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*The Committee on Energy and Commerce*

November 29, 2011



**MEMORANDUM**

To: Members, Subcommittee on Communications and Technology

From: Majority Committee Staff

Re: Markup of a Discussion Draft of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011

The Subcommittee will meet in open markup session on Thursday, December 1, 2011, at 10:00 a.m. in 2123 Rayburn House Office Building to consider a discussion draft of the Jumpstarting Opportunity with Broadband Spectrum (JOBS) Act of 2011.

**Background**

By clearing spectrum for commercial auction, the JOBS Act of 2011 can advance wireless broadband service, promote billions of dollars in private investment, create thousands of jobs, help bring interoperable broadband communications to public safety officials, and reduce the deficit by approximately \$15 billion dollars. The Digital Television Transition and Public Safety Act of 2005, for example, cleared 24 MHz of nationwide spectrum for First Responders to meet some of the 9/11 Commission recommendations, provided \$1 billion for interoperable public safety equipment, freed spectrum that carriers are now using to roll out fourth generation wireless broadband services, and raised close to \$20 billion in spectrum auction proceeds. Despite the progress the legislation made, however, we still do not have a nationwide, interoperable public safety network; at the same time, consumer demand for wireless broadband is rapidly outpacing the amount of spectrum available for commercial use.

This legislation addresses these issues by authorizing incentive auctions, creating the contiguous, 20-MHz block of spectrum public safety officials say they need for broadband by reallocating the 700 MHz D Block and providing for the return of 700 MHz narrowband spectrum, making up to \$6.5 billion in grants available for the construction of an interoperable public safety network, and creating a governance structure for construction and operation of the network. The legislation also addresses the relocation of federal government incumbents to make additional spectrum available for commercial services. Following the experiences of the AWS-1 band (1710-1755 MHz), the legislation adopts changes to the Commercial Spectrum Enhancement Act to streamline the existing relocation process, including providing NTIA with funding for spectrum planning prior to relocation auctions, permitting incremental updates to government systems through the relocation process, improving processes for the creation of relocation plans, and improving accountability.

## **Section-by-Section**

Section 1. Short Title.

Section 2. Definitions.

Sections 3-4. Rules of construction and enforcement provisions.

### **Title I – Spectrum Auction Authority**

Section 101. Establishes clearing and auction timelines for spectrum in 1915-1920 MHz and 1995-2000 MHz (the PCS H Block), 2155-2180 MHz (the AWS-3 block), 1755-1780 MHz, 15 MHz from the government spectrum at 1675-1710 MHz, and 3550-3650 MHz. This section also allows the President to substitute alternate spectrum for 1755-1780 MHz, subject to Congressional approval.

Section 102. Reallocates the 700 MHz D Block from commercial to public safety use. Requires public safety to return the 700 MHz narrowband and guard band spectrum five years after standards have been set for the carriage of public safety voice communications over broadband networks. Provides public safety with up to \$1 billion in grants from auction proceeds to transition end users to broadband voice. In combination, these provisions give public safety officials the contiguous, 20 MHz of spectrum they say they need for wireless broadband while providing for auction of the 700 MHz narrowband spectrum. This will help meet the ongoing demand for commercial wireless broadband services while providing funding to help migrate public safety officials from narrowband voice services to broadband once public-safety-grade voice over Internet protocol is available.

Section 103. Grants the FCC authority to conduct incentive auctions under which it shares some of the proceeds with licensees who return spectrum. Limits FCC authority to those auctions in which there is competition on the “reverse” side of the auction – the portion of the auction that sets the buy-out price.

Section 104. Grants the FCC special authority to conduct an incentive auction for the broadcast spectrum in the UHF band. Places special restrictions on both broadcasters and the FCC in order to facilitate the auction. FCC authority to conduct an auction is restricted to protect those broadcasters that choose not to participate and remain in the television band following the auction. Broadcasters’ administrative remedies to protest channel changes are curtailed in order to facilitate the “repack” that will be needed in order to accommodate both broadcasting and broadband in the UHF spectrum. Provides up to \$3 billion for relocation costs of broadcasters and cable systems. Ensures that the auction is both self-funding and generates a profit for the treasury. Ensures that the auction is only consummated if there is sufficient spectrum to accommodate the broadcasters that wish to remain broadcasters following the auction and requires the FCC to make all reasonable efforts to preserve broadcasters’ service areas. The FCC is required to auction the spectrum it clears, but retains discretion to add to the approximately 675 MHz of unlicensed spectrum currently available below 6 GHz by allowing secondary, shared use of this spectrum or primary, dedicated use of other spectrum.

Section 105. Prevents the FCC from excluding bidders from participating in spectrum auctions for reasons other than citizenship, character, financial, and technical qualifications.

Section 106. Extends the FCC's auction authority through 2021.

Section 107. Instructs the FCC and NTIA to pursue additional secondary allocations of spectrum for unlicensed use by evaluating the viability of sharing spectrum with government operations in the 5 GHz band.

## **Title II – Advanced Public Safety Communications**

Section 201. Assigns the spectrum for public safety broadband use to the Administrator that is created under Section 203.

Section 202. Establishes a Public Safety Communications Planning Board within the FCC made up of government officials, public safety representatives, wireless network equipment manufacturers and commercial wireless providers. Establishes procedures for the creation, operation, and qualifications of the Board. Tasks the Board with the creation of the National Public Safety Communications Plan to govern the use of the public safety broadband spectrum. Details the minimum requirements for the Plan, including nationwide interoperability and improvements to public safety device availability.

Sections 203-204: Establishes the procedures for choosing an Administrator, the role of the Administrator in governing the public safety broadband spectrum, limitations of the powers of the Administrator as a licensee, a mechanism for initial funding of the Administrator, and audit and reporting procedures for the Administrator. Creates an efficient and cost- effective governance structure that enables government oversight while capitalizing on private sector expertise without creating a large, new government bureaucracy.

Section 205. Instructs the FCC to report on the use of amateur radio during times of emergency.

Sections 221-224. Establishes and funds a \$100 million grant program at the NTIA for State Broadband Implementation Offices. Defines the role of the State Broadband Offices in implementing the Plan through negotiations with commercial wireless providers for the buildout of the nationwide, interoperable broadband network, and establishes the procedure for Administrator approval of state public safety broadband plans and contracts. Also establishes a grant program at the NTIA for buildout of the state broadband networks. State-based negotiations allow the public safety network to accommodate local conditions, enables public safety officials to partner with commercial and other entities, such as utilities, that have established relationships in the community, and will promote competition.

Section 225. Streamlines the process for siting of wireless facilities by preempting the ability of state and local authorities to delay collocation of, removal of, and replacement of wireless transmission equipment. Increases access by establishing a uniform process for access to Federal rights-of-way and easements. Establishes a master contract process for siting wireless facilities on Federal government owned property and buildings.

Section 241. Establishes the Public Safety Trust Fund into which auction receipts are deposited and from which grant programs are administered. The grant program is funded with \$5 billion plus 10 percent of any net auction revenues above \$25.5 billion, up to a total of \$6.5 billion. All funds above and beyond those delineated in the section are dedicated to deficit reduction.

### **Title III – Federal Spectrum Relocation**

Section 301. Amends the NTIA Organization Act, as amended by the Commercial Spectrum Enhancement Act, to address lessons learned in the AWS-1 clearing process. Permits the use of relocation funds to relocate government systems in order to permit spectrum sharing. Permits the use of relocation funds to upgrade government systems during the relocation process. Establishes a process for the timely publication of relocation plans by government incumbents. Creates a process for appeal of the technical and relocation decisions of government incumbents.

Section 302. Makes changes to the Spectrum Relocation Fund to accommodate the ability of the government to relocate systems in order to spectrum share. Provides a mechanism for OMB to transfer to NTIA funds to cover the pre-auction costs associated with a relocation.

Section 303. Amends the NTIA Organization Act to ensure the protection of classified and other sensitive national security information throughout the relocation process.

### **Title IV – Telecommunications Development Fund**

Sections 401-402. Now that the Telecommunications Development Fund (TDF) is well-established, severs government ties and eliminates the requirement that the TDF maintain government officials as members of its board of directors to increase the ability of TDF to attract private capital investment.

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*If you need more information, please call David Redl or Neil Fried at 5-2927.*

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

To promote job growth by making available additional spectrum for wireless broadband services, to reduce the deficit, to promote the deployment of a nationwide interoperable public safety broadband network, and for other purposes.

\_\_\_\_\_

**IN THE HOUSE OF REPRESENTATIVES**

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

\_\_\_\_\_

**A BILL**

To promote job growth by making available additional spectrum for wireless broadband services, to reduce the deficit, to promote the deployment of a nationwide interoperable public safety broadband network, 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       “Jumpstarting Opportunity with Broadband Spectrum  
6       Act of 2011” or the “JOBS Act of 2011”.

- 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.
- Sec. 3. Rule of construction.
- Sec. 4. Enforcement.

#### TITLE I—SPECTRUM AUCTION AUTHORITY

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

#### TITLE II—ADVANCED PUBLIC SAFETY COMMUNICATIONS

##### Subtitle A—National Implementation

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

##### Subtitle B—State Implementation

- Sec. 221. Negotiation and approval of contracts.
- Sec. 222. State implementation grant program.
- Sec. 223. State Implementation Fund.
- Sec. 224. Grants to States for network buildout.
- Sec. 225. Wireless facilities deployment.

##### Subtitle C—Public Safety Trust Fund

- Sec. 241. Public Safety Trust Fund.

#### TITLE III—FEDERAL SPECTRUM RELOCATION

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

#### TITLE IV—TELECOMMUNICATIONS DEVELOPMENT FUND

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

3 **SEC. 2. DEFINITIONS.**

- 4 In this Act:

1           (1) 700 MHZ D BLOCK SPECTRUM.—The term  
2           “700 MHz D block spectrum” means the portion of  
3           the electromagnetic spectrum between the fre-  
4           quencies from 758 megahertz to 763 megahertz and  
5           between the frequencies from 788 megahertz to 793  
6           megahertz.

7           (2) 700 MHZ PUBLIC SAFETY GUARD BAND  
8           SPECTRUM.—The term “700 MHz public safety  
9           guard band spectrum” means the portion of the  
10          electromagnetic spectrum between the frequencies  
11          from 768 megahertz to 769 megahertz and between  
12          the frequencies from 798 megahertz to 799 mega-  
13          hertz.

14          (3) 700 MHZ PUBLIC SAFETY NARROWBAND  
15          SPECTRUM.—The term “700 MHz public safety  
16          narrowband spectrum” means the portion of the  
17          electromagnetic spectrum between the frequencies  
18          from 769 megahertz to 775 megahertz and between  
19          the frequencies from 799 megahertz to 805 mega-  
20          hertz.

21          (4) ADMINISTRATOR.—The term “Adminis-  
22          trator” means the entity selected under section  
23          203(a) to serve as Administrator of the National  
24          Public Safety Communications Plan.

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

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

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

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

11                   (B) a low-power television station that has  
12           been accorded primary status as a Class A tele-  
13           vision licensee under section 73.6001(a) of title  
14           47, Code of Federal Regulations.

15           (8) BROADCAST TELEVISION SPECTRUM.—The  
16           term “broadcast television spectrum” means the por-  
17           tions of the electromagnetic spectrum between the  
18           frequencies from 54 megahertz to 72 megahertz,  
19           from 76 megahertz to 88 megahertz, from 174  
20           megahertz to 216 megahertz, and from 470 mega-  
21           hertz to 698 megahertz.

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



- 1 (A) a data service;
- 2 (B) provided for profit; and
- 3 (C) available to the public or such classes
- 4 of eligible users as to be effectively available to
- 5 a substantial portion of the public, as specified
- 6 by regulation by the Commission.

7 (10) COMMERCIAL MOBILE SERVICE.—The

8 term “commercial mobile service” has the meaning

9 given such term in section 332 of the Communica-

10 tions Act of 1934 (47 U.S.C. 332).

11 (11) COMMERCIAL STANDARDS.—The term

12 “commercial standards” means the technical stand-

13 ards followed by the commercial mobile service and

14 commercial mobile data service industries for net-

15 work, device, and Internet Protocol connectivity.

16 Such term includes standards developed by the

17 Third Generation Partnership Project (3GPP), the

18 Institute of Electrical and Electronics Engineers

19 (IEEE), the Alliance for Telecommunications Indus-

20 try Solutions (ATIS), the Internet Engineering Task

21 Force (IETF), and the International Telecommuni-

22 cation Union (ITU).

23 (12) COMMISSION.—The term “Commission”

24 means the Federal Communications Commission.

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

5                   (A) through voice, text, or video and re-  
6                   lated data; and

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

11          (14) FORWARD AUCTION.—The term “forward  
12          auction” means the portion of an incentive auction  
13          of broadcast television spectrum under section  
14          104(c).

15          (15) INCENTIVE AUCTION.—The term “incen-  
16          tive auction” means a system of competitive bidding  
17          under subparagraph (G) of section 309(j)(8) of the  
18          Communications Act of 1934, as added by section  
19          103.

20          (16) MULTICHANNEL VIDEO PROGRAMMING  
21          DISTRIBUTOR.—The term “multichannel video pro-  
22          gramming distributor” has the meaning given such  
23          term in section 602 of the Communications Act of  
24          1934 (47 U.S.C. 522).

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

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

9                   (A) provides standardized interfaces from  
10                  emergency call and message services to support  
11                  emergency communications;

12                  (B) processes all types of emergency calls,  
13                  including voice, text, data, and multimedia in-  
14                  formation;

15                  (C) acquires and integrates additional  
16                  emergency call data useful to call routing and  
17                  handling;

18                  (D) delivers the emergency calls, messages,  
19                  and data to the appropriate public safety an-  
20                  swering point and other appropriate emergency  
21                  entities;

22                  (E) supports data or video communications  
23                  needs for coordinated incident response and  
24                  management; and

1 (F) provides broadband service to public  
2 safety answering points or other first responder  
3 entities.

4 (19) NTIA.—The term “NTIA” means the Na-  
5 tional Telecommunications and Information Admin-  
6 istration.

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

11 (21) PUBLIC SAFETY BROADBAND SPEC-  
12 TRUM.—The term “public safety broadband spec-  
13 trum” means the portion of the electromagnetic  
14 spectrum between the frequencies from 763 mega-  
15 hertz to 768 megahertz and between the frequencies  
16 from 793 megahertz to 798 megahertz.

17 (22) PUBLIC SAFETY COMMUNICATIONS.—The  
18 term “public safety communications” means commu-  
19 nications by providers of public safety services.

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

24 (24) REVERSE AUCTION.—The term “reverse  
25 auction” means the portion of an incentive auction

1 of broadcast television spectrum under section  
2 104(a), in which a broadcast television licensee may  
3 submit bids stating the amount it would accept for  
4 voluntarily relinquishing some or all of its broadcast  
5 television spectrum usage rights.

6 (25) SPECTRUM LICENSED TO THE ADMINIS-  
7 TRATOR.—The term “spectrum licensed to the Ad-  
8 ministrator” means the portion of the electro-  
9 magnetic spectrum that the Administrator is li-  
10 censed to use under section 201(a).

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

14 (27) STATE PUBLIC SAFETY BROADBAND COM-  
15 MUNICATIONS NETWORK.—The term “State public  
16 safety broadband communications network” means a  
17 broadband network for public safety communications  
18 established by a State Public Safety Broadband Of-  
19 fice, in accordance with the National Public Safety  
20 Communications Plan, using the spectrum licensed  
21 to the Administrator.

22 (28) STATE PUBLIC SAFETY BROADBAND OF-  
23 FICE.—The term “State Public Safety Broadband  
24 Office” means an office established or designated  
25 under section 221(a).

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

6           (30) VERY HIGH FREQUENCY.—The term “very  
7           high frequency” means, with respect to a television  
8           channel, that the channel is located in the portion of  
9           the electromagnetic spectrum between the fre-  
10          quencies from 54 megahertz to 72 megahertz, from  
11          76 megahertz to 88 megahertz, or from 174 mega-  
12          hertz to 216 megahertz.

13 **SEC. 3. RULE OF CONSTRUCTION.**

14          Each range of frequencies described in this Act shall  
15          be construed to be inclusive of the upper and lower fre-  
16          quencies in the range.

17 **SEC. 4. ENFORCEMENT.**

18          (a) IN GENERAL.—The Commission shall implement  
19          and enforce this Act as if this Act is a part of the Commu-  
20          nications Act of 1934 (47 U.S.C. 151 et seq.). A violation  
21          of this Act, or a regulation promulgated under this Act,  
22          shall be considered to be a violation of the Communica-  
23          tions Act of 1934, or a regulation promulgated under such  
24          Act, respectively.

25          (b) EXCEPTIONS.—

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

6 (2) NTIA REGULATIONS.—The Assistant Sec-  
7 retary may promulgate such regulations as are nec-  
8 essary to implement and enforce any provision of  
9 this Act that is expressly required to be carried out  
10 by the Assistant Secretary.

## 11 **TITLE I—SPECTRUM AUCTION** 12 **AUTHORITY**

### 13 **SEC. 101. DEADLINES FOR AUCTION OF CERTAIN SPEC-** 14 **TRUM.**

#### 15 (a) CLEARING CERTAIN FEDERAL SPECTRUM.—

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

17 (A) not later than 3 years after the date  
18 of the enactment of this Act, begin the process  
19 of withdrawing the assignment to a Federal  
20 Government station of the electromagnetic spec-  
21 trum described in paragraph (2); and

22 (B) not later than 30 days after com-  
23 pleting the withdrawal, notify the Commission  
24 that the withdrawal is complete.

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

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

6           (i) the Secretary of Commerce—

7               (I) determines that such fre-  
8       quencies cannot be reallocated for  
9       non-Federal use because incumbent  
10      Federal operations cannot be elimi-  
11      nated, relocated to other spectrum, or  
12      accommodated through other means;

13           (II) identifies other spectrum for  
14      reallocation for non-Federal use that  
15      the Secretary of Commerce deter-  
16      mines can reasonably be expected to  
17      produce a comparable amount of net  
18      auction proceeds; and

19           (III) submits to the Committee  
20      on Commerce, Science, and Transpor-  
21      tation of the Senate and the Com-  
22      mittee on Energy and Commerce of  
23      the House of Representatives a report  
24      that identifies such spectrum and ex-



1                    plains the determinations under sub-  
2                    clauses (I) and (II); and  
3                    (ii) not later than 1 year after the  
4                    date of the submission of such report,  
5                    there is enacted a law approving the sub-  
6                    stitution of the spectrum identified under  
7                    clause (i)(II) for the frequencies between  
8                    1755 megahertz and 1780 megahertz;  
9                    the spectrum described in this subparagraph  
10                  shall be the spectrum identified under such  
11                  clause.

12                  (B) The 15 megahertz of spectrum be-  
13                  tween 1675 megahertz and 1710 megahertz  
14                  identified under paragraph (3).

15                  (C) The frequencies between 3550 mega-  
16                  hertz and 3650 megahertz, except for the geo-  
17                  graphic exclusion zones (as such zones may be  
18                  amended) identified in the report of the NTIA  
19                  published in October 2010 and entitled “An As-  
20                  sessment of Near-Term Viability of Accommo-  
21                  dating Wireless Broadband Systems in 1675–  
22                  1710 MHz, 1755–1780 MHz, 3500–3650 MHz,  
23                  and 4200–4220 MHz, 4380–4400 MHz  
24                  Bands”.

1           (3) IDENTIFICATION BY SECRETARY OF COM-  
2       MERCE.—Not later than 1 year after the date of the  
3       enactment of this Act, the Secretary of Commerce  
4       shall submit to the President a report identifying 15  
5       megahertz of spectrum between 1675 megahertz and  
6       1710 megahertz for reallocation from Federal use to  
7       non-Federal use.

8       (b) REALLOCATION AND AUCTION.—

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

14           (A) allocate the spectrum described in  
15       paragraph (2) for commercial use; and

16           (B) through a system of competitive bid-  
17       ding under such section, grant new initial li-  
18       censes for the use of such spectrum, subject to  
19       flexible-use service rules.

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

22           (A) The frequencies between 1915 mega-  
23       hertz and 1920 megahertz, paired with the fre-  
24       quencies between 1995 megahertz and 2000  
25       megahertz.

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

3 (C) The frequencies between 2155 mega-  
4 hertz and 2180 megahertz.

5 (D) The 15 megahertz of spectrum identi-  
6 fied under subsection (a)(3).

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

9 (3) PROCEEDS TO COVER 110 PERCENT OF FED-  
10 ERAL RELOCATION OR SHARING COSTS.—Nothing in  
11 paragraph (1) shall be construed to relieve the Com-  
12 mission from the requirements of section  
13 309(j)(16)(B) of the Communications Act of 1934  
14 (47 U.S.C. 309(j)(16)(B)).

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

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

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

23 (3) in subparagraph (D)—

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

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

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

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

9 “(ii) CERTAIN OTHER PROCEEDS.—  
10 Notwithstanding subparagraph (A) and ex-  
11 cept as provided in subparagraph (B), in  
12 the case of proceeds (including deposits  
13 and upfront payments from successful bid-  
14 ders) attributable to the auction of eligible  
15 frequencies described in paragraph (2) of  
16 section 113(g) of the National Tele-  
17 communications and Information Adminis-  
18 tration Organization Act that are required  
19 to be auctioned by section 101(b)(1)(B) of  
20 the Jumpstarting Opportunity with  
21 Broadband Spectrum Act of 2011, such  
22 portion of such proceeds as is necessary to  
23 cover the relocation or sharing costs (as  
24 defined in paragraph (3) of such section  
25 113(g)) of Federal entities relocated from

1 such eligible frequencies shall be deposited  
2 in the Spectrum Relocation Fund. The re-  
3 mainder of such proceeds shall be depos-  
4 ited in the Public Safety Trust Fund es-  
5 tablished by section 241(a)(1) of the  
6 Jumpstarting Opportunity with Broadband  
7 Spectrum Act of 2011.”; and

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

9 “(F) CERTAIN PROCEEDS DESIGNATED  
10 FOR PUBLIC SAFETY TRUST FUND.—Notwith-  
11 standing subparagraph (A) and except as pro-  
12 vided in subparagraphs (B) and (D)(ii), the  
13 proceeds (including deposits and upfront pay-  
14 ments from successful bidders) from the use of  
15 a system of competitive bidding under this sub-  
16 section pursuant to section 101(b)(1)(B) of the  
17 Jumpstarting Opportunity with Broadband  
18 Spectrum Act of 2011 shall be deposited in the  
19 Public Safety Trust Fund established by section  
20 241(a)(1) of such Act.”.

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

23 (a) REALLOCATION AND AUCTION.—

24 (1) IN GENERAL.—On the date that is 5 years  
25 after a certification by the Administrator to the

1 Commission of the availability of standards for pub-  
2 lic safety voice over broadband, the Commission  
3 shall, notwithstanding paragraph (15)(A) of section  
4 309(j) of the Communications Act of 1934 (47  
5 U.S.C. 309(j))—

6 (A) reallocate the 700 MHz public safety  
7 narrowband spectrum and the 700 MHz public  
8 safety guard band spectrum for commercial use;  
9 and

10 (B) begin a system of competitive bidding  
11 under such section to grant new initial licenses  
12 for the use of such spectrum.

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

22 (b) GRANTS FOR PUBLIC SAFETY RADIO EQUIP-  
23 MENT.—

24 (1) IN GENERAL.—From amounts made avail-  
25 able under subsection (a)(2), the Assistant Secretary

1       shall make grants to States for the acquisition of  
2       public safety radio equipment.

3           (2) APPLICATION.—The Assistant Secretary  
4       may only make a grant under this subsection to a  
5       State that submits an application at such time, in  
6       such form, and containing such information and as-  
7       surances as the Assistant Secretary may require.

8           (3) QUARTERLY REPORTS.—

9           (A) FROM GRANTEES TO NTIA.—A State  
10       receiving grant funds under this subsection  
11       shall, not later than 3 months after receiving  
12       such funds and not less frequently than quar-  
13       terly thereafter until the date that is 1 year  
14       after all such funds have been expended, submit  
15       to the Assistant Secretary a report on the use  
16       of grant funds by such State.

17          (B) FROM NTIA TO CONGRESS.—Not later  
18       than 6 months after making the first grant  
19       under this subsection and not less frequently  
20       than quarterly thereafter until the date that is  
21       18 months after all such funds have been ex-  
22       pended by the grantees, the Assistant Secretary  
23       shall submit to the Committee on Commerce,  
24       Science, and Transportation of the Senate and

1 the Committee on Energy and Commerce of the  
2 House of Representatives a report that—

3 (i) summarizes the reports submitted  
4 by grantees under subparagraph (A); and  
5 (ii) describes and evaluates the use of  
6 grant funds disbursed under this sub-  
7 section.

8 (c) CONFORMING AMENDMENTS.—Section 337(a) of  
9 the Communications Act of 1934 (47 U.S.C. 337(a)) is  
10 amended—

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

12 (A) by striking “Not later than January 1,  
13 1998, the” and inserting “The”; and

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

16 (2) in paragraph (1)—

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

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

22 (3) in paragraph (2), by striking “36 mega-  
23 hertz” and inserting “Not more than 40 mega-  
24 hertz”.



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

2 Section 309(j)(8) of the Communications Act of  
3 1934, as amended by section 101(c), is further amended  
4 by adding at the end the following:

5 “(G) INCENTIVE AUCTIONS.—

6 “(i) IN GENERAL.—Notwithstanding  
7 subparagraph (A) and except as provided  
8 in subparagraph (B), the Commission may  
9 encourage a licensee to relinquish volun-  
10 tarily some or all of its licensed spectrum  
11 usage rights in order to permit the assign-  
12 ment of new initial licenses subject to flexi-  
13 ble-use service rules by sharing with such  
14 licensee a portion, based on the value of  
15 the relinquished rights as determined in  
16 the reverse auction required by clause  
17 (ii)(I), of the proceeds (including deposits  
18 and upfront payments from successful bid-  
19 ders) from the use of a competitive bidding  
20 system under this subsection.

21 “(ii) LIMITATIONS.—The Commission  
22 may not enter into an agreement for a li-  
23 censee to relinquish spectrum usage rights  
24 in exchange for a share of auction proceeds  
25 under clause (i) unless—

1 “(I) the Commission conducts a  
2 reverse auction to determine the  
3 amount of compensation that licensees  
4 would accept in return for voluntarily  
5 relinquishing spectrum usage rights;  
6 and

7 “(II) at least two competing li-  
8 censees participate in the reverse auc-  
9 tion.

10 “(iii) TREATMENT OF REVENUES.—  
11 Notwithstanding subparagraph (A) and ex-  
12 cept as provided in subparagraph (B), the  
13 proceeds (including deposits and upfront  
14 payments from successful bidders) from  
15 any auction, prior to the end of fiscal year  
16 2021, of spectrum usage rights made avail-  
17 able under clause (i) that are not shared  
18 with licensees under such clause shall be  
19 deposited as follows:

20 “(I) \$3,000,000,000 of the pro-  
21 ceeds from the incentive auction of  
22 broadcast television spectrum required  
23 by section 104 of the Jumpstarting  
24 Opportunity with Broadband Spec-  
25 trum Act of 2011 shall be deposited

1 in the TV Broadcaster Relocation  
2 Fund established by subsection (d)(1)  
3 of such section.

4 “(II) All other proceeds shall be  
5 deposited—

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

10 “(bb) after the end of fiscal  
11 year 2021, in the general fund of  
12 the Treasury, where such pro-  
13 ceeds shall be dedicated for the  
14 sole purpose of deficit reduction.

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

1 “(v) DEFINITION.—In this subpara-  
2 graph, the term ‘appropriate committees of  
3 Congress’ means—

4 “(I) the Committee on Com-  
5 merce, Science, and Transportation of  
6 the Senate;

7 “(II) the Committee on Appro-  
8 priations of the Senate;

9 “(III) the Committee on Energy  
10 and Commerce of the House of Rep-  
11 resentatives; and

12 “(IV) the Committee on Appro-  
13 priations of the House of Representa-  
14 tives.”.

15 **SEC. 104. SPECIAL REQUIREMENTS FOR INCENTIVE AUC-**  
16 **TION OF BROADCAST TV SPECTRUM.**

17 (a) REVERSE AUCTION TO IDENTIFY INCENTIVE  
18 AMOUNT.—

19 (1) IN GENERAL.—The Commission shall con-  
20 duct a reverse auction to determine the amount of  
21 compensation that each broadcast television licensee  
22 would accept in return for voluntarily relinquishing  
23 some or all of its broadcast television spectrum  
24 usage rights in order to make spectrum available for  
25 assignment through a system of competitive bidding

1 under subparagraph (G) of section 309(j)(8) of the  
2 Communications Act of 1934, as added by section  
3 103.

4 (2) ELIGIBLE RELINQUISHMENTS.—A relin-  
5 quishment of usage rights for purposes of paragraph  
6 (1) shall include the following:

7 (A) Relinquishing all usage rights with re-  
8 spect to a particular television channel without  
9 receiving in return any usage rights with re-  
10 spect to another television channel.

11 (B) Relinquishing all usage rights with re-  
12 spect to an ultra high frequency television chan-  
13 nel in return for receiving usage rights with re-  
14 spect to a very high frequency television chan-  
15 nel.

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

18 (3) CONFIDENTIALITY.—The Commission shall  
19 take all steps necessary to protect the confidentiality  
20 of Commission-held data of a licensee participating  
21 in the reverse auction under paragraph (1), includ-  
22 ing withholding the identity of such licensee until  
23 the reassignments and reallocations (if any) under  
24 subsection (b)(1)(B) become effective, as described  
25 in subsection (f)(2).

1           (4) PROTECTION OF CARRIAGE RIGHTS OF LI-  
2       CENSEES SHARING A CHANNEL.—A broadcast tele-  
3       vision station that voluntarily relinquishes spectrum  
4       usage rights under this subsection in order to share  
5       a television channel and that possessed carriage  
6       rights under section 338, 614, or 615 of the Com-  
7       munications Act of 1934 (47 U.S.C. 338; 534; 535)  
8       on November 30, 2010, shall have, at its shared lo-  
9       cation, the carriage rights under such section that  
10      would apply to such station at such location if it  
11      were not sharing a channel.

12      (b) REORGANIZATION OF BROADCAST TV SPEC-  
13   TRUM.—

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

17           (A) shall evaluate the broadcast television  
18      spectrum (including spectrum made available  
19      through the reverse auction under subsection  
20      (a)(1)); and

21           (B) may—

22           (i) make such reassignments of tele-  
23      vision channels as the Commission con-  
24      siders appropriate; and

1 (ii) reallocate such portions of such  
2 spectrum as the Commission determines  
3 are available for reallocation.

4 (2) FACTORS FOR CONSIDERATION.—In making  
5 any reassignments or reallocations under paragraph  
6 (1)(B), the Commission shall make all reasonable ef-  
7 forts to preserve, as of the date of the enactment of  
8 this Act, the coverage area and population served of  
9 each broadcast television licensee, as determined  
10 using the methodology described in OET Bulletin 69  
11 of the Office of Engineering and Technology of the  
12 Commission.

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

17 (A) from an ultra high frequency television  
18 channel to a very high frequency television  
19 channel; or

20 (B) from a television channel between the  
21 frequencies from 174 megahertz to 216 mega-  
22 hertz to a television channel between the fre-  
23 quencies from 54 megahertz to 88 megahertz.

24 (4) PAYMENT OF RELOCATION COSTS.—

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

5 (i) a broadcast television licensee that  
6 was reassigned under paragraph (1)(B)(i)  
7 from one ultra high frequency television  
8 channel to a different ultra high frequency  
9 television channel or from one very high  
10 frequency television channel to a different  
11 very high frequency television channel, in  
12 order for the licensee to relocate its tele-  
13 vision service from one channel to the  
14 other; or

15 (ii) a multichannel video programming  
16 distributor that is required by section 338,  
17 614, or 615 of the Communications Act of  
18 1934 (47 U.S.C. 338; 534; 535) to carry  
19 the signal of a broadcast television licensee  
20 that—

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

22 (II) voluntarily relinquishes spec-  
23 trum usage rights under subsection  
24 (a) with respect to an ultra high fre-  
25 quency television channel in return for



1 receiving usage rights with respect to  
2 a very high frequency television chan-  
3 nel; or

4 (III) voluntarily relinquishes  
5 spectrum usage rights under sub-  
6 section (a) to share a television chan-  
7 nel with another licensee;

8 in order for the multichannel video pro-  
9 gramming distributor to continue com-  
10 plying with such section with respect to the  
11 licensee after the implementation of the re-  
12 assignment or sharing arrangement.

13 (B) REGULATORY RELIEF.—In lieu of re-  
14 imbursement for relocation costs under sub-  
15 paragraph (A), a broadcast television licensee  
16 may accept, and the Commission may grant as  
17 it considers appropriate, a waiver of the service  
18 rules of the Commission to permit the licensee,  
19 subject to interference protections, to make  
20 flexible use of the spectrum assigned to the li-  
21 censee to provide services other than broadcast  
22 television services. Such waiver shall only re-  
23 main in effect while the licensee provides at  
24 least 1 broadcast television program stream on  
25 such spectrum at no charge to the public.

1 (C) LIMITATION.—The Commission may  
2 not make reimbursements under subparagraph  
3 (A) for lost revenues.

4 (D) DEADLINE.—The Commission shall  
5 make all reimbursements required by subpara-  
6 graph (A) not later than the date that is 3  
7 years after the completion of the forward auc-  
8 tion under subsection (c)(1).

9 (c) FORWARD AUCTION.—

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

12 (A) the Commission assigns licenses for  
13 the use of the spectrum that the Commission  
14 reallocates under subsection (b)(1)(B)(ii); and

15 (B) the amount of the proceeds that the  
16 Commission shares under clause (i) of section  
17 309(j)(8)(G) of the Communications Act of  
18 1934 with each licensee whose bid the Commis-  
19 sion accepts in the reverse auction under sub-  
20 section (a)(1) is not less than the amount of  
21 such bid.

22 (2) MINIMUM PROCEEDS.—

23 (A) IN GENERAL.—If the amount of the  
24 proceeds from the forward auction under para-  
25 graph (1) is not greater than the sum described

1 in subparagraph (B), no licenses shall be as-  
2 signed through such forward auction, no re-  
3 assignments or reallocations under subsection  
4 (b)(1)(B) shall become effective, and the Com-  
5 mission may not revoke any spectrum usage  
6 rights by reason of a bid that the Commission  
7 accepts in the reverse auction under subsection  
8 (a)(1).

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

11 (i) the total amount of compensation  
12 that the Commission must pay successful  
13 bidders in the reverse auction under sub-  
14 section (a)(1);

15 (ii) the costs of conducting such for-  
16 ward auction that the salaries and ex-  
17 penses account of the Commission is re-  
18 quired to retain under section 309(j)(8)(B)  
19 of the Communications Act of 1934 (47  
20 U.S.C. 309(j)(8)(B)); and

21 (iii) the estimated costs for which the  
22 Commission is required to make reim-  
23 bursements under subsection (b)(4)(A).

24 (C) ADMINISTRATIVE COSTS.—The amount  
25 of the proceeds from the forward auction under

1 paragraph (1) that the salaries and expenses  
2 account of the Commission is required to retain  
3 under section 309(j)(8)(B) of the Communica-  
4 tions Act of 1934 (47 U.S.C. 309(j)(8)(B))  
5 shall be sufficient to cover the costs incurred by  
6 the Commission in conducting the reverse auc-  
7 tion under subsection (a)(1), conducting the  
8 evaluation of the broadcast television spectrum  
9 under subparagraph (A) of subsection (b)(1),  
10 and making any reassignments or reallocations  
11 under subparagraph (B) of such subsection, in  
12 addition to the costs incurred by the Commis-  
13 sion in conducting such forward auction.

14 (3) FACTOR FOR CONSIDERATION.—In con-  
15 ducting the forward auction under paragraph (1),  
16 the Commission shall consider assigning licenses  
17 that cover geographic areas of a variety of different  
18 sizes.

19 (d) TV BROADCASTER RELOCATION FUND.—

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

23 (2) PAYMENT OF RELOCATION COSTS.—Any  
24 amounts borrowed under paragraph (3)(A) and any  
25 amounts in the TV Broadcaster Relocation Fund

1 that are not necessary for reimbursement of the gen-  
2 eral fund of the Treasury for such borrowed  
3 amounts shall be available to the Commission to  
4 make the payments required by subsection (b)(4)(A).

5 (3) BORROWING AUTHORITY.—

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

16 (B) REIMBURSEMENT.—The Commission  
17 shall reimburse the general fund of the Treas-  
18 ury, without interest, for any amounts borrowed  
19 under subparagraph (A) as funds are deposited  
20 into the TV Broadcaster Relocation Fund.

21 (4) TRANSFER OF UNUSED FUNDS.—If any  
22 amounts remain in the TV Broadcaster Relocation  
23 Fund after the date that is 3 years after the comple-  
24 tion of the forward auction under subsection (c)(1),  
25 the Secretary of the Treasury shall—

1 (A) prior to the end of fiscal year 2021,  
2 transfer such amounts to the Public Safety  
3 Trust Fund established by section 241(a)(1);  
4 and

5 (B) after the end of fiscal year 2021,  
6 transfer such amounts to the general fund of  
7 the Treasury, where such amounts shall be  
8 dedicated for the sole purpose of deficit reduc-  
9 tion.

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

15 (f) TIMING.—

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

22 (2) EFFECTIVENESS OF REASSIGNMENTS AND  
23 REALLOCATIONS.—Notwithstanding paragraph (1),  
24 no reassignments or reallocations under subsection  
25 (b)(1)(B) shall become effective until the completion

1 of the reverse auction under subsection (a)(1) and  
2 the forward auction under subsection (c)(1), and, to  
3 the extent practicable, all such reassignments and  
4 reallocations shall become effective simultaneously.

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

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

14 (g) LIMITATION ON REORGANIZATION AUTHORITY.—

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

17 (A) involuntarily modify the spectrum  
18 usage rights of a broadcast television licensee or  
19 reassign such a licensee to another television  
20 channel except—

21 (i) in accordance with this section; or

22 (ii) in the case of a violation by such  
23 licensee of the terms of its license or a spe-  
24 cific provision of a statute administered by  
25 the Commission, or a regulation of the

1 Commission promulgated under any such  
2 provision; or

3 (B) reassign a broadcast television licensee  
4 from a very high frequency television channel to  
5 an ultra high frequency television channel, un-  
6 less such a reassignment will increase the total  
7 amount of ultra high frequency spectrum made  
8 available for reallocation under this section.

9 (2) PERIOD DESCRIBED.—The period described  
10 in this paragraph is the period beginning on the date  
11 of the enactment of this Act and ending on the ear-  
12 liest of—

13 (A) the first date when the reverse auction  
14 under subsection (a)(1), the reassignments and  
15 reallocations (if any) under subsection  
16 (b)(1)(B), and the forward auction under sub-  
17 section (c)(1) have been completed;

18 (B) the date of a determination by the  
19 Commission that the amount of the proceeds  
20 from the forward auction under subsection  
21 (c)(1) is not greater than the sum described in  
22 subsection (c)(2)(B); or

23 (C) September 30, 2021.

24 (h) PROTEST RIGHT INAPPLICABLE.—The right of a  
25 licensee to protest a proposed order of modification of its



1 license under section 316 of the Communications Act of  
2 1934 (47 U.S.C. 316) shall not apply in the case of a  
3 modification made under this section.

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

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

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

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

15 Section 309(j)(11) of the Communications Act of  
16 1934 (47 U.S.C. 309(j)(11)) is amended by striking  
17 “2012” and inserting “2021”.

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

19 (a) MODIFICATION OF COMMISSION REGULATIONS  
20 TO ALLOW CERTAIN UNLICENSED USE.—

21 (1) IN GENERAL.—Subject to paragraph (2),  
22 not later than 1 year after the date of the enactment  
23 of this Act, the Commission shall begin a proceeding  
24 to modify part 15 of title 47, Code of Federal Regu-

1       lations, to allow unlicensed U–NII devices to operate  
2       in the 5350–5470 MHz band.

3           (2) REQUIRED DETERMINATIONS.—The Com-  
4       mission may make the modification described in  
5       paragraph (1) only if the Commission determines  
6       that—

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

12          (B) the primary mission of Federal spec-  
13      trum users in the 5350–5470 MHz band will  
14      not be compromised by the introduction of unli-  
15      censed devices.

16      (b) STUDY BY NTIA.—

17          (1) IN GENERAL.—The Assistant Secretary, in  
18      consultation with the Commission, shall conduct a  
19      study evaluating known and proposed spectrum-  
20      sharing technologies and the risk to Federal users if  
21      unlicensed U–NII devices were allowed to operate in  
22      the 5350–5470 MHz band.

23          (2) SUBMISSION.—Not later than 8 months  
24      after the date of the enactment of this Act, the As-

1       sistant Secretary shall submit the study required by  
2       paragraph (1) to—

3               (A) the Commission; and

4               (B) the Committee on Energy and Com-  
5       merce of the House of Representatives and the  
6       Committee on Commerce, Science, and Trans-  
7       portation of the Senate.

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

12       **TITLE II—ADVANCED PUBLIC**  
13       **SAFETY COMMUNICATIONS**  
14       **Subtitle A—National**  
15       **Implementation**

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

17       (a) IN GENERAL.—Not later than 60 days after the  
18      initial selection under section 203(a) of an entity to serve  
19      as Administrator, the Commission shall assign to the Ad-  
20      ministrator a license for the exclusive use of the public  
21      safety broadband spectrum and the 700 MHz D block  
22      spectrum.

23       (b) TERM OF LICENSE AND LICENSE CONDITIONS.—

1           (1) INITIAL LICENSE.—The initial license as-  
2           signed under subsection (a) shall be for a term of  
3           10 years.

4           (2) RENEWAL OF LICENSE.—Prior to the expi-  
5           ration of the term of the initial license assigned  
6           under subsection (a) or the expiration of any re-  
7           newal of such license, if the Administrator wishes to  
8           continue serving as Administrator after the license  
9           expires, the Administrator shall submit to the Com-  
10          mission an application for the renewal of such li-  
11          cense in accordance with the Communications Act of  
12          1934 (47 U.S.C. 151 et seq.) and any applicable  
13          Commission regulations. Such renewal application  
14          shall demonstrate that, during the term of the li-  
15          cense that the Administrator is seeking to renew, the  
16          Administrator has fulfilled its duties and obligations  
17          under this Act and the Communications Act of 1934  
18          and has complied with all applicable Commission  
19          regulations. A renewal of the initial license granted  
20          under subsection (a) or any renewal of such license  
21          shall be for a term not to exceed 10 years.

22          (3) USE OF SPECTRUM.—Except as provided in  
23          section 221(d), the license assigned under subsection  
24          (a) and any renewal of such license shall prohibit the  
25          Administrator from using the public safety

1 broadband spectrum or the 700 MHz D block spec-  
2 trum for any purpose other than authorizing the op-  
3 eration of State public safety broadband communica-  
4 tions networks in accordance with the National Pub-  
5 lic Safety Communications Plan.

6 (4) LIMITATION ON LICENSE CONDITIONS.—

7 The Commission may not place any conditions on  
8 the license assigned under subsection (a) or any re-  
9 newal of such license or, with respect to the spec-  
10 trum governed by such license, otherwise prohibit  
11 any action of the Administrator, a State Public  
12 Safety Broadband Office, or an entity with which  
13 such an Office has entered into a contract under  
14 section 221(b)(1)(D), except as necessary to—

15 (A) protect other users from harmful inter-  
16 ference;

17 (B) ensure that such spectrum is used in  
18 accordance with the National Public Safety  
19 Communications Plan; or

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

23 (5) LICENSE CONDITIONED ON SERVICE AS AD-  
24 MINISTRATOR.—If an entity ceases to serve as Ad-  
25 ministrator, the Commission shall, as soon as prac-

1        ticable after the Assistant Secretary selects a dif-  
2        ferent entity to serve as Administrator under section  
3        203(a)(2), transfer to such different entity the li-  
4        cense assigned under subsection (a) or any renewal  
5        of such license.

6        (c) ELIMINATION OF D BLOCK AUCTION REQUIRE-  
7        MENT.—Notwithstanding section 309(j)(15)(C)(v) of the  
8        Communications Act of 1934 (47 U.S.C.  
9        309(j)(15)(C)(v)), the Commission may not assign a li-  
10       cense for the use of the 700 MHz D block spectrum except  
11       under subsection (a).

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

15                (1) in subparagraph (A), by striking “to protect  
16       the safety of life, health, or property” and inserting  
17       “to provide law enforcement, fire and rescue re-  
18       sponse, or emergency medical assistance (including  
19       such assistance provided by ambulance services, hos-  
20       pitals, and urgent care facilities)”;

21                (2) in subparagraph (B)—

22                        (A) in clause (i), by inserting “or tribal or-  
23       ganizations (as defined in section 4 of the In-  
24       dian Self-Determination and Education Assist-

1           ance Act (25 U.S.C. 450b))” before the semi-  
2           colon; and

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

5           (e) CONFORMING AMENDMENTS.—Section 337(d)(3)  
6   of the Communications Act of 1934 (47 U.S.C. 337(d)(3))  
7   is amended—

8                   (1) in the matter preceding subparagraph (A),  
9           by striking “public safety services licensees and com-  
10          mercial licensees”;

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

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

16   **SEC. 202. NATIONAL PUBLIC SAFETY COMMUNICATIONS**  
17                   **PLAN.**

18           (a) ESTABLISHMENT OF PUBLIC SAFETY COMMU-  
19   NICATIONS PLANNING BOARD.—

20                   (1) IN GENERAL.—Not later than 180 days  
21          after the date of the enactment of this Act, the  
22          Commission shall establish a board to be known as  
23          the Public Safety Communications Planning Board.

24                   (2) MEMBERSHIP.—The membership of the  
25          Board shall be as follows:

1 (A) FEDERAL MEMBERS.—

2 (i) IN GENERAL.—Four Federal mem-  
3 bers as follows:

4 (I) The Chairman of the Com-  
5 mission, or a designee.

6 (II) The Assistant Secretary, or  
7 a designee.

8 (III) The Director of the Office  
9 of Emergency Communications in the  
10 Department of Homeland Security, or  
11 a designee.

12 (IV) The Director of the Na-  
13 tional Institute of Standards and  
14 Technology, or a designee.

15 (ii) DESIGNEES.—If a Federal official  
16 designates a designee under clause (i),  
17 such designee shall be an officer or em-  
18 ployee of the agency of the official who is  
19 subordinate to the official, except that the  
20 Chairman of the Commission may des-  
21 ignate another Commissioner of the Com-  
22 mission or an officer or employee of the  
23 Commission.

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



1 (i) Two members who represent pro-  
2 viders of commercial mobile data service,  
3 with one representing providers that have  
4 nationwide coverage areas and one rep-  
5 resenting providers that have regional cov-  
6 erage areas.

7 (ii) Two members who represent man-  
8 ufacturers of mobile wireless network  
9 equipment.

10 (iii) Five members who represent the  
11 interests of State and local governments,  
12 chosen to reflect geographic and population  
13 density differences across the United  
14 States, as follows:

15 (I) Two members who represent  
16 the public safety interests of the  
17 States.

18 (II) One member who represents  
19 State and local public safety employ-  
20 ees.

21 (III) Two members who rep-  
22 resent other interests of State and  
23 local governments, to be determined  
24 by the Chairman of the Commission.

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

1 (A) NOMINATION.—For each non-Federal  
2 member of the Board, the group that is rep-  
3 resented by such member shall, by consensus,  
4 nominate an individual to serve as such member  
5 and submit the name of the nominee to the  
6 Chairman of the Commission.

7 (B) APPOINTMENT.—The Chairman of the  
8 Commission shall appoint the non-Federal  
9 members of the Board from the nominations  
10 submitted under subparagraph (A). If a group  
11 fails to reach consensus on a nominee or to sub-  
12 mit a nomination for a member that represents  
13 such group, or if the nominee is not qualified  
14 under subparagraph (C), the Chairman shall se-  
15 lect a member to represent such group.

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

19 (i) PUBLIC SAFETY EXPERIENCE.—  
20 Knowledge of and experience in Federal,  
21 State, local, or tribal public safety or emer-  
22 gency response.

23 (ii) TECHNICAL EXPERTISE.—Tech-  
24 nical expertise regarding broadband com-

1           munications, including public safety com-  
2           munications.

3                   (iii) NETWORK EXPERTISE.—Exper-  
4           tise in building, deploying, and operating  
5           commercial telecommunications networks.

6                   (iv) FINANCIAL EXPERTISE.—Exper-  
7           tise in financing and funding telecommuni-  
8           cations networks.

9           (4) TERMS OF APPOINTMENT.—

10                   (A) LENGTH.—

11                           (i) FEDERAL MEMBERS.—The term of  
12           office of each Federal member of the  
13           Board shall be 3 years, except that such  
14           term shall end when such member no  
15           longer holds the Federal office by reason of  
16           which such member is a member of the  
17           Board (or, in the case of a designee, the  
18           Federal official who designated such des-  
19           ignee no longer holds the office by reason  
20           of which such designation was made or the  
21           designee is no longer an officer, employee,  
22           or Commissioner as described in paragraph  
23           (2)(A)(ii)).

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

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

6 (i) three members shall serve for a  
7 term of 3 years;

8 (ii) three members shall serve for a  
9 term of 2 years; and

10 (iii) three members shall serve for a  
11 term of 1 year.

12 (C) VACANCIES.—

13 (i) EFFECT OF VACANCIES.—A va-  
14 cancy in the membership of the Board  
15 shall not affect the Board's powers, subject  
16 to paragraph (8), and shall be filled in the  
17 same manner as the original member was  
18 appointed.

19 (ii) APPOINTMENT TO FILL VA-  
20 CANCY.—A member of the Board ap-  
21 pointed to fill a vacancy occurring prior to  
22 the expiration of the term for which that  
23 member's predecessor was appointed shall  
24 be appointed for the remainder of the  
25 predecessor's term.

1 (iii) EXPIRATION OF TERM.—A non-  
2 Federal member of the Board whose term  
3 has expired may serve until such member's  
4 successor has taken office, or until the end  
5 of the calendar year in which such mem-  
6 ber's term has expired, whichever is ear-  
7 lier.

8 (5) CHAIR.—

9 (A) SELECTION.—The Chair of the Board  
10 shall be selected by the Board from among the  
11 members of the Board.

12 (B) TERM.—The term of office of the  
13 Chair of the Board shall run from the date  
14 when the Chair is selected until the date when  
15 the term of the Chair as a member of the  
16 Board expires.

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

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

21 (i) remove the Chair of the Board  
22 from the position of Chair for conduct de-  
23 termined to be detrimental to the Board;  
24 or

1 (ii) remove from the Board any non-  
2 Federal member of the Board for conduct  
3 determined to be detrimental to the Board.

4 (B) BY CHAIRMAN OF THE COMMISSION.—  
5 The Chairman of the Commission may, for  
6 good cause—

7 (i) remove the Chair of the Board  
8 from the position of Chair; or

9 (ii) remove from the Board any non-  
10 Federal member of the Board.

11 (7) ANNUAL MEETINGS.—In addition to any  
12 other meetings necessary to carry out the duties of  
13 the Board under this section, the Board shall  
14 meet—

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

16 (B) annually to consider the most recent  
17 report submitted by the Administrator under  
18 section 203(f)(1).

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

22 (9) RESOURCES.—The Commission shall pro-  
23 vide the Board with the staff, administrative sup-  
24 port, and facilities necessary to carry out the duties  
25 of the Board under this section.

1           (10) PROHIBITION AGAINST COMPENSATION.—

2           A member of the Board shall serve without pay but  
3           shall be allowed a per diem allowance for travel ex-  
4           penses, at rates authorized for an employee of an  
5           agency under subchapter I of chapter 57 of title 5,  
6           United States Code, while away from the home or  
7           regular place of business of the member in the per-  
8           formance of the duties of the Board. Compensation  
9           of a Federal member of the Board for service in the  
10          Federal office or employment by reason of which  
11          such member is a member of the Board shall not be  
12          considered compensation under this paragraph.

13          (11) FEDERAL ADVISORY COMMITTEE ACT IN-  
14          APPLICABLE.—The Federal Advisory Committee Act  
15          (5 U.S.C. App.) shall not apply to the Board.

16          (b) DEVELOPMENT OF PLAN BY BOARD.—

17               (1) IN GENERAL.—Not later than 1 year after  
18               the date on which the Board is established under  
19               subsection (a)(1), the Board shall submit to the  
20               Commission a detailed proposal for a National Pub-  
21               lic Safety Communications Plan to govern the use of  
22               the spectrum licensed to the Administrator in order  
23               to meet long-term public safety communications  
24               needs.

1           (2) LIMITATION ON RECOMMENDATIONS.—The  
2     Board may not make any recommendations for re-  
3     quirements generally applicable to providers of com-  
4     mercial mobile service or private mobile service (as  
5     defined in section 332 of the Communications Act of  
6     1934 (47 U.S.C. 332)).

7           (c) CONSIDERATION OF PLAN BY COMMISSION.—

8           (1) IN GENERAL.—Not later than 90 days after  
9     the date of the submission of the proposal by the  
10    Board under subsection (b)(1), the Commission shall  
11    complete a single proceeding to—

12           (A) adopt such proposal, without modifica-  
13           tion, as the National Public Safety Communica-  
14           tions Plan; or

15           (B) reject such proposal.

16           (2) PROCEDURES IF PLAN REJECTED.—If the  
17    Commission rejects such proposal under paragraph  
18    (1)(B), the Board shall, not later than 90 days  
19    thereafter, submit to the Commission a revised pro-  
20    posal. Such revised proposal shall be treated as a  
21    proposal submitted by the Board under subsection  
22    (b)(1).

23           (3) REVISIONS TO PLAN.—



1 (A) SUBMISSION.—The Board shall peri-  
2 odically submit to the Commission proposals for  
3 revisions to the Plan.

4 (B) CONSIDERATION BY COMMISSION.—  
5 Not later than 90 days after the submission of  
6 such a proposal, the Commission shall complete  
7 a single proceeding to—

8 (i) revise the Plan in accordance with  
9 such proposal, without modification of the  
10 proposal; or

11 (ii) reject such proposal.

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

14 (1) DEPLOYMENT STANDARDS.—The Plan  
15 shall—

16 (A) require each State public safety  
17 broadband communications network to be inter-  
18 connected and interoperable with all other such  
19 networks;

20 (B) require each State public safety  
21 broadband communications network to be based  
22 on a network architecture that evolves with  
23 technological advancements;

1 (C) require all State public safety  
2 broadband communications networks to be  
3 based on the same commercial standards;

4 (D) require each State public safety  
5 broadband communications network to be de-  
6 ployed as networks are typically deployed by  
7 providers of commercial mobile data service;

8 (E) promote competition in the public safe-  
9 ty equipment market by requiring equipment  
10 for use on the State public safety broadband  
11 communications networks to be—

12 (i) built to open, nonproprietary, com-  
13 mercial standards;

14 (ii) capable of being used by any pro-  
15 vider of public safety services and accessed  
16 by devices manufactured by multiple ven-  
17 dors; and

18 (iii) backward-compatible with prior  
19 generations of commercial mobile service  
20 and commercial mobile data service net-  
21 works to the extent typically deployed by  
22 providers of commercial mobile service and  
23 commercial mobile data service; and

24 (F) require each State public safety  
25 broadband communications network to be inte-

1           grated with public safety answering points, or  
2           the equivalent of public safety answering points,  
3           and with networks for the provision of Next  
4           Generation 9–1–1 services.

5           (2)   STATE-SPECIFIC    REQUIREMENTS.—The  
6   Plan shall require each State Public Safety  
7   Broadband Office to include in requests for pro-  
8   posals for the construction, management, mainte-  
9   nance, and operation of the State public safety  
10  broadband communications network of such State—

11           (A) specifications for the construction and  
12           deployment of such network, including—

13                   (i) build timetables, which shall take  
14                   into consideration the time needed to build  
15                   out to rural areas;

16                   (ii) required coverage areas, including  
17                   rural and nonurban areas;

18                   (iii) minimum service levels; and

19                   (iv) specific performance criteria;

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

22           (C) the practices, procedures, and stand-  
23           ards for the management and operation of such  
24           network;

1 (D) the terms of service for the use of such  
2 network; and

3 (E) specifications for ongoing compliance  
4 review and monitoring of—

5 (i) the construction, management,  
6 maintenance, and operation of such net-  
7 work;

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

10 (iii) the necessary training needs of  
11 network users.

12 (e) DEVELOPMENT OF BASELINE REQUEST FOR  
13 PROPOSALS.—

14 (1) DEVELOPMENT BY BOARD.—Not later than  
15 1 year after the date on which the Board is estab-  
16 lished under subsection (a)(1), the Board shall sub-  
17 mit to the Commission a draft baseline request for  
18 proposals for each State to use in developing its re-  
19 quest for proposals for the construction, manage-  
20 ment, maintenance, and operation of a State public  
21 safety broadband communications network.

22 (2) CONSIDERATION BY COMMISSION.—

23 (A) IN GENERAL.—Not later than 90 days  
24 after the date of the submission of the draft  
25 baseline request for proposals by the Board

1 under paragraph (1), the Commission shall  
2 complete a single proceeding to—

3 (i) adopt such draft, without modifica-  
4 tion; or

5 (ii) reject such draft.

6 (B) PROCEDURES IF DRAFT REJECTED.—

7 If the Commission rejects such draft under sub-  
8 paragraph (A)(ii), the Board shall, not later  
9 than 60 days thereafter, submit to the Commis-  
10 sion a revised draft baseline request for pro-  
11 posals. Such revised draft shall be treated as a  
12 draft submitted by the Board under paragraph  
13 (1).

14 (3) REVISIONS.—

15 (A) SUBMISSION.—The Board shall peri-  
16 odically submit to the Commission draft revi-  
17 sions to the baseline request for proposals  
18 adopted under paragraph (2)(A)(i).

19 (B) CONSIDERATION BY COMMISSION.—

20 Not later than 90 days after the submission of  
21 such a draft revision, the Commission shall  
22 complete a single proceeding to—

23 (i) revise the baseline request for pro-  
24 posals in accordance with such draft revi-

1                   sion, without modification of such draft re-  
2                   vision; or  
3                   (ii) reject such draft revision.

4 **SEC. 203. PLAN ADMINISTRATION.**

5       (a) SELECTION OF ADMINISTRATOR.—

6           (1) IN GENERAL.—The Assistant Secretary  
7       shall, through an open, transparent request-for-pro-  
8       posals process, select an entity to serve as the Ad-  
9       ministrator of the Plan. The Assistant Secretary  
10      shall commence such process not later than 120  
11      days after the date of the adoption of the Plan by  
12      the Commission under section 202(c)(1)(A).

13          (2) REPLACEMENT.—If an entity ceases to  
14      serve as Administrator under a contract awarded  
15      under paragraph (1) or this paragraph, the Assist-  
16      ant Secretary shall, through an open, transparent  
17      request-for-proposals process, select another entity  
18      to serve as Administrator.

19       (b) POWERS AND DUTIES OF ADMINISTRATOR.—The  
20      Administrator shall—

21           (1) review and coordinate the implementation of  
22      the Plan and the construction, management, mainte-  
23      nance, and operation of the State public safety  
24      broadband communications networks, in accordance

1 with the Plan, under contracts entered into by the  
2 State Public Safety Broadband Offices;

3 (2) transmit to each State Public Safety  
4 Broadband Office the baseline request for proposals  
5 adopted by the Commission under section  
6 202(e)(2)(A)(i) and any revisions to such baseline  
7 request for proposals adopted by the Commission  
8 under section 202(e)(3)(B)(i);

9 (3) review and approve or disapprove, in ac-  
10 cordance with section 221(c), each contract proposed  
11 by a State Public Safety Broadband Office for the  
12 construction, management, maintenance, and oper-  
13 ation of a State public safety broadband communica-  
14 tions network;

15 (4) give public notice of each decision to ap-  
16 prove or disapprove such a contract and of any other  
17 decision of the Administrator with respect to such a  
18 contract, a State Public Safety Broadband Office, or  
19 a State public safety broadband communications  
20 network;

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

1 (A) progress on construction and adoption  
2 of the State public safety broadband commu-  
3 nications networks; and

4 (B) the management, maintenance, and  
5 operation of such networks; and

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

8 (A) with respect to contracts described in  
9 paragraph (3), the integrity of the contracting  
10 process and the adequate performance of such  
11 contracts; and

12 (B) that the State public safety broadband  
13 communications networks are constructed, man-  
14 aged, maintained, and operated in accordance  
15 with the Plan.

16 (c) LIMITATION ON POWERS OF ADMINISTRATOR.—  
17 The Administrator may not—

18 (1) take any action unless this Act expressly  
19 confers on the Administrator the power to take such  
20 action or such action is necessary to carry out a  
21 power that this Act expressly confers on the Admin-  
22 istrator; or

23 (2) prohibit or refuse to approve any action of  
24 a State Public Safety Broadband Office or with re-  
25 spect to a State public safety broadband communica-



1        tions network unless such action would violate the  
2        Plan or the license terms of the spectrum licensed  
3        to the Administrator.

4        (d) REVIEW OF DECISIONS OF ADMINISTRATOR.—

5            (1) IN GENERAL.—The United States District  
6        Court for the District of Columbia shall have exclu-  
7        sive jurisdiction to review decisions of the Adminis-  
8        trator.

9            (2) FILING OF PETITION.—Any party aggrieved  
10       by a decision of the Administrator may seek review  
11       of such decision by filing a petition for review with  
12       the court not later than 30 days after the date on  
13       which public notice is given of such decision.

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

16            (A) The nature of the proceedings as to  
17       which review is sought.

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

19            (C) The relief prayed.

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

24          (5) SERVICE.—The clerk shall serve a true copy  
25       of the petition on the Administrator, the Assistant

1 Secretary, and the Commission by registered mail,  
2 with request for a return receipt.

3 (6) STANDARD OF REVIEW.—The court may af-  
4 firm or vacate a decision of the Administrator on re-  
5 view. The court may vacate a decision of the Admin-  
6 istrator only—

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

9 (B) where there was actual partiality or  
10 corruption in the Administrator;

11 (C) where the Administrator was guilty of  
12 misconduct in refusing to hear evidence perti-  
13 nent and material to the decision or of any  
14 other misbehavior by which the rights of any  
15 party have been prejudiced; or

16 (D) where the Administrator exceeded the  
17 powers conferred on it by this Act or otherwise  
18 did not arguably construe or apply the Plan in  
19 making its decision.

20 (7) REVIEW BY NTIA PROHIBITED.—The As-  
21 sistant Secretary shall take such action as is nec-  
22 essary to ensure that the Administrator complies  
23 with the requirements of this Act, the Plan, and the  
24 terms of the contract entered into under subsection  
25 (a), but the Assistant Secretary may not vacate or

1 otherwise modify a decision by the Administrator  
2 with respect to a third party.

3 (e) AUDITS OF USE OF FEDERAL FUNDS BY ADMIN-  
4 ISTRATOR.—Not later than 1 year after entering into a  
5 contract to serve as Administrator, and annually there-  
6 after, the Administrator shall provide to the Assistant Sec-  
7 retary a statement, audited by an independent auditor,  
8 that details the use during the preceding fiscal year of any  
9 Federal funds received by the Administrator in connection  
10 with its service as Administrator.

11 (f) ANNUAL REPORT BY ADMINISTRATOR.—

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

16 (A) the Committee on Energy and Com-  
17 merce of the House of Representatives and the  
18 Committee on Commerce, Science, and Trans-  
19 portation of the Senate;

20 (B) the Assistant Secretary;

21 (C) the Commission; and

22 (D) the Board.

23 (2) REQUIRED CONTENT.—The report required  
24 by paragraph (1) shall include—

1 (A) a comprehensive and detailed descrip-  
2 tion of—

3 (i) the results of assessments con-  
4 ducted under subsection (b)(5) and audits  
5 conducted under subsection (b)(6);

6 (ii) the activities of the Administrator  
7 in its capacity as Administrator; and

8 (iii) the financial condition of the Ad-  
9 ministrator; and

10 (B) such recommendations or proposals for  
11 legislative or administrative action as the Ad-  
12 ministrator considers appropriate.

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

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

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

1 **SEC. 205. STUDY ON EMERGENCY COMMUNICATIONS BY**  
2 **AMATEUR RADIO AND IMPEDIMENTS TO AMA-**  
3 **TEUR RADIO COMMUNICATIONS.**

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

8 (1) complete a study on the uses and capabili-  
9 ties of amateur radio service communications in  
10 emergencies and disaster relief; and

11 (2) submit to the Committee on Energy and  
12 Commerce of the House of Representatives and the  
13 Committee on Commerce, Science, and Transpor-  
14 tation of the Senate a report on the findings of such  
15 study.

16 (b) CONTENTS.—The study required by subsection  
17 (a) shall include—

18 (1)(A) a review of the importance of emergency  
19 amateur radio service communications relating to  
20 disasters, severe weather, and other threats to lives  
21 and property in the United States; and

22 (B) recommendations for—

23 (i) enhancements in the voluntary deploy-  
24 ment of amateur radio operators in disaster and  
25 emergency communications and disaster relief  
26 efforts; and

1 (ii) improved integration of amateur radio  
2 operators in the planning and furtherance of  
3 initiatives of the Federal Government; and

4 (2)(A) an identification of impediments to en-  
5 hanced amateur radio service communications, such  
6 as the effects of unreasonable or unnecessary private  
7 land use restrictions on residential antenna installa-  
8 tions; and

9 (B) recommendations regarding the removal of  
10 such impediments.

11 (c) EXPERTISE.—In conducting the study required  
12 by subsection (a), the Commission shall use the expertise  
13 of stakeholder entities and organizations, including the  
14 amateur radio, emergency response, and disaster commu-  
15 nications communities.

## 16 **Subtitle B—State Implementation**

### 17 **SEC. 221. NEGOTIATION AND APPROVAL OF CONTRACTS.**

18 (a) STATE PUBLIC SAFETY BROADBAND OFFICES.—  
19 Each State desiring to establish a State public safety  
20 broadband communications network shall establish or des-  
21 ignate a State Public Safety Broadband Office.

22 (b) NEGOTIATION BY STATES.—

23 (1) IN GENERAL.—Each State Public Safety  
24 Broadband Office shall—

1 (A) use the baseline request for proposals  
2 transmitted under section 203(b)(2) to develop  
3 a request for proposals for the construction,  
4 management, maintenance, and operation of a  
5 State public safety broadband communications  
6 network;

7 (B) negotiate a contract with a private-sec-  
8 tor entity for such construction, management,  
9 maintenance, and operation;

10 (C) transmit such contract to the Adminis-  
11 trator for approval; and

12 (D) if the Administrator approves such  
13 contract, enter into such contract with such en-  
14 tity.

15 (2) FACTORS FOR CONSIDERATION.—In devel-  
16 oping a request for proposals under paragraph  
17 (1)(A) and negotiating a proposed contract under  
18 paragraph (1)(B), the State Public Safety  
19 Broadband Office shall take into consideration the  
20 following:

21 (A) The most efficient and effective use  
22 and integration by State, local, and tribal pro-  
23 viders of public safety services within such  
24 State of the spectrum licensed to the Adminis-  
25 trator and the infrastructure, equipment, and

1 other architecture associated with the State  
2 public safety broadband communications net-  
3 work to satisfy the wireless communications  
4 and data services needs of such providers.

5 (B) The particular assets and specialized  
6 needs of such providers. Such assets may in-  
7 clude available towers and infrastructure. Such  
8 needs may include the projected number of  
9 users, preferred buildout timeframes, special  
10 coverage needs, special hardening, reliability,  
11 security, and resiliency needs, local user priority  
12 assignments, and integration needs of public  
13 safety answering points and emergency oper-  
14 ations centers.

15 (C) Whether any entities that are not pro-  
16 viders of public safety services should have  
17 emergency access to the State public safety  
18 broadband communications network, as de-  
19 scribed in subsection (e).

20 (D) Whether the State public safety  
21 broadband communications network provides  
22 for the selection on a localized basis of network  
23 options that remain consistent with the Plan.

24 (E) How to ensure the reliability, security,  
25 and resiliency of the State public safety



1 broadband communications network, including  
2 through measures for—

3 (i) protecting and monitoring the  
4 cybersecurity of the network; and

5 (ii) managing supply chain risks to  
6 the network.

7 (3) PARTNERSHIPS.—

8 (A) IN GENERAL.—In choosing from  
9 among the entities that respond to the request  
10 for proposals developed under paragraph  
11 (1)(A), the State Public Safety Broadband Of-  
12 fice shall—

13 (i) select a provider of commercial mo-  
14 bile service or commercial mobile data  
15 service; and

16 (ii) give additional consideration to  
17 providers of commercial mobile service or  
18 commercial mobile data service whose pro-  
19 posals include a partnership with a utility  
20 provider.

21 (B) JOINT VENTURES.—For purposes of  
22 subparagraph (A), a joint venture that includes  
23 a provider of commercial mobile service or com-  
24 mercial mobile data service shall be considered  
25 to be such a provider.

1 (c) REVIEW BY ADMINISTRATOR.—

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

7 (2) DISAPPROVAL.—In the case of disapproval  
8 under paragraph (1), the State Public Safety  
9 Broadband Office may renegotiate the contract, ne-  
10 gotiate a contract with another entity that re-  
11 sponded to the Office's request for proposals, or  
12 issue a new request for proposals.

13 (d) PUBLIC-PRIVATE PARTNERSHIPS.—Notwith-  
14 standing any limitation in section 337 of the Communica-  
15 tions Act of 1934 (47 U.S.C. 337), a contract entered into  
16 between a State Public Safety Broadband Office and a  
17 private entity under subsection (b)(1)(D) may permit—

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

21 (2) the State Public Safety Broadband Office to  
22 share with such entity equipment or infrastructure  
23 of the State public safety broadband communications  
24 network, including antennas and towers.

1 (e) EMERGENCY ACCESS BY NON-PUBLIC SAFETY  
2 ENTITIES.—

3 (1) IN GENERAL.—Notwithstanding any limita-  
4 tion in section 337 of the Communications Act of  
5 1934 (47 U.S.C. 337), as expressly permitted by the  
6 terms of a contract entered into under subsection  
7 (b)(1)(D) for the construction, management, mainte-  
8 nance, and operation of a State public safety  
9 broadband communications network, the Adminis-  
10 trator may enter into agreements with entities in  
11 such State that are not providers of public safety  
12 services to permit such entities to obtain access on  
13 a secondary, preemptible basis to the State public  
14 safety broadband communications network of such  
15 State in order to facilitate interoperability between  
16 such entities and providers of public safety services  
17 in protecting the safety of life, health, and property  
18 during emergencies and during preparation for and  
19 recovery from emergencies, including during emer-  
20 gency drills, exercises, and tests.

21 (2) PREEMPTION.—The Administrator shall en-  
22 sure that, under any agreement entered into under  
23 paragraph (1), providers of public safety services  
24 may preempt use of the State public safety  
25 broadband communications network by an entity

1 with which the Administrator has entered into such  
2 agreement.

3 (f) MULTI-STATE NEGOTIATION.—The State Public  
4 Safety Broadband Offices of more than one State may  
5 form a consortium for purposes of developing a request  
6 for proposals and negotiating and entering into a contract  
7 for the construction, management, maintenance, and oper-  
8 ation of a State public safety broadband communications  
9 network for such States. While such Offices remain in the  
10 consortium, such States shall be treated as a single State,  
11 such Offices shall be treated as a single Office of a single  
12 State, and such network shall be treated as the State pub-  
13 lic safety broadband communications network of a single  
14 State.

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

16 (a) IN GENERAL.—From amounts made available  
17 under section 223(b), the Assistant Secretary shall, in  
18 consultation with the Administrator, make grants to State  
19 Public Safety Broadband Offices to assist such Offices in  
20 carrying out the duties of such Offices under this subtitle,  
21 except for making payments under contracts entered into  
22 under section 221(b)(1)(D).

23 (b) APPLICATION.—The Assistant Secretary may  
24 only make a grant under this section to a State Public  
25 Safety Broadband Office that submits an application at

1 such time, in such form, and containing such information  
2 and assurances as the Assistant Secretary may require.

3 (c) MATCHING REQUIREMENTS; FEDERAL SHARE.—

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

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

13 (d) PROGRAMMATIC REQUIREMENTS.—Not later  
14 than 1 year after the date of the adoption of the Plan  
15 by the Commission under section 202(c)(1)(A), the Assist-  
16 ant Secretary, in consultation with the Board, shall estab-  
17 lish requirements relating to the grant program to be car-  
18 ried out under this section, including the following:

19 (1) Defining eligible costs for purposes of sub-  
20 section (c)(1).

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

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

1 **SEC. 223. STATE IMPLEMENTATION FUND.**

2 (a) ESTABLISHMENT.—There is established in the  
3 Treasury of the United States a fund to be known as the  
4 State Implementation Fund.

5 (b) AMOUNTS AVAILABLE FOR STATE IMPLEMENTA-  
6 TION GRANT PROGRAM.—Any amounts borrowed under  
7 subsection (c)(1) and any amounts in the State Implemen-  
8 tation Fund that are not necessary to reimburse the gen-  
9 eral fund of the Treasury for such borrowed amounts shall  
10 be available to the Assistant Secretary to implement sec-  
11 tion 222.

12 (c) BORROWING AUTHORITY.—

13 (1) IN GENERAL.—Prior to the end of fiscal  
14 year 2021, the Assistant Secretary may borrow from  
15 the general fund of the Treasury such sums as may  
16 be necessary, but not to exceed \$100,000,000, to im-  
17 plement section 222.

18 (2) REIMBURSEMENT.—The Assistant Sec-  
19 retary shall reimburse the general fund of the Treas-  
20 ury, without interest, for any amounts borrowed  
21 under paragraph (1) as funds are deposited into the  
22 State Implementation Fund.

23 (d) TRANSFER OF UNUSED FUNDS.—If there is a  
24 balance remaining in the State Implementation Fund on  
25 September 30, 2021, the Secretary of the Treasury shall  
26 transfer such balance to the general fund of the Treasury,

1 where such balance shall be dedicated for the sole purpose  
2 of deficit reduction.

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

4 (a) ESTABLISHMENT.—From amounts made avail-  
5 able from the Public Safety Trust Fund established by  
6 section 241(a)(1), the Assistant Secretary shall make  
7 grants to State Public Safety Broadband Offices for pay-  
8 ments under contracts entered into under section  
9 221(b)(1)(D).

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

15 (c) QUARTERLY REPORTS.—

16 (1) FROM GRANTEES TO NTIA.—Not later than  
17 3 months after receiving a grant under this section  
18 and not less frequently than quarterly thereafter  
19 until the date that is 1 year after all such funds  
20 have been expended, a State Public Safety  
21 Broadband Office shall submit to the Assistant Sec-  
22 retary a report on—

23 (A) the use of grant funds by such Office;  
24 and

1 (B) the construction, management, mainte-  
2 nance, and operation of the State public safety  
3 broadband communications network of such  
4 State.

5 (2) FROM NTIA TO CONGRESS.—Not later than  
6 6 months after making the first grant under this  
7 section and not less frequently than quarterly there-  
8 after until the date that is 18 months after all such  
9 funds have been expended by the grantees, the As-  
10 sistant Secretary shall submit to the Committee on  
11 Commerce, Science, and Transportation of the Sen-  
12 ate and the Committee on Energy and Commerce of  
13 the House of Representatives a report that—

14 (A) summarizes the reports submitted by  
15 grantees under paragraph (1); and

16 (B) describes and evaluates—

17 (i) the use of grant funds disbursed  
18 under this section; and

19 (ii) the construction, management,  
20 maintenance, and operation of the State  
21 public safety broadband communications  
22 networks under the contracts under which  
23 grantees make payments using grant  
24 funds.



1 **SEC. 225. WIRELESS FACILITIES DEPLOYMENT.**

2 (a) FACILITY MODIFICATIONS.—

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

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

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

16 (B) removal of transmission equipment; or

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

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

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

1       and backhaul transmission equipment, the executive  
2       agency having control of the building or other prop-  
3       erty may grant to the applicant, on behalf of the  
4       Federal Government, an easement or right-of-way to  
5       perform such installation, construction, and mainte-  
6       nance.

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

13             (3) FEE.—

14               (A) IN GENERAL.—Notwithstanding any  
15      other provision of law, the Administrator of  
16      General Services shall establish a fee for the  
17      grant of an easement or right-of-way pursuant  
18      to paragraph (1) that is based on direct cost re-  
19      covery.

20               (B) EXCEPTIONS.—The Administrator of  
21      General Services may establish exceptions to  
22      the fee amount required under subparagraph  
23      (A)—

1 (i) in consideration of the public ben-  
2 efit provided by a grant of an easement or  
3 right-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 (3) may be made available, as provided  
9 in appropriations Acts, to such agency to cover the  
10 costs of granting the easement or right-of-way.

11 (c) MASTER CONTRACTS FOR WIRELESS TOWER  
12 SITINGS.—

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

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

23 (B) in developing the master contract or  
24 contracts, standardize the treatment of the  
25 placement of wireless service antenna structures

1 on building rooftops or facades, the placement  
2 of wireless service antenna equipment on roof-  
3 tops or inside buildings, the technology used in  
4 connection with wireless service antenna struc-  
5 tures or equipment placed on Federal buildings  
6 and other property, and any other key issues  
7 the Administrator of General Services considers  
8 appropriate.

9 (2) APPLICABILITY.—The master contract or  
10 contracts developed by the Administrator of General  
11 Services under paragraph (1) shall apply to all pub-  
12 licly accessible buildings and other property owned  
13 by the Federal Government, unless the Adminis-  
14 trator of General Services decides that issues with  
15 respect to the siting of a wireless service antenna  
16 structure on a specific building or other property  
17 warrant nonstandard treatment of such building or  
18 other property.

19 (3) APPLICATION.—The Administrator of Gen-  
20 eral Services shall develop a common form or set of  
21 forms for wireless service antenna structure siting  
22 applications under this subsection for all executive  
23 agencies that shall be used by applicants with re-  
24 spect to the buildings and other property of each  
25 such agency.

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

4 **Subtitle C—Public Safety Trust**  
5 **Fund**

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

7 (a) ESTABLISHMENT OF PUBLIC SAFETY TRUST  
8 FUND.—

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

12 (2) AVAILABILITY.—Amounts deposited in the  
13 Public Safety Trust Fund shall remain available  
14 through fiscal year 2021. Any amounts remaining in  
15 the Fund after the end of such fiscal year shall be  
16 deposited in the general fund of the Treasury, where  
17 such amounts shall be dedicated for the sole purpose  
18 of deficit reduction.

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

23 (1) REPAYMENT OF AMOUNT BORROWED FOR  
24 ADMINISTRATION OF NATIONAL PUBLIC SAFETY  
25 COMMUNICATIONS PLAN.—An amount not to exceed

1       \$40,000,000 shall be available to the Assistant Sec-  
2       retary to reimburse the general fund of the Treasury  
3       for any amounts borrowed under section 204(a).

4           (2)     STATE     IMPLEMENTATION     FUND.—  
5       \$100,000,000 shall be deposited in the State Imple-  
6       mentation Fund established by section 223(a).

7           (3)     BUILDOUT   OF   STATE   PUBLIC   SAFETY  
8       BROADBAND     COMMUNICATIONS     NETWORKS.—  
9       \$4,960,000,000 shall be available to the Assistant  
10      Secretary to carry out section 224.

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

15          (5)     BUILDOUT   OF   STATE   PUBLIC   SAFETY  
16      BROADBAND     COMMUNICATIONS     NETWORKS   AND  
17      DEFICIT   REDUCTION.—Of the remaining amounts  
18      deposited in the Fund—

19           (A) 10 percent of any such amounts, not  
20      to exceed \$1,500,000,000, shall be available to  
21      the Assistant Secretary to carry out section  
22      224; and

23           (B) 90 percent of any such amounts (or  
24      100 percent of any such amounts after amounts  
25      made available under subparagraph (A) exceed

1           \$1,500,000,000) shall be deposited in the gen-  
2           eral fund of the Treasury, where such amounts  
3           shall be dedicated for the sole purpose of deficit  
4           reduction.

5           (c) INVESTMENT.—Amounts in the Public Safety  
6           Trust Fund shall be invested in accordance with section  
7           9702 of title 31, United States Code, and any interest on,  
8           and proceeds from, any such investment shall be credited  
9           to, and become a part of, the Fund.

## 10   **TITLE III—FEDERAL SPECTRUM** 11                           **RELOCATION**

### 12   **SEC. 301. RELOCATION OF AND SPECTRUM SHARING BY** 13                           **FEDERAL GOVERNMENT STATIONS.**

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

17                   (1) in subsection (g)—

18                           (A) by striking the heading and inserting  
19                           “RELOCATION OF AND SPECTRUM SHARING BY  
20                           FEDERAL GOVERNMENT STATIONS”;

21                           (B) by amending paragraph (1) to read as  
22                           follows:

23                           “(1) ELIGIBLE FEDERAL ENTITIES.—Any Fed-  
24                           eral entity that operates a Federal Government sta-  
25                           tion authorized to use a band of eligible frequencies

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

14 (C) by amending paragraph (2)(B) to read  
15 as follows:

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

22 (D) by amending paragraph (3) to read as  
23 follows:

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



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

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

21               “(ii) the costs of all engineering,  
22               equipment, software, site acquisition, and  
23               construction, as well as any legitimate and  
24               prudent transaction expense, including  
25               term-limited Federal civil servant and con-

1 tractor staff necessary to carry out the re-  
2 location or sharing activities of a Federal  
3 entity, and reasonable additional costs in-  
4 curred by the Federal entity that are at-  
5 tributable to relocation or sharing, includ-  
6 ing increased recurring costs associated  
7 with the replacement of facilities;

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

12 “(I) calculating the estimated re-  
13 location or sharing costs that are pro-  
14 vided to the Commission pursuant to  
15 paragraph (4)(A);

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

20 “(III) planning for or managing  
21 a relocation or sharing arrangement  
22 (including spectrum coordination with  
23 auction winners);

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

4 “(I) to accommodate non-Federal  
5 use of shared frequencies; or

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

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

1 “(B) COMPARABLE CAPABILITY OF SYS-  
2 TEMS.—For purposes of subparagraph (A),  
3 comparable capability of systems—

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

17 “(ii) includes the acquisition of state-  
18 of-the-art replacement systems intended to  
19 meet comparable operational scope, which  
20 may include incidental increases in  
21 functionality.”;

22 (E) in paragraph (4)—

23 (i) in the heading, by striking “RELO-  
24 CATIONS COSTS” and inserting “RELOCA-  
25 TION OR SHARING COSTS”;

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

4 (iii) in subparagraph (A), by inserting  
5 “or sharing” after “such relocation”;  
6 (F) in paragraph (5)—

7 (i) by striking “relocation costs” and  
8 inserting “relocation or sharing costs”; and

9 (ii) by inserting “or sharing” after  
10 “for relocation”; and

11 (G) by amending paragraph (6) to read as  
12 follows:

13 “(6) IMPLEMENTATION OF PROCEDURES.—The  
14 NTIA shall take such actions as necessary to ensure  
15 the timely relocation of Federal entities’ spectrum-  
16 related operations from frequencies described in  
17 paragraph (2) to frequencies or facilities of com-  
18 parable capability and to ensure the timely imple-  
19 mentation of arrangements for the sharing of fre-  
20 quencies described in such paragraph. Upon a find-  
21 ing by the NTIA that a Federal entity has achieved  
22 comparable capability of systems, the NTIA shall  
23 terminate or limit the entity’s authorization and no-  
24 tify the Commission that the entity’s relocation has  
25 been completed or sharing arrangement has been im-

1       plemented. The NTIA shall also terminate such enti-  
2       ty's authorization if the NTIA determines that the  
3       entity has unreasonably failed to comply with the  
4       timeline for relocation or sharing submitted by the  
5       Director of the Office of Management and Budget  
6       under section 118(d)(2)(C).”;

7               (2) by redesignating subsections (h) and (i) as  
8       subsections (k) and (l), respectively; and

9               (3) by inserting after subsection (g) the fol-  
10      lowing:

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

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

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

4                   “(A) The use by the Federal entity of the  
5                   eligible frequencies to be auctioned, current as  
6                   of the date of the submission of the plan.

7                   “(B) The geographic location of the facili-  
8                   ties or systems of the Federal entity that use  
9                   such frequencies.

10                  “(C) The frequency bands used by such fa-  
11                  cilities or systems, described by geographic loca-  
12                  tion.

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

21                  “(E) The specific interactions between the  
22                  eligible Federal entity and the NTIA needed to  
23                  implement the transition plan.

24                  “(F) The name of the officer or employee  
25                  of the Federal entity who is responsible for the

1 relocation or sharing efforts of the entity and  
2 who is authorized to meet and negotiate with  
3 non-Federal users regarding the transition.

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

6 “(i) using funds received from the  
7 Spectrum Relocation Fund established by  
8 section 118;

9 “(ii) procuring new equipment and  
10 additional personnel needed for relocation  
11 or sharing;

12 “(iii) field-testing and deploying new  
13 equipment needed for relocation or shar-  
14 ing; and

15 “(iv) hiring and relying on contract  
16 personnel, if any, needed for relocation or  
17 sharing.

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

20 “(3) TECHNICAL PANEL.—

21 “(A) ESTABLISHMENT.—There is estab-  
22 lished within the NTIA a panel to be known as  
23 the Technical Panel.

24 “(B) MEMBERSHIP.—



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

4 “(I) One member to be appointed  
5 by the Director of the Office of Man-  
6 agement and Budget (in this sub-  
7 section referred to as ‘OMB’).

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

10 “(III) One member to be ap-  
11 pointed by the Chairman of the Com-  
12 mission.

13 “(ii) QUALIFICATIONS.—Each mem-  
14 ber of the Technical Panel shall be a radio  
15 engineer or a technical expert.

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

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

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

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

20          “(C) ADMINISTRATIVE SUPPORT.—The  
21          NTIA shall provide the Technical Panel with  
22          the administrative support services necessary to  
23          carry out its duties under this subsection and  
24          subsection (i).

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

9           “(E) CERTAIN REQUIREMENTS INAPPLI-  
10          CABLE.—The Federal Advisory Committee Act  
11          (5 U.S.C. App.) and sections 552 and 552b of  
12          title 5, United States Code, shall not apply to  
13          the Technical Panel.

14          “(4) REVIEW OF PLAN BY TECHNICAL  
15          PANEL.—

16          “(A) IN GENERAL.—Not later than 30  
17          days after the submission of the plan under  
18          paragraph (1), the Technical Panel shall submit  
19          to the NTIA and to the Federal entity a report  
20          on the sufficiency of the plan, including whether  
21          the plan includes the information required by  
22          paragraph (2) and an assessment of the reason-  
23          ableness of the proposed timelines and esti-  
24          mated relocation or sharing costs, including the  
25          costs of any proposed expansion of the capabili-

1           ties of a Federal system in connection with relo-  
2           cation or sharing.

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

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

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

23          “(7) CLASSIFIED AND OTHER SENSITIVE IN-  
24          FORMATION.—

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

6           “(i) include in the plan—

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

10                   “(II) all relevant non-classified  
11 information that is available; and

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

17           “(B) REGULATIONS.—Not later than 180  
18 days after the date of the enactment of the  
19 Jumpstarting Opportunity with Broadband  
20 Spectrum Act of 2011, the NTIA, in consulta-  
21 tion with the Director of OMB and the Sec-  
22 retary of Defense, shall adopt regulations to en-  
23 sure that the information publicly released  
24 under paragraph (5) or (6) does not contain

1           classified information or other sensitive infor-  
2           mation.

3           “(i) DISPUTE RESOLUTION PROCESS.—

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

11          “(2) ESTABLISHMENT OF BOARD.—

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

15           “(B) MEMBERSHIP AND APPOINTMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

20              “(j) RELOCATION PRIORITIZED OVER SHARING.—

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

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

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

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

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

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

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

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

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

10          (3) in subsection (d)—

11           (A) in paragraph (2)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17                   “(C) APPLICABILITY TO CERTAIN COSTS.—

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

1 “(ii) SUPPLEMENT NOT SUPPLANT.—

2 Any amounts transferred by the Director  
3 of OMB pursuant to clause (i) shall be in  
4 addition to any amounts that the Director  
5 of OMB may transfer for costs incurred on  
6 or after the date of the enactment of the  
7 Jumpstarting Opportunity with Broadband  
8 Spectrum Act of 2011.

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

22 (4) in subsection (e)—

23 (A) in paragraph (1)(B)—

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

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

7 (B) in paragraph (2)—

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

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

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

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

19 “(f) ADDITIONAL PAYMENTS FROM FUND.—

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



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

5 “(2) USE OF AMOUNTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (2) in subsection (d)—

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

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

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

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

## **Public Safety Declares Major Progress In Reaction To Release Of Walden Discussion Draft**

WASHINGTON, D.C. – November 30, 2011 – The Public Safety Alliance (PSA) today welcomed House Communications and Technology Subcommittee Chairman Greg Walden's (R - OR5) latest discussion draft language on spectrum allocation, which was released yesterday ahead of a scheduled mark-up of spectrum legislation on Thursday, December 1st at 10am.

"We greatly appreciate the efforts of Chairman Walden to move legislation forward in the committee of jurisdiction," said PSA spokesman Chris Moore, Chief of Police for the San Jose, CA Police Department, "The Public Safety Alliance is encouraged by Chairman Walden's movement toward developing a workable solution to this critical, time-sensitive issue, and one that includes D block allocation and funding for the Public Safety Broadband Network."

"This is a complex and critical issue and we look forward to working with Chairman Walden on the concerns that still must be addressed among the various bills," said Chief Greg Frederick of the Louisville, Kentucky Fire Department, and PSA Representative for the Metropolitan Fire Chiefs Association, "Over the past year, Chairman Walden and his staff have studied this matter in great length, have conducted several hearings, numerous meetings and have come to the conclusion that allocation of the D block to public safety and commitment of significant funding for the Public Safety Broadband Network is both a necessary and prudent nationwide investment. This is now undisputed both inside and outside of Congress among all major stakeholders including technologists, state and local governments, the Obama Administration, industry, the House and Senate committee leadership, and public safety."

"We are committed to working with Chairman Walden and his colleagues to build upon this major breakthrough, including helping to create a governance model in the JOBS Act of 2011 that emphasizes the need to assure there is majority representation and oversight on the Board by public safety and state and local governments to any federally created entity to ensure maximum input, control and flexibility, consistent with nationwide standards, in constructing and running their local communications systems and operations."

APCO's past president and PSA representative Dick Mirgon concluded, "We support provisions that speak to Next Generation 9-1-1, which is another area of seeming House committee consensus along with the public safety broadband spectrum allocation and funding provisions, but our members are concerned about the proposed provision as it relates to the draft on 700 MHz narrowband spectrum, as more than 11,000 state and local licensees will be directly impacted because traditional Land Mobile Radio (LMR) spectrum channels are currently beyond capacity in many of the major metropolitan areas and there is no other spectrum

that can support mission critical voice communications in these areas. There has been significant financial investment made in this 14 MHz of spectrum and it is important that this spectrum continue to remain available to public safety until the FCC certifies that D block can support mission critical communications.”

For more information on a Nationwide Public Safety Broadband Network, visit [www.psafirst.org](http://www.psafirst.org).

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#### About Public Safety Alliance

The Public Safety Alliance is a partnership of the nation's leading public safety associations, which includes the Association of Public-Safety Communications Officials International, the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs' Association, the Major Cities Chiefs Association, the Major County Sheriffs' Association, the Metropolitan Fire Chiefs Association, the National Emergency Management Association and the National Association of State EMS Officials. The partnership is operated as a program of APCO International. The purpose of the Public Safety Alliance is to raise awareness in Congress and the White House about what our Nation's law enforcement, fire, and emergency medical services need to build out a nationwide, interoperable, 4G, wireless communications network to protect America. For more information on the Public Safety Alliance, visit [www.psafirst.org](http://www.psafirst.org).