

Whereas quality information and referral services are the keystone point of entry to the entire human services structure delivery system;

Whereas information and referral services have been recognized in Federal legislation for more than 35 years since the 1973 reauthorization of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and the subsequent establishment of the national Eldercare Locator and the development of Aging and Disability Resource Centers;

Whereas, as of the date of agreement to this resolution, the United States is served by information and referral through 2-1-1 programs, aging information and referral services, Aging and Disability Resource Centers, child care resource and referral services, military family centers, and other specialty information and referral services;

Whereas individuals who understand the variety of services available are better equipped to make decisions;

Whereas, in 1997, the national 2-1-1 initiative began with the United Way of Metropolitan Atlanta creating the first 24-hour telephone information and referral service using the easy-to-remember 2-1-1 dialing code for access;

Whereas, in 2000, the Federal Communications Commission reserved the 2-1-1 dialing code for community information and referral services, intended as an easy-to-remember and universally recognizable number that would serve as a vital connection between individuals and families in need, and appropriate community-based organizations and government agencies, on a regular basis and in times of disaster;

Whereas the Alliance of Information and Referral Systems has been providing professional standards and credentialing programs for those operating information and referral services;

Whereas expanding access to information about, and referrals to, services provides individuals with lower-cost and safer options for managing their needs, and is likely to reduce confusion, frustration, and inaccessibility to services; and

Whereas requests for assistance through information and referral services and 2-1-1 have increased across the United States due to the economic crisis: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses support for the designation of November 16, 2011, as National Information and Referral Services Day—

(A) to raise public awareness about the existence and importance of information and referral services available to all people in the United States; and

(B) to more effectively target those services to reach individuals most in need;

(2) encourages activities in communities across the United States involving schools, nonprofit organizations, businesses, and other entities to ensure information and referral services are part of everyday life in addition to emergency preparedness programs; and

(3) reaffirms the importance of clear and consistent professional standards to govern every aspect of quality information and referral services.

## SENATE CONCURRENT RESOLUTION 26—SUPPORTING THE GOALS AND IDEALS OF THE DESIGNATION OF THE YEAR OF 2011 AS THE INTERNATIONAL YEAR FOR PEOPLE OF AFRICAN DESCENT

Mr. CARDIN (for himself and Mr. WICKER) submitted the following con-

current resolution; which was considered and agreed to:

S. CON. RES. 26

Whereas the year of 2011 is recognized as the “International Year for People of African Descent”;

Whereas the African Diaspora is expansive, spanning the globe from Latin America and the Caribbean to Asia, with persons of African descent living on every continent, including Europe;

Whereas in recognition of the African Diaspora, on December 18, 2009, the United Nations General Assembly adopted Resolution 64/169, designating the year of 2011 as the “International Year for People of African Descent”;

Whereas the historical bonds and shared experiences that tie the African continent with the world must be recalled;

Whereas the global contributions of people of African descent must be recognized as a means of preserving that heritage;

Whereas a central goal of recognizing the year of 2011 as the International Year for People of African descent is to strengthen national actions and regional and international cooperation for the benefit of people of African descent in relation to—

(1) the full enjoyment of economic, cultural, social, civil, and political rights for people of African descent;

(2) the participation and integration of people of African descent in all political, economic, social, and cultural aspects of society; and

(3) the promotion of greater knowledge of, and respect for, the diverse heritage and culture of people of African descent; and

Whereas the Final Act of the Conference on Security and Cooperation in Europe, done at Helsinki August 1, 1975, states that “participating States will respect human rights and fundamental freedoms . . . for all without distinction as to race, sex, language or religion”: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) supports the goals and ideals of the designation of the year of 2011 as the International Year for People of African Descent;

(2) encourages the recognition and celebration of the collective history and achievements made by people of African descent;

(3) reaffirms the importance of inclusion and the full and equal participation of people of African descent around the world in all aspects of political, economic, social, and cultural life;

(4) recognizes bilateral and multilateral efforts to promote democracy, human rights, and rule of law, including those efforts that target the eradication of poverty, hunger, and inequality; and

(5) reaffirms the commitment of Congress to address racism, discrimination, and intolerance in the United States and around the globe.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 586. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; which was ordered to lie on the table.

SA 587. Mr. BROWN of Ohio (for himself, Mr. ROCKEFELLER, Mr. SANDERS, and Ms. COLLINS) proposed an amendment to the bill S. 1188, to require the purchase of domestically made flags of the United States of America for use by the Federal Government.

## TEXT OF AMENDMENTS

**SA 586.** Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; which was ordered to lie on the table; as follows:

At the end, add the following:

### TITLE II—MAXIMIZING SPECTRUM EFFICIENCY AND VALUE

#### SECTION 201. SHORT TITLE.

This title may be cited as the “Maximizing Spectrum Efficiency and Value Act of 2011”.

#### SEC. 202. FINDINGS.

Congress finds the following:

(1) Demand for spectrum is sharply rising due to the growing advanced network of communications devices that rely on spectrum to transmit and receive information.

(2) It is necessary for the United States to maintain its investments in innovation of spectrum and broadband infrastructure to ensure the United States is a global leader in the wireless age.

(3) Spectrum is a finite resource, and in order to spur innovation, the United States must provide for better and more efficient spectrum management.

(4) Many spectrum holders do not efficiently use their frequency assignments, and a re-structuring of the usable spectrum is a viable solution to make up for this lost opportunity.

(5) Making available additional spectrum to meet the demands of broadband technologies and services will prevent dropped connections, blocked service, decreased connection speed, and even higher prices for certain advanced applications.

(6) The availability of increased spectrum will allow advanced technologies such as 4G mobile services, high-speed wireless, high definition television, and more to continue operating without network problems and interferences.

(7) The United States public debt totals more than \$14,300,000,000,000.

(8) Congress should look for ways to increase the government's revenues without additional taxpayer burdens.

(9) Auctioning spectrum is the most economically sound method for accurate valuation and assignment of spectrum to develop the next generation of wireless technologies, expand broadband service to under served areas of our country, develop an interoperable public safety network and reduce our deficit.

(10) Recent spectrum auctions in Germany and India raised a combined \$20,000,000,000.

(11) Frequencies within the spectrum have substantial market value and could raise near \$30,000,000,000 in a public auction.

(12) Barriers such as regulatory and administrative delays are not conducive to the free market approach and can hurt innovation.

(13) Government spectrum, while extremely important, is vast and should be included in any spectrum reform initiative.

#### SEC. 203. AUTHORITY FOR INCENTIVE AUCTIONS.

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

(1) in paragraph (3), by striking subparagraph (F) and inserting the following:

“(F) for any auction of eligible frequencies described in section 119(f)(1) of the National Telecommunications and Information Administration Organization Act, the recovery of 110 percent of estimated relocation costs as provided to the Commission under section 119(e)(1)(D)(iii) of the National Telecommunications and Information Administration Organization Act.”; and

(2) in paragraph (8)—

(A) in subparagraph (A), by striking “subparagraphs (D), and (E)” and inserting “subparagraphs (D), (E), and (F)”; and

(B) by adding at the end the following:

“(F) VOLUNTARY INCENTIVE AUCTION REVENUE SHARING.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A) and except as provided in subparagraphs (B) and (C), if the Commission determines that it is consistent with the public interest in utilization of the spectrum for a licensee to relinquish voluntarily some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses subject to new service rules, the proceeds from the use of a competitive bidding system under this subsection in granting such rights to another licensee shall be shared, in an amount or percentage that the Commission considers appropriate, with the licensee who voluntarily relinquished such rights.

“(ii) AMOUNTS DEPOSITED INTO THE SPECTRUM RELOCATION FUND.—The Commission shall deposit in the Spectrum Relocation Fund, established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) (47 U.S.C. 928), \$13,000,000 of the proceeds described in clause (i) to carry out the requirements of section 119(b) of the National Telecommunications and Information Administration Organization Act.

“(iii) AMOUNTS NOT SHARED DEPOSITED IN TREASURY.—In any case in which a licensee voluntarily relinquishes licensed spectrum usage rights under clause (i), the Commission shall deposit in the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction, any portion of the proceeds described in clause (i) that the Commission does not share with the licensee (except proceeds retained under subparagraph (B), the deposits described in subparagraph (C), and the deposits described in subparagraph (F)(ii)).

“(iv) ESTABLISHMENT OF RULES.—Not later than 1 year after the date of enactment of the Maximizing Spectrum Efficiency and Value Act of 2011, the Commission shall establish rules for the implementation of voluntary incentive auction revenue sharing under this subparagraph.

“(v) CONTENT OF RULES.—In establishing rules under clause (iv), the Commission shall ensure that—

“(I) the rules—

“(aa) identify the initial spectrum band or bands that will be eligible for incentive auctions under this subparagraph;

“(bb) establish a maximum revenue sharing threshold applicable to all licensees within any auction, unless the establishment of such threshold would increase the amount of spectrum cleared or would increase the net revenue from the auction of such spectrum; and

“(cc) minimize the cost to the taxpayer of the transition of the spectrum to be auctioned to its newly identified use; and

“(II) any licensing conditions established are restricted to interference, ethical, geographical, and qualifications of licensees.

“(vi) PROHIBITIONS.—

“(I) The Commission may not establish any licensing condition relating to the Federal Communications Commission’s final order with regard to Preserving the Open Internet; Broadband Industry Practices (GN Docket No. 09-191, WC Docket No. 07-52)(adopted December 21, 2010).

“(II) The Commission may not restrict the number, type, or specific bidders from participating in any public auction.

“(III) The Commission may not prescribe rates, terms, or condition services that may be offered by bidders.

“(IV) The Commission may not impose any new license requirements or rules on the successful bidders once the public auction has been completed.

“(vii) SCHEDULE FOR AUCTIONS.—

“(I) INITIAL AUCTION.—The Commission shall commence incentive auctions under this subparagraph not later than 2 years after the date of enactment of the Maximizing Spectrum Efficiency and Value Act of 2011.

“(II) OTHER SPECTRUM.—The Commission may, in its discretion and at any time after the date of enactment of the Maximizing Spectrum Efficiency and Value Act of 2011, use the authority provided in this subparagraph in connection with the auction of other licensed spectrum, provided that the auction of such other spectrum is conducted pursuant to the rules established under this subparagraph.”

#### SEC. 204. FEDERAL SPECTRUM REALLOCATION COMMISSION.

(a) IN GENERAL.—Part B of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) is amended by adding at the end the following:

#### “SEC. 119. FEDERAL SPECTRUM REALLOCATION COMMISSION.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Chairperson’ means the chairperson of the Reallocation Commission designated under subsection (b)(3)(B);

“(2) the term ‘Director’ means the Director of the Reallocation Commission appointed under subsection (b)(5);

“(3) the term ‘executive agency’ has the meaning given the term in section 105 of title 5, United States Code;

“(4) the term ‘Federal entity’ means any department, agency, or other instrumentality of the Federal Government that utilizes a Government station license obtained under section 305 of the Telecommunications Act of 1934 (47 U.S.C. 305);

“(5) the term ‘Reallocation Commission’ means the Federal Spectrum Reallocation Commission established under subsection (b)(1); and

“(6) the term ‘relocation costs’—

“(A) means the costs incurred by a Federal entity to achieve comparable capability of systems, regardless of whether that capability is achieved by relocating to a new frequency assignment or by utilizing an alternative technology; and

“(B) includes—

“(i) the costs of any modification or replacement of equipment, software, facilities, operating manuals, training costs, or regulations that are attributable to relocation;

“(ii) the costs of all engineering, equipment, software, site acquisition and construction costs, as well as any legitimate and prudent transaction expense, including outside consultants, and reasonable additional costs incurred by the Federal entity that are attributable to relocation, including increased recurring costs associated with the replacement facilities;

“(iii) the costs of engineering studies, economic analyses, or other expenses reasonably incurred in calculating the estimated relocation costs that are provided to the Commission under subsection (e)(3)(C) and approved by the Office of Management and Budget under subsection (e)(3)(D);

“(iv) the one-time costs of any modification of equipment reasonably necessary to accommodate commercial use of such frequencies prior to the termination of the Federal entity’s primary allocation or protected status, when the eligible frequencies are made available for private sector uses by competitive bidding and a Federal entity retains primary allocation or protected status

in those frequencies for a period of time after the completion of the competitive bidding process; and

“(v) the costs associated with the accelerated replacement of systems and equipment if such acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment.

“(b) COMMISSION.—

“(1) ESTABLISHMENT.—There is established an independent commission to be known as the ‘Federal Spectrum Reallocation Commission’.

“(2) DUTIES.—The Reallocation Commission shall carry out the duties described in this section.

“(3) MEMBERSHIP.—

“(A) APPOINTMENTS.—

“(i) IN GENERAL.—The Reallocation Commission shall be composed of 9 members appointed by the President, with the advice and consent of the Senate.

“(ii) REQUIREMENTS FOR MEMBERSHIP.—

“(I) IN GENERAL.—Of the 9 members appointed by the President under clause (i)—

“(aa) not more than 1 member may be a current employee or contractor of the Department of Defense;

“(bb) not more than 1 member may be former employee or contractor of the Department of Defense;

“(cc) not less than 1 member shall be a representative of the commercial mobile technology industry; and

“(dd) not less than 1 member shall be a representative from a standards setting-body that is accredited by the American National Standards Institute to develop voluntary industry standards.

“(II) PRIVATE SECTOR REPRESENTATION.—In making appointments under clause (i), the President shall ensure that there is robust private sector representation on the Reallocation Commission.

“(iii) TRANSMISSION OF NOMINATIONS.—Not later than 180 days after the date of enactment of the Maximizing Spectrum Efficiency and Value Act of 2011, the President shall transmit to the Senate the nominations for appointment to the Commission.

“(iv) CONSULTATION.—In selecting individuals for nominations for appointments to the Reallocation Commission, the President shall consult with—

“(I) the Speaker of the House of Representatives concerning the appointment of 2 members;

“(II) the majority leader of the Senate concerning the appointment of 2 member;

“(III) the minority leader of the House of Representatives concerning the appointment of 1 member; and

“(IV) the minority leader of the Senate concerning the appointment of 1 member.

“(v) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Reallocation Commission.

“(B) CHAIRPERSON.—At the time the President nominates individuals for appointments under subparagraph (A), the President shall designate 1 of the individuals nominated to serve as the Chairperson of the Reallocation Commission.

“(C) TERMS.—

“(i) IN GENERAL.—Each member of the Reallocation Commission may serve until the Commission sunsets.

“(ii) CHAIRPERSON.—The Chairperson shall serve until the confirmation of a successor.

“(iii) VACANCIES.—Any vacancy in the Reallocation Commission shall be filled in the same manner as the original appointment.

“(D) COMPENSATION OF MEMBERS.—

“(i) IN GENERAL.—Each member, other than the Chairperson, shall be paid at a rate equal

to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Reallocation Commission.

“(i) CHAIRPERSON.—The Chairperson shall be paid for each day referred to in clause (i) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(4) MEETINGS.—

“(A) IN GENERAL.—Each meeting of the Reallocation Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

“(B) ACCESS TO INFORMATION.—All the proceedings, information, and deliberations of the Commission shall be open, upon request to—

“(i) the Chairman and the ranking member of the Subcommittee on Communications, Technology, and the Internet of the Committee on Commerce, Science, and Transportation of the Senate, or such other members of the Subcommittee designated by the Chairman or ranking member of the Subcommittee;

“(ii) the Chairman and the ranking member of the Subcommittee on Communications and Technology of the Committee on Energy and Commerce of the House of Representatives, or such other members of the Subcommittee designated by the Chairman or ranking member of the Subcommittee; and

“(iii) the Chairmen and ranking members of the Subcommittees on Commerce, Justice and Science, and Financial Services and General Government of the Committees on Appropriations of the Senate and of the House of Representatives, or such other members of the Subcommittees designated by such Chairmen or ranking minority party members.

“(5) DIRECTOR OF STAFF.—

“(A) IN GENERAL.—The Reallocation Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a Director.

“(B) PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(6) STAFF.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Director, with the approval of the Reallocation Commission, may appoint and fix the pay of additional personnel as may be necessary to enable the Reallocation Commission to perform the duties of the Reallocation Commission.

“(B) LIMITATION.—The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual appointed under this paragraph may not receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

“(C) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Director, the Secretary of Commerce may detail any of the personnel of the Department of Commerce to the Reallocation Commission to assist the Reallocation Commission in carrying out its duties.

“(D) GAO AGREEMENT.—The Comptroller General of the United States shall provide assistance, including the detailing of em-

ployees, to the Reallocation Commission in accordance with an agreement entered into with the Reallocation Commission.

“(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson may procure temporary and intermittent services under section 3109 of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(8) OTHER AUTHORITY.—The Chairperson may lease space and acquire personal property to the extent funds are available.

“(9) FUNDING.—There are authorized to be transferred to the Reallocation Commission from the Spectrum Relocation Fund \$13,000,000 to carry out the duties of the Reallocation Commission under this subsection, and such funds shall remain available until the term of the Reallocation Commission sunsets. The funds remaining after the sunset of the Commission shall be returned to the Treasury for the sole purpose of deficit reduction.

“(10) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other agencies of the United States.

“(11) SUNSET.—Section 119(b) is repealed effective 60 days after the President submits his approval of the Reallocation Commission recommendations, pursuant to subsection (d)(4)(B).

“(12) OBTAINING INFORMATION.—The Reallocation Commission may secure directly from any agency or department of the United States information necessary to enable it to carry out its duties under this section. Upon request of any member, the head of that agency or department shall furnish that information to the Commission in a full and timely manner.

“(c) SPECTRUM UTILIZATION PLAN.—

“(1) IN GENERAL.—As part of the budget justification documents submitted to Congress in support of the budget for each fiscal year, the head of each Federal entity shall include a spectrum utilization plan.

“(2) CONTENTS.—A spectrum utilization plan submitted under paragraph (1) shall include—

“(A) the total spectrum authorized for the entity (in percentage terms and in sum) in each band the entity uses;

“(B) the approximate number of transmitters, end-user terminals, or receivers, excluding unintended radiators, that have been deployed or authorized;

“(C) if such information is available—

“(i) the type of transmitters, end-user terminals, or receivers, excluding unintended radiators, operated by the entity and whether they are space-, air-, or ground-based;

“(ii) the type of transmitters, end-user terminals, or receivers, excluding unintended radiators, authorized to be operated by the entity and whether they are space, air, or ground-based;

“(iii) contour maps or other information that illustrate the coverage area, receiver performance, and other parameters relevant to an assessment of the availability of spectrum in each band used by the entity;

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

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

“(vi) the activities, capabilities, functions, or missions supported by the transmitters, end-user terminals, or receivers; and

“(vii) the types of unlicensed devices authorized to be operated by the entity;

“(D) the opportunity cost borne by the entity for each spectrum band the entity uses;

“(E) the planned uses of technologies or expanded services requiring spectrum of a period of time agreed to by the entity; and

“(F) suggested spectrum-efficient approaches to meeting the spectrum requirements identified under subparagraph (E).

“(3) REQUIREMENT.—The head of each Federal entity required to submit a spectrum utilization plan under paragraph (1) shall submit a copy of each plan submitted under paragraph (1) to the Reallocation Commission, the Secretary of Commerce, and the NTIA.

“(4) NATIONAL SECURITY; CLASSIFIED INFORMATION.—

“(A) IN GENERAL.—If the head of a Federal agency determines that disclosure of information required under paragraph (1) would be harmful to the national security of the United States, the agency shall—

“(i) notify the Secretary of Commerce of such determination;

“(ii) provide to the Secretary—

“(I) the other publicly releasable information required by paragraph (1);

“(II) to the maximum extent practicable, a summary description of the information with respect to which the determination was made; and

“(III) an annex containing the information with respect to which the determination was made.

“(B) CLASSIFIED INFORMATION.—If the head of a Federal agency determines that any information required by paragraph (1) is classified in accordance with Executive Order 13526 of December 29, 2009, or any successor Executive Order establishing or modifying the uniform system for classifying, safeguarding, and declassifying national security information, the agency shall—

“(i) notify the Secretary of such determination;

“(ii) provide to the Secretary—

“(I) the information required by paragraph (1) that is not classified;

“(II) to the maximum extent practicable, a summary description of the information that is classified; and

“(III) an annex containing the information that is classified.

“(C) ANNEX RESTRICTION.—The Secretary shall make an annex described in subparagraph (A)(ii)(III) or (B)(ii)(III) available to the NTIA and the Relocation Commission. The NTIA, the Secretary, and the Relocation Commission shall not make any such annex available to the public or to any unauthorized person through any other means.

“(d) PROCEDURE FOR MAKING RECOMMENDATIONS FOR SPECTRUM REALLOCATION.—

“(1) COMMERCE RECOMMENDATIONS.—Not later than 18 months after the President submits the budget documents that include spectrum utilization plans described in subsection (c) to Congress for the first fiscal year following the date of enactment of this section, the Secretary shall prepare and submit to the appropriate congressional committees, the Comptroller General of the United States, and the Reallocation Commission a report identifying and recommending for reallocation bands of frequencies—

“(A) that are allocated on a primary basis for Federal Government use;

“(B) that are not required for the needs of the Federal Government at the time the report is submitted, or in the identifiable future; and

“(C) that can feasibly be made available, as of the date of submission of the report or

at any time during the 5 year period beginning on the date on which the report is submitted, for use under section 309(j) the Communications Act of 1934 (47 U.S.C. 309(j)).

“(2) CRITERIA FOR IDENTIFICATION.—

“(A) NEEDS OF THE FEDERAL GOVERNMENT.—In determining whether a band of frequencies meets the criteria specified under paragraph (1)(B), the Secretary shall—

“(i) consider whether—

“(I) the band of frequencies is used to provide a communications service that is or could be available from a commercial provider or other vendor; or

“(II) the communications services provided on such frequencies could be relocated to other frequencies used by the Federal Government;

“(ii) seek to promote—

“(I) the maximum practicable reliance on commercially available substitutes;

“(II) the efficient use of spectrum by Federal Government stations;

“(III) the development and use of new communications technologies; and

“(IV) the use of nonradiating communications systems where practicable; and

“(iii) seek to avoid—

“(I) serious degradation of Federal Government services and operations;

“(II) excessive costs to the Federal Government and users of Federal Government services; and

“(III) excessive disruption of existing use of Federal Government frequencies by amateur radio licensees.

“(B) LIMITATION ON REALLOCATION.—None of the frequencies recommended for reallocation under paragraph (1) shall have been required or scheduled for previous reallocation.

“(C) DIRECT DISCUSSIONS.—

“(i) IN GENERAL.—The Secretary shall encourage and provide opportunity for direct discussions among commercial representatives and Federal Government users of the spectrum to aid the Secretary in determining which frequencies to recommend for reallocation under paragraph (1).

“(ii) HEARINGS AND PUBLIC COMMENT.—As part of the review required under clause (i), the Reallocation Commission shall conduct public hearings and accept public comment on the recommendations. All testimony before the Reallocation Commission at a public hearing conducted under this clause shall be presented under oath. All testimony and public comments collected under this clause shall be made available on a public website.

“(iii) REPRESENTATION.—A representative of the Reallocation Commission, and of the Secretary at the election of the Secretary, shall be permitted to attend any discussion held under clause (i).

“(iv) COMMENT.—The Secretary shall provide the public and the Reallocation Commission with an opportunity to comment on the results of a discussion held under clause (i) before the Secretary submits the recommendation required under paragraph (1).

“(3) REVIEW AND RECOMMENDATIONS BY THE REALLOCATION COMMISSION.—

“(A) REVIEW.—

“(i) IN GENERAL.—After receiving the recommendations from the Secretary under paragraph (1), the Reallocation Commission shall review the recommendations.

“(ii) HEARINGS.—As part of the review required under clause (i), the Reallocation Commission shall conduct public hearings on the recommendations. All testimony before the Reallocation Commission at a public hearing conducted under this clause shall be presented under oath.

“(B) RECOMMENDATIONS.—

“(i) IN GENERAL.—Not later than 180 days after the Secretary submits recommendations under paragraph (1) to the Reallocation

Commission, the Reallocation Commission shall submit to the President and the appropriate congressional committees a report on the findings and conclusions of the Reallocation Commission from the review conducted under subparagraph (A), including any recommendations for Federal spectrum reallocation.

“(ii) REQUIREMENT.—A report submitted under clause (i) shall contain an explanation and justification of any recommendation of Federal spectrum reallocation included in the report that is different from the recommendations submitted by the Secretary under paragraph (1).

“(C) TRANSMISSION OF INFORMATION TO CONGRESS.—After the Reallocation Commission submits recommendations to the President under subparagraph (B), upon request by a Member of Congress, the Reallocation Commission shall submit to the Member of Congress any information used by the Reallocation Commission in making the recommendations.

“(D) GAO REQUIREMENTS.—The Comptroller General of the United States shall—

“(i) assist the Reallocation Commission, to the extent requested, in the review and analysis of the recommendations made by the Secretary required to be conducted under subparagraph (A); and

“(ii) not later than 90 days after the Secretary makes recommendations under paragraph (1), submit to Congress and to the Reallocation Commission a report that contains a detailed analysis of the recommendations and selection process of the Secretary.

“(4) REVIEW BY THE PRESIDENT.—

“(A) IN GENERAL.—Not later than 30 days after the Reallocation Commission submits recommendations for Federal spectrum reallocation under paragraph (3)(B), the President shall—

“(i) determine whether to approve the recommendations made by the Reallocation Commission; and

“(ii) submit to Congress and the Reallocation Commission a report that describes the determination made under clause (i).

“(B) APPROVAL.—If the President approves the recommendations under clause (i), the President shall transmit a copy of the recommendations to Congress.

“(C) DISAPPROVAL.—

“(i) IN GENERAL.—If the President disapproves the recommendations under clause (i), the President shall submit to Congress and to the Reallocation Commission a report that describes the reasons that the President disapproves of the recommendations.

“(ii) REALLOCATION COMMISSION REVISIONS.—Not later than 60 days after the President submits to the Reallocation Commission a report under clause (i), the Reallocation Commission shall submit to the President a revised list of recommendations for reallocation of Federal spectrum.

“(iii) APPROVAL AND DISAPPROVAL OF REVISIONS.—

“(I) APPROVAL.—If the President approves the revised list of recommendations submitted by the Reallocation Commission under clause (ii), the President shall submit the revised list to Congress.

“(II) DISAPPROVAL.—If the President disapproves the revised list of recommendations submitted by the Reallocation Commission under clause (ii), the President and the Reallocation Commission shall complete the requirements described in clauses (i) and (ii) until the President approves recommendations from the Reallocation Commission.

“(5) PUBLIC DISCLOSURE AND NONDISCLOSURE.—

“(A) IN GENERAL.—If the head of an executive agency, the Chairperson, or the President determines that public disclosure of any information contained in the reports, rec-

ommendations, testimony, or comments required under this section would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, public safety, or jeopardize law enforcement investigations, the head of the executive agency, the Chairperson, or the President shall notify the Secretary of that determination prior to release of such information.

“(B) ANNEX.—

“(i) IN GENERAL.—If the head of an executive agency, the Chairperson, or the President notified the Secretary of a determination under subparagraph (A), the information required to be disclosed under this section shall be included in a separate classified annex, as needed.

“(ii) REQUIREMENT.—A classified annex described under clause (i)—

“(I) shall be provided to the appropriate Congressional subcommittees in accordance with appropriate national security stipulations; and

“(II) shall not be disclosed to the public or provided to any unauthorized person through any other means.

“(e) REALLOCATION OF FEDERAL SPECTRUM.—

“(1) AGENCY ACTION.—

“(A) NTIA REQUIREMENT.—Not later than 180 days after the date on which the President submits approved recommendations for the reallocation of Federal spectrum to Congress under subparagraph (B) or (C)(iii)(I) of subsection (d)(4), the NTIA shall provide to each Federal entity that is required to take action under the recommendations information regarding an alternative frequency assignment to which the radio communications operations of the Federal entity could be relocated for purposes of calculating the estimated relocation costs and time line required under subparagraph (C).

“(B) REQUIREMENT.—To the extent practicable and consistent with national security considerations, the NTIA shall provide the information described in paragraph (1) by the geographic location of the facilities or systems of the Federal entity and the frequency bands used by the facilities or systems.

“(C) IMPLEMENTATION PLAN.—

“(i) IN GENERAL.—Not later than 1 year after the date on which the President submits approved recommendations for the reallocation of Federal spectrum to Congress under subparagraph (B) or (C)(iii)(I) of subsection (d)(4), the head of each Federal entity required to relocate spectrum under the recommendations shall prepare and submit to the President, the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives, the NTIA, the Federal Communications Commission, the Office of Management and Budget, and the Comptroller General of the United States a plan for implementation of the recommendations related to the Federal entity.

“(ii) CONTENTS.—An implementation plan submitted under clause (i) shall include—

“(I) a description of how the Federal entity will comply with the approved recommendations for the reallocation of Federal spectrum submitted to Congress under subparagraph (B) or (C)(iii)(I) of subsection (d)(4);

“(II) any statutory or regulatory barriers that will prohibit the Federal entity from complying with the recommendations described in subclause (I);

“(III) the estimated cost to the Federal entity of frequency withdrawal or relocation; and

“(IV) the estimated timeline of the Federal entity for frequency withdrawal or relocation.

“(D) REVIEW OF IMPLEMENTATION PLAN.—

“(i) IN GENERAL.—Not later than 30 days after the date on which the plan is submitted under subparagraph (C), the Office of Management and Budget shall review the implementation plan and determine whether to approve the plan.

“(ii) DISAPPROVAL.—If an implementation plan submitted under subparagraph (C) is disapproved by the Office of Management and Budget, the Federal entity shall submit a revised implementation plan under paragraph (3)(A) until the implementation plan is approved.

“(iii) APPROVAL OF ALL PLANS.—Not later than 7 days after the date on which the Office of Management and Budget approves the plans submitted under paragraph (3)(C), the Office of Management and Budget shall notify the Federal Communications Commission of the estimated relocation costs and timelines of all Federal entities required to submit a plan under paragraph (3)(C).

“(iv) REVIEW OF PROGRESS.—At the beginning of each fiscal year following approval of a plan required under subparagraph (C), the Office of Management and Budget shall review the progress of each Federal entity in meeting the cost and timelines of the implementation plan. If at any point, the Office of Management and Budget determines the Federal entity will not meet the implementation plan timelines or cost, the Office of Management and Budget shall take action to enforce the approved plan.

“(E) COMPLIANCE.—

“(i) INITIATION OF REQUIRED ACTION.—Not later than 2 years after the date which the President submits approved recommendations for the reallocation of Federal spectrum to Congress under subparagraph (B) or (C)(iii)(I) of subsection (d)(4), the head of each agency shall initiate all such actions required to comply with the approved recommendations.

“(ii) COMPLETION OF REQUIRED ACTION.—Not later than 5 years after the date which the President submits approved recommendations for the reallocation of Federal spectrum to Congress under subparagraph (B) or (C)(iii)(I) of subsection (d)(4), the head of each agency shall complete all such actions required to comply with the approved recommendations.

“(2) CONGRESSIONAL DISAPPROVAL.—

“(A) IN GENERAL.—No agency may initiate any action in accordance with the approved recommendations for the reallocation of Federal spectrum submitted to Congress by the President under subparagraph (B) or (C)(iii)(I) of subsection (d)(4) if Congress enacts a joint resolution disapproving the recommendations before the earlier of—

“(i) the end of the 45-day period beginning on the date on which the President submits the recommendations to Congress under subparagraph (B) or (C)(iii)(I) of subsection (d)(4); or

“(ii) the adjournment of Congress sine die for the session during which the recommendations described in clause (i) are submitted.

“(B) COMPUTATION OF TIME PERIOD.—For the purpose of subparagraph (A), the days on which either the Senate or the House of Representatives is not in session because of an adjournment for more than 3 days to a day certain shall be excluded in the computation of the time period described in subparagraph (A)(i).

“(3) NOTIFICATION OF SUCCESSFUL RELOCATION.—The President shall terminate the authorization of a Federal entity and notify the Secretary and the Federal Communications Commission of the termination if—

“(A) the NTIA determines that a Federal entity has achieved comparable capability of systems by relocating to a new frequency assignment or by utilizing an alternative technology; or

“(B) the Federal entity has unreasonably failed to comply with the timeline for relocation submitted by the Federal entity under paragraph (1)(C).

“(f) AUCTION OF AVAILABLE FREQUENCIES.—

“(1) IN GENERAL.—Not later than 18 months after the date on which the President submits approved recommendations for the reallocation of Federal spectrum to Congress under subparagraph (B) or (C)(iii)(I) of subsection (d)(4), the Federal Communications Commission shall establish rules for the conduct of auctions of frequencies that will be made available according to the recommendations for the reallocation of Federal spectrum for assignment of new initial licenses subject to new service rules or for other purposes, in which a portion of the auction proceeds are provided to the Spectrum Relocation Fund, consistent with the public interest in maximizing utilization of the spectrum. The remainder of the proceeds shall be deposited in the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

“(2) REQUIREMENT.—In promulgating rules under paragraph (1), the Federal Communications Commission shall—

“(A) minimize the cost to the taxpayer of the transition of the spectrum to be auctioned to its newly identified use;

“(B) ensure that any licensing conditions established are restricted to technical, ethical, geographic, and financial matters; and

“(C) establish rules in accordance with section 309(j)(8)(F)(vi) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(F)(vi)).

“(3) SCHEDULE FOR AUCTIONS.—Not later than 3 years after the date on which the President submits approved recommendations for the reallocation of Federal spectrum to Congress under subparagraph (B) or (C)(iii)(I) of subsection (d)(4), the Federal Communications Commission shall commence auctions under this subsection.

“(g) RELOCATION OF FEDERAL GOVERNMENT STATIONS.—

“(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station assigned to a band of frequencies and that incurs relocation costs because of the reallocation of frequencies from Federal use to non-Federal use pursuant to this section shall receive payment for such costs from the Spectrum Relocation Fund, in accordance with section 118.

“(2) FEDERAL ACTION TO EXPEDITE SPECTRUM TRANSFER.—Any Federal Government station which operates on electromagnetic spectrum that has been identified in any reallocation report under this section shall, to the maximum extent practicable through the use of the authority granted under this section and any other applicable provision of law, take action to relocate its spectrum use to other frequencies that are reserved for Federal use or to consolidate its spectrum use with other Federal Government stations in a manner that maximizes the spectrum available for non-Federal use.

“(3) FAILURE TO COMPLY.—If a Federal entity does not comply with the timeline established in the implementation plan required under subsection (e)(C), Congress may decrease the amount appropriated to the entity in the following fiscal year by up to ½ of 1 percent.”.

“(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 309(J) OF THE TELECOMMUNICATIONS ACT OF 1934.—Section 309(j) is amended—

(A) in paragraph (8), as amended by this Act, by striking subparagraph (D) and inserting the following:

“(D) DISPOSITION OF CASH PROCEEDS.—Cash proceeds attributable to the auction of any eligible frequencies described in section 119(f)(1) of the National Telecommunications and Information Administration Organization Act shall be deposited in the Spectrum Relocation Fund established under section 118 of such Act, and shall be available in accordance with that section.”; and

(B) in paragraph (16)—

(i) by striking paragraphs (A) and (B) and inserting the following:

“(A) SPECIAL REGULATIONS.—The Commission shall revise the regulations prescribed under paragraph (4)(F) of this subsection to prescribe methods by which the total cash proceeds from any auction of eligible frequencies described in section 119(f)(1) of the National Telecommunications and Information Administration Organization Act shall at least equal 110 percent of the total estimated relocation costs provided to the Commission pursuant to section 119(e)(1)(D)(iii) of such Act.

“(B) CONCLUSION OF AUCTIONS CONTINGENT ON MINIMUM PROCEEDS.—The Commission shall not conclude any auction of eligible frequencies described in section 119(f)(1) of such Act if the total cash proceeds attributable to such spectrum are less than 110 percent of the total estimated relocation costs provided to the Commission pursuant to section 119(e)(1)(D)(iii) of such Act. If the Commission is unable to conclude an auction for the foregoing reason, the Commission shall cancel the auction, return within 45 days after the auction cancellation date any deposits from participating bidders held in escrow, and absolve such bidders from any obligation to the United States to bid in any subsequent auction of such spectrum.”.

(2) SPECTRUM RELOCATION FUND.—Section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) is amended striking subsection (c) and inserting the following:

“(c) USED TO PAY RELOCATION COSTS.—The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation costs, as defined in section 119(a)(5), of an eligible Federal entity incurring such costs with respect to relocation from those frequencies.”.

**SA 587.** Mr. BROWN of Ohio (for himself, Mr. ROCKEFELLER, Mr. SANDERS, and Ms. COLLINS) proposed an amendment to the bill S. 1188, to require the purchase of domestically made flags of the United States of America for use by the Federal Government; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “All-American Flag Act”.

**SEC. 2. REQUIREMENT FOR PURCHASE OF DOMESTICALLY MADE UNITED STATES FLAGS FOR USE BY FEDERAL GOVERNMENT.**

(a) IN GENERAL.—Except as provided under subsection (b), only such flags of the United States of America, regardless of size, that are 100 percent manufactured in the United States, from articles, materials, or supplies 100 percent of which are grown, produced, or manufactured in the United States, may be acquired for use by the Federal Government.

(b) WAIVER.—The head of an executive agency may waive the requirement under subsection (a) on a case-by-case basis upon a determination that—

(1) the application of the limitation would cause unreasonable costs or delays to be incurred; or

(2) application of the limitation would adversely affect a United States company.

(c) **AMENDMENT OF FEDERAL ACQUISITION REGULATION.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council established under section 1302 of title 41, United States Code, shall amend the Federal Acquisition Regulation to implement this section.

(d) **DEFINITIONS.**—In this section:

(1) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(2) **FEDERAL ACQUISITION REGULATION.**—The term “Federal Acquisition Regulation” has the meaning given the term in section 106 of title 41, United States Code.

#### SEC. 3. EFFECTIVE DATE.

Section 2 shall apply to purchases of flags made on or after 180 days after the date of the enactment of this Act.

#### SEC. 4. CONSISTENCY WITH INTERNATIONAL AGREEMENTS.

This Act shall be applied in a manner consistent with United States obligations under international agreements.

### NOTICES OF HEARINGS

#### COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 28, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing entitled “Enforcing the Indian Gaming Regulatory Act—The Role of the National Indian Gaming commission and Tribes as Regulators.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 28, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting to consider: S. 546, a bill to extend Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes; S. 379, a bill to extend Federal Recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; S. 1218, a bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; S. 703, a bill to amend the Long-Term Leasing Act, and for other purposes; and S. 636, a bill to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes, to be followed by an oversight hearing entitled “Enforcing the Indian Gaming Regulatory Act—The Role of the National Indian Gaming Commission and Tribes as Regulators.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

#### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on

Health, Education, Labor, and Pensions will meet in executive session on Wednesday, August 3, 2011, at 10 a.m. in SD-106 to mark-up the following: S. 958, the Children’s Hospital GME Support Reauthorization Act of 2011; S. 1094, the Combating Autism Reauthorization Act; and, any nominations cleared for action.

For further information regarding this meeting, please contact the committee on (202) 224-5375.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 27, 2011, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “CEO Perspectives on How the Tax Code Affects Hiring, Businesses and Economic Growth.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 27, 2011, at 10 a.m. to conduct a hearing entitled “Ten Years After 9/11: Emergency Communications.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 27, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Fulfilling Our Treaty Obligations and Protecting Americans Abroad.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 27, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON VETERANS’ AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session on July 27, 2011, in room SD-562 of the Dirksen Senate Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee

on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 27, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on July 27, 2011, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 27, 2011, at 10:30 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that Charles Vallejo Anderson, an intern in Senator MERKLEY’s office, have the privileges of the floor for the balance of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ALL-AMERICAN FLAG ACT

Mr. BROWN of Ohio. Mr. President, I rise to discuss legislation called the All-American Flag Act of 2011 and make some comments about what has happened to American manufacturing and how this is a small step but an important step in beginning to convince this body that “Made in America” is something we should focus on, that a manufacturing strategy from the White House is something they should focus on, and that putting people back to work to make things in America again is the right strategy to pull us out of a recession.

The Labor Department’s most recent jobs report confirmed what workers in my State are already aware of—that employers are still not hiring. Workers who have jobs are seeing smaller paychecks, and they are barely keeping up with bills and insurance costs.

In too many cases, soldiers returning from Iraq and Afghanistan are facing even greater challenges in the labor market. I was at Youngstown State University recently talking about the specific programs there. In Cleveland, through MAGNET—a group called MAGNET in Youngstown and in northeast Ohio is helping soldiers and sailors