (47
5 U.S.C. 901 note).

6 (c) SYSTEM UPGRADES.—In bands determined to be
7 necessary and appropriate for continued primary Federal
8 use, the Administration, in consultation with the Commis-
9 sion, shall determine what, if any, radio system or service
10 upgrades or other changes could be implemented to en-
11 hance spectrum efficiency or the ability to share unused
12 capacity on the spectrum with other agencies or private
13 sector users.

14 **SEC. 6. GENERAL SPECTRUM MANAGEMENT.**

15 (a) SPECTRUM COORDINATION.—Section 112 of the
16 National Telecommunications and Information Adminis-
17 tration Organization Act (47 U.S.C. 922) is amended—

18 (1) by striking “The Assistant Secretary” and
19 inserting “(a) JOINT SPECTRUM PLANNING.—The
20 Assistant Secretary”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(b) REPORTING REQUIREMENT.—

24 “(1) IN GENERAL.—The Assistant Secretary
25 and the Chairman shall, on an annual basis, submit

1 a report to the Committee on Commerce, Science,
2 and Transportation of the Senate and the Com-
3 mittee on Energy and Commerce of the House of
4 Representatives that provides a summary of the bi-
5 annual meetings required under this section, as well
6 as the action items, deliverables, and the status of
7 such action items and deliverables related to the
8 issues identified in subsection (a).

9 “(2) CONTENTS.—The report required under
10 paragraph (1) shall include—

11 “(A) an identification of emerging tech-
12 nologies and ideas for test-bed programs that
13 expand opportunities for spectrum sharing by
14 Federal and non-Federal users, increased public
15 transparency into spectrum databases, and a
16 progress report on reallocation and sharing ef-
17 forts required by the Spectrum Measurement
18 and Policy Reform Act;

19 “(B) a list of any recommendations made
20 by the Commerce Spectrum Management Advi-
21 sory Committee and the status of each such
22 recommendation; and

23 “(C) a score card that includes the amount
24 of spectrum shared by Federal and non-Federal
25 users, the geographical extent of coverage, as

1 well as the number of requests for sharing and
2 their geographical locations that were rejected
3 and the reasons for such rejections.”.

4 (b) SPECTRUM EFFICIENCY.—

5 (1) NTIA AUTHORITY.—Section 104(d)(2) of
6 the National Telecommunications and Information
7 Administration Organization Act (47 U.S.C.
8 903(d)(2)) is amended to read as follows:

9 “(2) ENSURING EFFICIENT USE OF SPEC-
10 TRUM.—

11 “(A) IN GENERAL.—In order to further
12 the goal of making efficient and cost-effective
13 use of the spectrum, the Secretary of Commerce
14 shall have the authority to—

15 “(i) withhold or refuse to assign fre-
16 quencies for mobile radio service or other
17 radio service;

18 “(ii) assess and collect from each Fed-
19 eral user an annual fee for the spectrum
20 assigned to such Federal user that is based
21 on the fair market commercial value of
22 that spectrum, using a methodology adopt-
23 ed by the Secretary, after providing notice
24 and opportunity for public comment; and

1 “(iii) develop an auction revenue shar-
2 ing plan where in exchange for relin-
3 quishing spectrum usage rights, Federal
4 users currently operating in an assigned
5 spectrum band would receive as an auction
6 incentive award under section 118 a per-
7 centage of the auction revenue from any
8 resulting auction, provided that only spec-
9 trum assigned to a Federal user prior to
10 the date of the enactment of the Spectrum
11 Measurement and Policy Reform Act
12 would be eligible to participate in any such
13 sharing plan.

14 “(B) DISPOSITION OF PROCEEDS TO SPEC-
15 TRUM RELOCATION AND EFFICIENCY FUND.—
16 Sixty percent of all fees collected under sub-
17 paragraph (A)(ii) shall be deposited in the
18 Spectrum Relocation and Efficiency Fund es-
19 tablished under section 118, and shall be avail-
20 able in accordance with such section.”.

21 (2) FCC AUTHORITY.—Section 309(j)(8) of the
22 Communications Act of 1934 (47 U.S.C. 309(j)(8))
23 is amended by adding at the end the following:

24 “(F) AUCTION REVENUE SHARING PLAN.—
25 Notwithstanding subparagraph (A), if the Com-

1 mission determines that it is consistent with the
2 public interest in utilization of the spectrum for
3 a licensee to relinquish some or all of its li-
4 censed spectrum usage rights in order to permit
5 the assignment of new initial licenses or the al-
6 location of spectrum for unlicensed use subject
7 to new service rules, the proceeds from the use
8 of a competitive bidding system under this sub-
9 section may be shared, in an amount or per-
10 centage determined in the discretion of the
11 Commission, with any licensee who agreed to
12 participate in relinquishing such auction usage
13 rights.

14 “(G) SPECTRUM LICENSE FEE.—

15 “(i) IN GENERAL.—The Commission
16 shall have the authority to assess and col-
17 lect from each licensee an annual fee for
18 the spectrum assigned to such licensee that
19 is based on the fair market commercial
20 value of that spectrum and the public in-
21 terest of the service the spectrum is being
22 used for, using a methodology adopted by
23 the Commission, after providing notice and
24 opportunity for public comment.

1 “(ii) DISPOSITION OF PROCEEDS TO
2 SPECTRUM RELOCATION AND EFFICIENCY
3 FUND.—Thirty percent of all fees collected
4 under clause (i) shall be deposited in the
5 Spectrum Relocation and Efficiency Fund
6 established under section 118 of the Na-
7 tional Telecommunications and Informa-
8 tion Administration Organization Act (47
9 U.S.C. 928), and shall be available in ac-
10 cordance with such section.”.

11 (c) AMENDMENTS TO SPECTRUM RELOCATION AND
12 EFFICIENCY FUND.—Section 118 of the National Tele-
13 communications and Information Administration Organi-
14 zation Act (47 U.S.C. 928) is amended—

15 (1) in subsection (c)—

16 (A) by amending the heading to read as
17 follows: “(c) USES OF FUND.—”;

18 (B) by striking the period and inserting
19 the following: “, and to pay auction incentive
20 rewards as provided in subsection (e)(3).”; and

21 (C) by adding at the end the following:
22 “Amounts in the Fund may also be used to
23 fund planning and research in order to improve
24 the efficiency of Federal use of spectrum, and
25 to cover the costs of eligible Federal entities to

1 upgrade their equipment and facilities as long
2 as such upgrades including but not limited to
3 spectrum sharing, reuse, and layering, result in
4 more efficient use of spectrum by such enti-
5 ties.”;

6 (2) in subsection (d)(1), by striking the period
7 and inserting the following: “and auction incentive
8 awards as provided in subsection (e)(3).”;

9 (3) in subsection (d)(2), after “subsection” by
10 inserting “to pay relocation costs”;

11 (4) in subsection (d)(3), after “relocation costs”
12 by inserting the following: “and auction incentive
13 awards”; and

14 (5) in subsection (e), by adding at the end the
15 following new paragraph:

16 “(3) AUCTION INCENTIVE AWARDS.—

17 “(A) IN GENERAL.—In addition to the
18 transfers described in paragraphs (1) and (2),
19 any eligible Federal entity that voluntarily re-
20 linquishes eligible frequencies for non-Federal
21 use shall receive a one-time transfer from the
22 Fund of an amount (in this section referred to
23 as an ‘auction incentive award’) equal to a per-
24 centage of the proceeds from the auction of li-
25 censes covering such frequencies to be deter-

1 mined by the Secretary of Commerce in con-
2 sultation with the Federal Communications
3 Commission.

4 “(B) CREDIT.—Any amounts transferred
5 pursuant to subparagraph (A) shall be credited
6 to the appropriations account of the eligible
7 Federal entity that voluntarily relinquished
8 such frequencies.”.

9 (d) MODIFICATIONS TO SPECTRUM RELOCATION AND
10 EFFICIENCY FUND.—

11 (1) IN GENERAL.—Section 118(d)(3) of the Na-
12 tional Telecommunications and Information Admin-
13 istration Organization Act (47 U.S.C. 928(d)(3)), as
14 amended by subsection (c), is further amended in
15 subsection (d)(3), by striking “8 years” and insert-
16 ing “20 years”.

17 (2) TECHNICAL AND CONFORMING AMEND-
18 MENTS.—

19 (A) NATIONAL TELECOMMUNICATIONS AND
20 INFORMATION ADMINISTRATION ORGANIZATION
21 ACT.—The National Telecommunications and
22 Information Administration Organization Act is
23 amended—

24 (i) in section 113(g)(1), by inserting
25 “and Efficiency” after “Relocation”; and

1 (ii) in section 118—

2 (I) in the section heading, by in-
3 sserting “**AND EFFICIENCY**” after
4 “**RELOCATION**”; and

5 (II) in subsection (a)—

6 (aa) in the heading, by in-
7 sserting “**AND EFFICIENCY**” after
8 “**RELOCATION**”; and

9 (bb) by inserting “and Effi-
10 ciency” after “Relocation”.

11 (B) COMMUNICATIONS ACT OF 1934.—Sec-
12 tion 309(j)(8)(D) of the Communications Act of
13 1934 (47 U.S.C. 309(j)(8)(D)) is amended by
14 inserting “and Efficiency” after “Relocation”.

15 (e) NATIONAL STRATEGIC SPECTRUM PLAN.—

16 (1) IN GENERAL.—Not later than 18 months
17 after the date of enactment of this Act, and every
18 3 years thereafter, the Assistant Secretary of Com-
19 merce for Communications and Information and the
20 Chairman of the Commission assisted by the Radio
21 Spectrum Advisory Committee, shall develop an ini-
22 tial 10-year National Strategic Spectrum Plan that
23 includes the following:

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

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

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

10 (D) 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 (E) An evaluation of current auction proc-
22 esses to determine their effectiveness in the pro-
23 motion of competition and spectrum use effi-
24 ciency.

1 (2) SUBMISSION OF THE PLAN.—The Assistant
2 Secretary of Commerce for Communications and In-
3 formation and the Chairman of the Commission
4 shall, on an annual basis, jointly submit, after notice
5 and opportunity for public comment on, to the Presi-
6 dent and the Committee on Commerce, Science, and
7 Transportation of the Senate and the Committee on
8 Energy and Commerce of the House of Representa-
9 tives a report summarizing the progress made with
10 respect to the National Strategic Spectrum Plan re-
11 quired under paragraph (1).

12 (f) RADIO SPECTRUM ADVISORY COMMITTEE.—

13 (1) ESTABLISHMENT.—Not later than 60 days
14 after the date of enactment of this Act, the Chair-
15 man of the Commission and the Administrator of
16 the Administration shall establish a working group,
17 to be known as the Spectrum Advisory Committee.

18 (2) MEMBERSHIP.—

19 (A) APPOINTMENT; CO-CHAIRS.—The
20 Chairman of the Commission and the Adminis-
21 trator of the Administration shall appoint an
22 equal number of members of the Working
23 Group as soon as practicable after the date of
24 enactment of this Act and shall serve as its co-
25 chair. In appointing members of the Working

1 Group, the co-chairs shall ensure that the num-
2 ber of members appointed provides appropriate
3 and adequate representation for all stakeholders
4 and interested and affected parties.

5 (3) MEETINGS.—

6 (A) INITIAL MEETING.—The initial meet-
7 ing of the Working Group shall take place not
8 later than 60 days after the date of the enact-
9 ment of this Act.

10 (B) OTHER MEETINGS.—After the initial
11 meeting, the Working Group shall meet at the
12 call of the co-chairs.

13 (C) NOTICE; OPEN MEETINGS.—Any meet-
14 ings held by the Working Group shall be duly
15 noticed at least 14 days in advance and shall be
16 open to the public.

17 (4) RESOURCES.—

18 (A) FEDERAL AGENCIES.—The Working
19 Group shall have reasonable access to—

20 (i) materials, resources, data, and
21 other information from the National Insti-
22 tute of Standards and Technology, the De-
23 partment of Commerce and its agencies,
24 and the Federal Communications Commis-
25 sion; and

1 (ii) the facilities of any such agency
2 for purposes of conducting meetings.

3 (B) GIFTS AND GRANTS.—The Working
4 Group may accept, use, and dispose of gifts or
5 grants of services or property, both real and
6 personal, for purposes of aiding or facilitating
7 the work of the Working Group. Gifts or grants
8 not used at the expiration of the Working
9 Group shall be returned to the donor or grant-
10 or.

11 (5) RULES.—

12 (A) QUORUM.—One-third of the members
13 of the Working Group shall constitute a
14 quorum for conducting business of the Working
15 Group.

16 (B) SUBCOMMITTEES.—To assist the
17 Working Group in carrying out its functions,
18 the co-chairs may establish appropriate sub-
19 committees composed of members of the Work-
20 ing Group and other subject matter experts as
21 deemed necessary.

22 (C) ADDITIONAL RULES.—The Working
23 Group may adopt other rules as needed.

24 (6) FEDERAL ADVISORY COMMITTEE ACT.—
25 Neither the Federal Advisory Committee Act (5

1 U.S.C. App.) nor any rule, order, or regulation pro-
2 mulgated under that Act shall apply to the Working
3 Group.

4 (g) IRAC SHOT CLOCK.—Section 104(b) of the Na-
5 tional Telecommunications and Information Administra-
6 tion Organization Act (47 U.S.C. 903(b)) is amended—

7 (1) in paragraph (4), by striking “; and” and
8 inserting a semicolon;

9 (2) in paragraph (5), by striking the period at
10 the end and inserting “; and”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(6) in the event that a spectrum related
14 project is referred to the Interdepartmental Radio
15 Advisory Committee from the Commission, require
16 that a public notice detailing the project be provided,
17 and that the Committee shall act within 30 days to
18 complete the item, provided that a 30-day extension
19 may be provided upon a finding of extraordinary cir-
20 cumstances by NTLA.”.

21 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

22 Except as otherwise specifically provided for under
23 section 1, there are authorized to be appropriated, in addi-
24 tion to amounts otherwise available for such purposes,

- 1 such sums as may be necessary for each fiscal year to
- 2 carry out the purposes and duties of this Act.

○