

AMENDMENT TO H.R. 3630, AS REPORTED
OFFERED BY MR. LEVIN OF MICHIGAN

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Middle Class Fairness and Putting America Back To
4 Work Act of 2011.”

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

Sec. 1. Short title; table of contents.
Sec. 2. Paygo scorecard estimates.

DIVISION A—TAX, HEALTH, TANF, UI, AND OCO PROVISIONS

TITLE I—TAX PROVISIONS

Sec. 101. Temporary extension and expansion of employee payroll tax relief.
Sec. 102. Extension of allowance for bonus depreciation for certain business as-
sets.
Sec. 103. Surtax on millionaires.

TITLE II—HEALTH AND TANF PROVISIONS

Subtitle A—Health

Sec. 201. Repeal of SGR; 10-year freeze in physician payment rates.
Sec. 202. Extension of MMA section 508 reclassifications.
Sec. 203. Extension of Medicare work geographic adjustment floor.
Sec. 204. Extension of exceptions process for Medicare therapy caps.
Sec. 205. Extension of payment for technical component of certain physician
pathology services.
Sec. 206. Extension of ambulance add-ons.
Sec. 207. Extension of physician fee schedule mental health add-on payment.
Sec. 208. Extension of outpatient hold harmless provision.
Sec. 209. Extending minimum payment for bone mass measurement.
Sec. 210. Extension of the qualifying individual (QI) program.
Sec. 211. Extension of Transitional Medical Assistance (TMA).

Subtitle B—Extension of TANF Program Through Fiscal Year 2012

- Sec. 221. Short title.
- Sec. 222. Extension of program.

TITLE III—EXTENSION OF UNEMPLOYMENT PROGRAMS

- Sec. 301. Short title.
- Sec. 302. Temporary extension of unemployment insurance provisions.
- Sec. 303. Modification of indicators under the extended benefit program.
- Sec. 304. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.
- Sec. 305. Emergency designations.

TITLE IV—SAVINGS FROM OVERSEAS CONTINGENCY OPERATIONS

- Sec. 401. Overseas contingency and related activities.

DIVISION B—WIRELESS INNOVATION AND PUBLIC SAFETY ACT
OF 2011

- Sec. 1001. Short title.
- Sec. 1002. Definitions.
- Sec. 1003. Rule of construction.
- Sec. 1004. Enforcement.

TITLE I—ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY
BROADBAND SPECTRUM

- Sec. 1101. Reallocation of 700 MHz D block spectrum for public safety use.
- Sec. 1102. Assignment of license to Corporation.
- Sec. 1103. Ensuring efficient and flexible use of 700 MHz public safety narrowband spectrum.
- Sec. 1104. Sharing of public safety broadband spectrum and network.
- Sec. 1105. Commission rules.
- Sec. 1106. FCC report on efficient use of public safety spectrum.

TITLE II—ADVANCED PUBLIC SAFETY COMMUNICATIONS

Subtitle A—Public Safety Broadband Network

- Sec. 1201. Establishment and operation of Public Safety Broadband Corporation.
- Sec. 1202. Public safety broadband network.
- Sec. 1203. Program Management Office.
- Sec. 1204. Representation before standards setting entities.
- Sec. 1205. GAO report on satellite broadband.
- Sec. 1206. Access to Federal supply schedules.
- Sec. 1207. Federal infrastructure sharing.
- Sec. 1208. Initial funding for Corporation.
- Sec. 1209. Permanent self-funding of Corporation and duty to collect certain fees.

Subtitle B—State, Local, and Tribal Planning and Implementation

- Sec. 1211. State, Local, and Tribal Planning and Implementation Fund.
- Sec. 1212. State, local, and tribal planning and implementation grant program.
- Sec. 1213. Public safety wireless facilities deployment.

Subtitle C—Public Safety Communications Research and Development

Sec. 1221. NIST-directed public safety wireless communications research and development.

Subtitle D—Next Generation 9–1–1 Services

Sec. 1231. Definitions.

Sec. 1232. Coordination of 9–1–1 implementation.

Sec. 1233. Requirements for multi-line telephone systems.

Sec. 1234. GAO study of State and local use of 9–1–1 service charges.

Sec. 1235. Parity of protection for provision or use of next generation 9–1–1 service.

Sec. 1236. Commission proceeding on autodialing.

Sec. 1237. NHTSA report on costs for requirements and specifications of Next Generation 9–1–1 services.

Sec. 1238. FCC recommendations for legal and statutory framework for Next Generation 9–1–1 services.

TITLE III—SPECTRUM AUCTION AUTHORITY

Sec. 1301. Deadlines for auction of certain spectrum.

Sec. 1302. Incentive auction authority.

TITLE IV—PUBLIC SAFETY TRUST FUND

Sec. 1401. Public Safety Trust Fund.

TITLE V—SPECTRUM POLICY

Sec. 1501. Spectrum inventory.

Sec. 1502. Federal spectrum planning.

Sec. 1503. Reallocating Federal spectrum for commercial purposes and Federal spectrum sharing.

Sec. 1504. Study on spectrum efficiency through receiver standards.

Sec. 1505. Study on unlicensed use in the 5 GHz band.

Sec. 1506. Report on availability of wireless equipment for the 700 MHz band.

1 SEC. 2. PAYGO SCORECARD ESTIMATES.

2 (a) BUDGETARY EFFECTS.—Neither scorecard main-
3 tained by the Office of Management and Budget pursuant
4 to section 4(d) of the Statutory Pay-As-You-Go Act of
5 2010 (2 U.S.C. 933) shall include the budgetary effects
6 of this Act if such budgetary effects do not increase the
7 deficit for any applicable period as determined by the esti-
8 mate submitted for printing in the Congressional Record
9 pursuant to section 4(d) of such Act.

1 (b) DEFICIT.—The increase or decrease in the deficit
2 in the estimate submitted for printing referred to in sub-
3 section (a) shall be determined on the basis of—

4 (1) the change in total outlays and total rev-
5 enue of the Federal Government, including off-budg-
6 et effects, that would result from this Act; and

7 (2) the estimate of the effects of the changes to
8 the discretionary spending limits set forth in section
9 251 of the Balanced Budget and Emergency Deficit
10 Control Act of 1985 in this Act.

11 **DIVISION A—TAX, HEALTH,**
12 **TANF, UI, AND OCO PROVISIONS**
13 **TITLE I—TAX PROVISIONS**

14 **SEC. 101. TEMPORARY EXTENSION AND EXPANSION OF EM-**
15 **PLOYEE PAYROLL TAX RELIEF.**

16 (a) EXTENSION.—Section 601(c) of the Tax Relief,
17 Unemployment Insurance Reauthorization, and Job Cre-
18 ation Act of 2010 (26 U.S.C. 1401 note) is amended by
19 striking “year 2011” and inserting “years 2011 and
20 2012”.

21 (b) INCREASED RELIEF.—

22 (1) IN GENERAL.—Subsection (a) of section
23 601 of the Tax Relief, Unemployment Insurance Re-
24 authorization, and Job Creation Act of 2010 (26
25 U.S.C. 1401 note) is amended—

1 (A) by inserting “(9.3 percent for calendar
2 year 2012)” after “10.40 percent” in para-
3 graph (1), and

4 (B) in paragraph (2)—

5 (i) by striking “(including” and in-
6 serting “(3.1 percent in the case of cal-
7 endar year 2012), including” after “4.2
8 percent”, and

9 (ii) by striking “Code)” and inserting
10 “Code”.

11 (2) COORDINATION WITH INDIVIDUAL DEDUC-
12 TION FOR EMPLOYMENT TAXES.—Subparagraph (A)
13 of section 601(b)(2) of such Act is amended by in-
14 serting “(66.67 percent for taxable years which
15 begin in 2012)” after “59.6 percent”.

16 (c) TECHNICAL AMENDMENTS.—Paragraph (2) of
17 section 601(b) of the Tax Relief, Unemployment Insur-
18 ance Reauthorization, and Job Creation Act of 2010 (26
19 U.S.C. 1401 note) is amended—

20 (1) by inserting “of such Code” after “164(f)”,

21 (2) by inserting “of such Code” after
22 “1401(a)” in subparagraph (A), and

23 (3) by inserting “of such Code” after
24 “1401(b)” in subparagraph (B).

1 **SEC. 102. EXTENSION OF ALLOWANCE FOR BONUS DEPRE-**
2 **CIATION FOR CERTAIN BUSINESS ASSETS.**

3 (a) EXTENSION OF 100 PERCENT BONUS DEPRECIA-
4 TION.—

5 (1) IN GENERAL.—Paragraph (5) of section
6 168(k) of the Internal Revenue Code of 1986 is
7 amended—

8 (A) by striking “January 1, 2012” each
9 place it appears and inserting “January 1,
10 2013”, and

11 (B) by striking “January 1, 2013” and in-
12 serting “January 1, 2014”.

13 (2) CONFORMING AMENDMENTS.—

14 (A) The heading for paragraph (5) of sec-
15 tion 168(k) of such Code is amended by strik-
16 ing “PRE-2012 PERIODS” and inserting “PRE-
17 2013 PERIODS”.

18 (B) Clause (ii) of section 460(c)(6)(B) of
19 such Code is amended to read as follows:

20 “(ii) is placed in service—

21 “(I) after December 31, 2009,
22 and before January 1, 2011 (January
23 1, 2012, in the case of property de-
24 scribed in section 168(k)(2)(B)), or

25 “(II) after December 31, 2011,
26 and before January 1, 2013 (January

1 1, 2014, in the case of property de-
2 scribed in section 168(k)(2)(B)).”.

3 (3) EFFECTIVE DATE.—The amendments made
4 by this subsection shall apply to property placed in
5 service after December 31, 2011.

6 (b) EXPANSION OF ELECTION TO ACCELERATE AMT
7 CREDITS IN LIEU OF BONUS DEPRECIATION.—

8 (1) IN GENERAL.—Paragraph (4) of section
9 168(k) of such Code is amended to read as follows:

10 “(4) ELECTION TO ACCELERATE AMT CREDITS
11 IN LIEU OF BONUS DEPRECIATION.—

12 “(A) IN GENERAL.—If a corporation elects
13 to have this paragraph apply for any taxable
14 year—

15 “(i) paragraph (1) shall not apply to
16 any eligible qualified property placed in
17 service by the taxpayer in such taxable
18 year,

19 “(ii) the applicable depreciation meth-
20 od used under this section with respect to
21 such property shall be the straight line
22 method, and

23 “(iii) the limitation imposed by section
24 53(c) for such taxable year shall be in-
25 creased by the bonus depreciation amount

1 which is determined for such taxable year
2 under subparagraph (B).

3 “(B) BONUS DEPRECIATION AMOUNT.—

4 For purposes of this paragraph—

5 “(i) IN GENERAL.—The bonus depre-
6 ciation amount for any taxable year is an
7 amount equal to 20 percent of the excess
8 (if any) of—

9 “(I) the aggregate amount of de-
10 preciation which would be allowed
11 under this section for eligible qualified
12 property placed in service by the tax-
13 payer during such taxable year if
14 paragraph (1) applied to all such
15 property, over

16 “(II) the aggregate amount of
17 depreciation which would be allowed
18 under this section for eligible qualified
19 property placed in service by the tax-
20 payer during such taxable year if
21 paragraph (1) did not apply to any
22 such property.

23 The aggregate amounts determined under
24 subclauses (I) and (II) shall be determined
25 without regard to any election made under

1 subsection (b)(2)(D), (b)(3)(D), or (g)(7)
2 and without regard to subparagraph
3 (A)(ii).

4 “(ii) LIMITATION.—The bonus depre-
5 ciation amount for any taxable year shall
6 not exceed the lesser of—

7 “(I) the minimum tax credit
8 under section 53(b) for such taxable
9 year determined by taking into ac-
10 count only the adjusted minimum tax
11 for taxable years ending before Janu-
12 ary 1, 2012 (determined by treating
13 credits as allowed on a first-in, first-
14 out basis), or

15 “(II) 50 percent of the minimum
16 tax credit under section 53(b) for the
17 first taxable year ending after Decem-
18 ber 31, 2011.

19 “(iii) AGGREGATION RULE.—All cor-
20 porations which are treated as a single em-
21 ployer under section 52(a) shall be treat-
22 ed—

23 “(I) as 1 taxpayer for purposes
24 of this paragraph, and

1 “(II) as having elected the appli-
2 cation of this paragraph if any such
3 corporation so elects.

4 “(C) ELIGIBLE QUALIFIED PROPERTY.—
5 For purposes of this paragraph, the term ‘eligi-
6 ble qualified property’ means qualified property
7 under paragraph (2), except that in applying
8 paragraph (2) for purposes of this paragraph—

9 “(i) ‘March 31, 2008’ shall be sub-
10 stituted for ‘December 31, 2007’ each
11 place it appears in subparagraph (A) and
12 clauses (i) and (ii) of subparagraph (E)
13 thereof,

14 “(ii) ‘April 1, 2008’ shall be sub-
15 stituted for ‘January 1, 2008’ in subpara-
16 graph (A)(iii)(I) thereof, and

17 “(iii) only adjusted basis attributable
18 to manufacture, construction, or produc-
19 tion—

20 “(I) after March 31, 2008, and
21 before January 1, 2010, and

22 “(II) after December 31, 2010,
23 and before January 1, 2013, shall be
24 taken into account under subpara-
25 graph (B)(ii) thereof.

1 “(D) CREDIT REFUNDABLE.—For pur-
2 poses of section 6401(b), the aggregate increase
3 in the credits allowable under part IV of sub-
4 chapter A for any taxable year resulting from
5 the application of this paragraph shall be treat-
6 ed as allowed under subpart C of such part
7 (and not any other subpart).

8 “(E) OTHER RULES.—

9 “(i) ELECTION.—Any election under
10 this paragraph may be revoked only with
11 the consent of the Secretary.

12 “(ii) PARTNERSHIPS WITH ELECTING
13 PARTNERS.—In the case of a corporation
14 making an election under subparagraph
15 (A) and which is a partner in a partner-
16 ship, for purposes of determining such cor-
17 poration’s distributive share of partnership
18 items under section 702—

19 “(I) paragraph (1) shall not
20 apply to any eligible qualified prop-
21 erty, and

22 “(II) the applicable depreciation
23 method used under this section with
24 respect to such property shall be the
25 straight line method.

1 “(iii) CERTAIN PARTNERSHIPS.—In
2 the case of a partnership in which more
3 than 50 percent of the capital and profits
4 interests are owned (directly or indirectly)
5 at all times during the taxable year by one
6 corporation (or by corporations treated as
7 1 taxpayer under subparagraph (B)(iii)),
8 each partner shall be treated as having an
9 amount equal to such partner’s allocable
10 share of the eligible property for such tax-
11 able year (as determined under regulations
12 prescribed by the Secretary).

13 “(iv) SPECIAL RULE FOR PASSENGER
14 AIRCRAFT.—In the case of any passenger
15 aircraft, the written binding contract limi-
16 tation under paragraph (2)(A)(iii)(I) shall
17 not apply for purposes of subparagraphs
18 (B)(i)(I) and (C).”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by this subsection shall apply to taxable years end-
21 ing after December 31, 2011.

22 (3) TRANSITIONAL RULE.—In the case of a tax-
23 able year beginning before January 1, 2012, and
24 ending after December 31, 2011, the bonus depre-
25 ciation amount determined under paragraph (4) of

1 section 168(k) of Internal Revenue Code of 1986 for
2 such year shall be the sum of—

3 (A) such amount determined under such
4 paragraph as in effect on the date before the
5 date of enactment of this Act taking into ac-
6 count only property placed in service before
7 January 1, 2012, and

8 (B) such amount determined under such
9 paragraph as amended by this Act taking into
10 account only property placed in service after
11 December 31, 2011.

12 **SEC. 103. SURTAX ON MILLIONAIRES.**

13 (a) IN GENERAL.—Subchapter A of chapter 1 of the
14 Internal Revenue Code of 1986 is amended by adding at
15 the end the following new part:

16 **“PART VIII—SURTAX ON MILLIONAIRES**

“Sec. 59B. Surtax on millionaires.

17 **“SEC. 59B. SURTAX ON MILLIONAIRES.**

18 “(a) GENERAL RULE.—In the case of a taxpayer
19 other than a corporation for any taxable year beginning
20 after 2012 and before 2022, there is hereby imposed (in
21 addition to any other tax imposed by this subtitle) a tax
22 equal to 2.4 percent of so much of the modified adjusted
23 gross income of the taxpayer for such taxable year as ex-
24 ceeds the threshold amount.

1 “(b) THRESHOLD AMOUNT.—For purposes of this
2 section—

3 “(1) IN GENERAL.—The threshold amount is
4 \$1,000,000.

5 “(2) INFLATION ADJUSTMENT.—

6 “(A) IN GENERAL.—In the case of any
7 taxable year beginning after 2013, the
8 \$1,000,000 amount under paragraph (1) shall
9 be increased by an amount equal to—

10 “(i) such dollar amount, multiplied by

11 “(ii) the cost-of-living adjustment de-
12 termined under section 1(f)(3) for the cal-
13 endar year in which the taxable year be-
14 gins, determined by substituting ‘calendar
15 year 2011’ for ‘calendar year 1992’ in sub-
16 paragraph (B) thereof.

17 “(B) ROUNDING.—If any amount as ad-
18 justed under paragraph (1) is not a multiple of
19 \$10,000, such amount shall be rounded to the
20 next highest multiple of \$10,000.

21 “(3) MARRIED FILING SEPARATELY.—In the
22 case of a married individual filing separately for any
23 taxable year, the threshold amount shall be one-half
24 of the amount otherwise in effect under this sub-
25 section for the taxable year.

1 “(c) MODIFIED ADJUSTED GROSS INCOME.—For
2 purposes of this section, the term ‘modified adjusted gross
3 income’ means adjusted gross income reduced by any de-
4 duction (not taken into account in determining adjusted
5 gross income) allowed for investment interest (as defined
6 in section 163(d)). In the case of an estate or trust, ad-
7 justed gross income shall be determined as provided in sec-
8 tion 67(e).

9 “(d) SPECIAL RULES.—

10 “(1) NONRESIDENT ALIEN.—In the case of a
11 nonresident alien individual, only amounts taken
12 into account in connection with the tax imposed
13 under section 871(b) shall be taken into account
14 under this section.

15 “(2) CITIZENS AND RESIDENTS LIVING
16 ABROAD.—The dollar amount in effect under sub-
17 section (a) shall be decreased by the excess of—

18 “(A) the amounts excluded from the tax-
19 payer’s gross income under section 911, over

20 “(B) the amounts of any deductions or ex-
21 clusions disallowed under section 911(d)(6)
22 with respect to the amounts described in sub-
23 paragraph (A).

24 “(3) CHARITABLE TRUSTS.—Subsection (a)
25 shall not apply to a trust all the unexpired interests

1 in which are devoted to one or more of the purposes
2 described in section 170(c)(2)(B).

3 “(4) NOT TREATED AS TAX IMPOSED BY THIS
4 CHAPTER FOR CERTAIN PURPOSES.—The tax im-
5 posed under this section shall not be treated as tax
6 imposed by this chapter for purposes of determining
7 the amount of any credit under this chapter or for
8 purposes of section 55.”.

9 (b) CLERICAL AMENDMENT.—The table of parts for
10 subchapter A of chapter 1 of the Internal Revenue Code
11 of 1986 is amended by adding at the end the following
12 new item:

“PART VIII. SURTAX ON MILLIONAIRES.”.

13 (c) SECTION 15 NOT TO APPLY.—The amendment
14 made by subsection (a) shall not be treated as a change
15 in a rate of tax for purposes of section 15 of the Internal
16 Revenue Code of 1986.

17 (d) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to taxable years beginning after
19 December 31, 2012.

1 **TITLE II—HEALTH AND TANF**
2 **PROVISIONS**

3 **Subtitle A—Health**

4 **SEC. 201. REPEAL OF SGR; 10-YEAR FREEZE IN PHYSICIAN**
5 **PAYMENT RATES.**

6 (a) SUNSET OF THE MEDICARE SUSTAINABLE
7 GROWTH RATE (SGR) FORMULA.—Section 1848(f) of the
8 Social Security Act (42 U.S.C. 1395w–4(f)) is amended—

9 (1) in paragraph (1)(B), by inserting “(ending
10 with 2011)” after “each succeeding year”; and

11 (2) in paragraph (2), by inserting “and ending
12 with 2011” after “beginning with 2000” in the mat-
13 ter preceding subparagraph (A).

14 (b) 10-YEAR FREEZE IN RATES.—Section 1848(d) of
15 the Social Security Act (42 U.S.C. 1395w–4(d)) is amend-
16 ed by adding at the end the following new paragraph:

17 “(13) UPDATES FOR 2012 THROUGH 2021.—In
18 lieu of the update to the single conversion factor es-
19 tablished in paragraph (1)(C) that would otherwise
20 apply for a year beginning with 2012 and ending
21 with 2021, the update to the single conversion factor
22 shall be zero percent.”.

23 (c) TREATMENT IN OUT-YEARS.—Section 1848(d) of
24 such Act is further amended by adding at the end the fol-
25 lowing new paragraph:

1 “(14) UPDATES FOR YEARS BEGINNING WITH
2 2022.—In lieu of the update to the single conversion
3 factor established in paragraph (1)(C) that would
4 otherwise apply for a year beginning with 2022, the
5 update to the single conversion factor shall be 1 plus
6 the Secretary’s estimate of the percentage increase
7 in the MEI (as defined in section 1842(i)(3)) for the
8 year (divided by 100).”.

9 **SEC. 202. EXTENSION OF MMA SECTION 508 RECLASSIFICA-**
10 **TIONS.**

11 (a) IN GENERAL.—Section 106(a) of division B of
12 the Tax Relief and Health Care Act of 2006 (42 U.S.C.
13 1395 note), as amended by section 117 of the Medicare,
14 Medicaid, and SCHIP Extension Act of 2007 (Public Law
15 110–173), section 124 of the Medicare Improvements for
16 Patients and Providers Act of 2008 (Public Law 110–
17 275), sections 3137(a) and 10317 of the Patient Protec-
18 tion and Affordable Care Act (Public Law 111–148), and
19 section 102(a) of the Medicare and Medicaid Extenders
20 Act of 2010 (Public Law 111–309), is amended by strik-
21 ing “September 30, 2011” and inserting “September 30,
22 2013”.

23 (b) SPECIAL RULE FOR FISCAL YEAR 2012.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 for purposes of implementation of the amendment

1 made by subsection (a), including for purposes of
2 the implementation of paragraph (2) of section
3 117(a) of the Medicare, Medicaid, and SCHIP Ex-
4 tension Act of 2007 (Public Law 110–173), during
5 fiscal year 2012, the Secretary of Health and
6 Human Services shall use the hospital wage index
7 that was promulgated by the Secretary of Health
8 and Human Services in the Federal Register on Au-
9 gust 18, 2011 (76 Fed. Reg. 51476), and any subse-
10 quent corrections.

11 (2) EXCEPTION.—Beginning on April 1, 2012,
12 in determining the wage index applicable to hospitals
13 that qualify for wage index reclassification, the Sec-
14 retary shall include the average hourly wage data of
15 hospitals whose reclassification was extended pursu-
16 ant to the amendment made by subsection (a) only
17 if including such data results in a higher applicable
18 reclassified wage index. Any revision to hospital
19 wage indexes made as a result of this paragraph
20 shall not be effected in a budget neutral manner.

21 (c) ADJUSTMENT FOR CERTAIN HOSPITALS IN FIS-
22 CAL YEAR 2012.—

23 (1) IN GENERAL.—In the case of a subsection
24 (d) hospital (as defined in subsection (d)(1)(B) of

1 section 1886 of the Social Security Act (42 U.S.C.
2 1395ww)) with respect to which—

3 (A) a reclassification of its wage index for
4 purposes of such section was extended pursuant
5 to the amendment made by subsection (a); and

6 (B) the wage index applicable for such hos-
7 pital for the period beginning on October 1,
8 2011, and ending on March 31, 2012, was
9 lower than for the period beginning on April 1,
10 2012, and ending on September 30, 2012, by
11 reason of the application of subsection (b)(2);

12 the Secretary shall pay such hospital an additional
13 payment that reflects the difference between the
14 wage index for such periods.

15 (2) TIMEFRAME FOR PAYMENTS.—The Sec-
16 retary shall make payments required under para-
17 graph (1) by not later than December 31, 2012.

18 **SEC. 203. EXTENSION OF MEDICARE WORK GEOGRAPHIC**

19 **ADJUSTMENT FLOOR.**

20 Section 1848(e)(1)(E) of the Social Security Act (42
21 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before
22 January 1, 2012” and inserting “before January 1,
23 2014”.

1 **SEC. 204. EXTENSION OF EXCEPTIONS PROCESS FOR MEDI-**
2 **CARE THERAPY CAPS.**

3 (a) APPLICATION OF ADDITIONAL REQUIRE-
4 MENTS.—Section 1833(g)(5) of the Social Security Act
5 (42 U.S.C. 1395l(g)(5)) is amended—

6 (1) by inserting “(A)” after “(5)”;

7 (2) by striking “December 31, 2011” and in-
8 serting “December 31, 2013”;

9 (3) in the first sentence, by inserting “and if
10 the requirement of subparagraph (B) is met” after
11 “medically necessary”;

12 (4) in the second sentence, by inserting “made
13 in accordance with such requirement” after “receipt
14 of the request”; and

15 (5) by adding at the end the following new sub-
16 paragraphs:

17 “(B) In the case of outpatient therapy services for
18 which an exception is requested under the first sentence
19 of subparagraph (A), the claim for such services contains
20 an appropriate modifier (such as the KX modifier used
21 as of the date of the enactment of this subparagraph) indi-
22 cating that such services are medically necessary as justi-
23 fied by appropriate documentation in the medical record
24 involved.

25 “(C)(i) In applying this paragraph with respect to a
26 request for an exception with respect to expenses that

1 would be incurred for outpatient therapy services that
2 would exceed the threshold described in clause (ii) for a
3 year, the request for such an exception, for services fur-
4 nished on or after July 1, 2012, shall be subject to a man-
5 ual medical review process that is similar to the manual
6 medical review process used for certain exceptions under
7 this paragraph in 2006.

8 “(ii) The threshold under this clause for a year is
9 \$3,700. Such threshold shall be applied separately—

10 “(I) for physical therapy services and speech-
11 language pathology services; and

12 “(II) for occupational therapy services.”.

13 (b) REQUIREMENT FOR INCLUSION ON CLAIMS OF
14 NPI OF PHYSICIAN WHO REVIEWS THERAPY PLAN.—
15 Section 1842(t) of such Act (42 U.S.C. 1395u(t)) is
16 amended—

17 (1) by inserting “(1)” after “(t)”; and

18 (2) by adding at the end the following new
19 paragraph:

20 “(2) Each request for payment, or bill submitted, for
21 therapy services described in paragraph (1) or (3) of sec-
22 tion 1833(g) furnished on or after July 1, 2012, for which
23 payment may be made under this part shall include the
24 national provider identifier of the physician who periodi-

1 cally reviews the plan for such services under section
2 1861(p)(2).”.

3 (c) IMPLEMENTATION.—The Secretary of Health and
4 Human Services shall implement such claims processing
5 edits and issue such guidance as may be necessary to im-
6 plement the amendments made by this section in a timely
7 manner. Notwithstanding any other provision of law, the
8 Secretary may implement the amendments made by this
9 section by program instruction.

10 (d) EFFECTIVE DATE.—The amendments made by
11 subsection (a) shall apply to services furnished on or after
12 January 1, 2012.

13 (e) COLLECTION OF ADDITIONAL DATA.—

14 (1) STRATEGY.—The Secretary of Health and
15 Human Services shall implement, beginning on Jan-
16 uary 1, 2013, a claims-based data collection strategy
17 that is designed to assist in reforming the Medicare
18 payment system for outpatient therapy services sub-
19 ject to the limitations of section 1833(g) of the So-
20 cial Security Act. Such strategy shall be designed to
21 provide for the collection of data on patient function
22 during the course of therapy services in order to bet-
23 ter understand patient condition and outcomes.

1 (2) CONSULTATION.—In proposing and imple-
2 menting such strategy, the Secretary shall consult
3 with relevant stakeholders.

4 **SEC. 205. EXTENSION OF PAYMENT FOR TECHNICAL COM-**
5 **PONENT OF CERTAIN PHYSICIAN PATHOL-**
6 **OGY SERVICES.**

7 Section 542(c) of the Medicare, Medicaid, and
8 SCHIP Benefits Improvement and Protection Act of 2000
9 (as enacted into law by section 1(a)(6) of Public Law 106–
10 554), as amended by section 732 of the Medicare Prescrip-
11 tion Drug, Improvement, and Modernization Act of 2003
12 (42 U.S.C. 1395w–4 note), section 104 of division B of
13 the Tax Relief and Health Care Act of 2006 (42 U.S.C.
14 1395w–4 note), section 104 of the Medicare, Medicaid,
15 and SCHIP Extension Act of 2007 (Public Law 110–
16 173), section 136 of the Medicare Improvements for Pa-
17 tients and Providers Act of 2008 (Public Law 110–275),
18 section 3104 of the Patient Protection and Affordable
19 Care Act (Public Law 111–148), and section 105 of the
20 Medicare and Medicaid Extenders Act of 2010 (Public
21 Law 111–309), is amended by striking “and 2011” and
22 inserting “2011, 2012, and 2013”.

1 **SEC. 206. EXTENSION OF AMBULANCE ADD-ONS.**

2 (a) GROUND AMBULANCE.—Section 1834(l)(13)(A)
3 of the Social Security Act (42 U.S.C. 1395m(l)(13)(A))
4 is amended—

5 (1) in the matter preceding clause (i), by strik-
6 ing “2012” and inserting “2014”; and

7 (2) in each of clauses (i) and (ii), by striking
8 “January 1, 2012” and inserting “January 1,
9 2014” each place it appears.

10 (b) AIR AMBULANCE.—Section 146(b)(1) of the
11 Medicare Improvements for Patients and Providers Act of
12 2008 (Public Law 110–275), as amended by sections
13 3105(b) and 10311(b) of Public Law 111–148 and section
14 106(b) of the Medicare and Medicaid Extenders Act of
15 2010 (Public Law 111–309), is amended by striking “De-
16 cember 31, 2011” and inserting “December 31, 2013”.

17 (c) SUPER RURAL AMBULANCE.—Section
18 1834(l)(12)(A) of the Social Security Act (42 U.S.C.
19 1395m(l)(12)(A)) is amended by striking “2012” and in-
20 serting “2014”.

21 **SEC. 207. EXTENSION OF PHYSICIAN FEE SCHEDULE MEN-**
22 **TAL HEALTH ADD-ON PAYMENT.**

23 Section 138(a)(1) of the Medicare Improvements for
24 Patients and Providers Act of 2008 (Public Law 110–
25 275), as amended by section 3107 of the Patient Protec-
26 tion and Affordable Care Act (Public Law 111–148) and

1 section 107 of the Medicare and Medicaid Extenders Act
2 of 2010 (Public Law 111–309), is amended by striking
3 “December 31, 2011” and inserting “December 31,
4 2013”.

5 **SEC. 208. EXTENSION OF OUTPATIENT HOLD HARMLESS**
6 **PROVISION.**

7 Section 1833(t)(7)(D)(i) of the Social Security Act
8 (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section
9 3121(a) of the Patient Protection and Affordable Care Act
10 (Public Law 111–148) and section 108 of the Medicare
11 and Medicaid Extenders Act of 2010 (Public Law 111–
12 309), is amended—

13 (1) in subclause (II)—

14 (A) in the first sentence, by striking
15 “2012” and inserting “2014”; and

16 (B) in the second sentence, by striking “or
17 2011” and inserting “2011, 2012, or 2013”;
18 and

19 (2) in subclause (III)—

20 (A) in the first sentence, by striking
21 “2009, and” and all that follows through “for
22 which” and inserting “2009, and before Janu-
23 ary 1, 2014, for which”; and

24 (B) in the second sentence, by striking
25 “2010, and” and all that follows through “the

1 preceding” and inserting “2010, and before
2 January 1, 2014, the preceding”.

3 **SEC. 209. EXTENDING MINIMUM PAYMENT FOR BONE MASS**
4 **MEASUREMENT.**

5 (a) IN GENERAL.—Section 1848 of the Social Secu-
6 rity Act (42 U.S.C. 1395w–4) is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (4)(B), by striking “for
9 2010 and 2011” and inserting “for each of
10 2010 through 2013”; and

11 (B) in paragraph (6)—

12 (i) in the matter preceding subpara-
13 graph (A), by striking “and 2011” and in-
14 serting “, 2011, 2012, and 2013”; and

15 (ii) in subparagraph (C), by striking
16 “and 2011” and inserting “, 2011, 2012,
17 and 2013”; and

18 (2) in subsection (c)(2)(B)(iv)(IV), by striking
19 “or 2011” and inserting “, 2011, 2012, or 2013”.

20 (b) IMPLEMENTATION.—Notwithstanding any other
21 provision of law, the Secretary may implement the amend-
22 ments made by subsection (a) by program instruction or
23 otherwise.

1 **SEC. 210. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI)**
2 **PROGRAM.**

3 (a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the
4 Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is
5 amended by striking “December 2011” and inserting “De-
6 cember 2013”.

7 (b) EXTENDING TOTAL AMOUNT AVAILABLE FOR
8 ALLOCATION.—Section 1933(g) of such Act (42 U.S.C.
9 1396u–3(g)) is amended—

10 (1) in paragraph (2)—

11 (A) by striking “and” at the end of sub-
12 paragraph (O);

13 (B) in subparagraph (P), by striking the
14 period at the end and inserting a semicolon;
15 and

16 (C) by adding at the end the following new
17 subparagraphs:

18 “(Q) for the period that begins on January
19 1, 2012, and ends on September 30, 2012, the
20 total allocation amount is \$450,000,000;

21 “(R) for the period that begins on October
22 1, 2012, and ends on December 31, 2012, the
23 total allocation amount is \$280,000,000;

24 “(S) for the period that begins on January
25 1, 2013, and ends on September 30, 2013, the
26 total allocation amount is \$550,000,000; and

1 “(T) for the period that begins on October
2 1, 2013, and ends on December 31, 2013, the
3 total allocation amount is \$300,000,000.”; and
4 (2) in paragraph (3), in the matter preceding
5 subparagraph (A), by striking “or (P)” and insert-
6 ing “(P), (R), or (T)”.

7 **SEC. 211. EXTENSION OF TRANSITIONAL MEDICAL ASSIST-**
8 **ANCE (TMA).**

9 Sections 1902(e)(1)(B) and 1925(f) of the Social Se-
10 curity Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are
11 each amended by striking “December 31, 2011” and in-
12 serting “December 31, 2013”.

13 **Subtitle B—Extension of TANF**
14 **Program Through Fiscal Year 2012**

15 **SEC. 221. SHORT TITLE.**

16 This subtitle may be cited as the “TANF Continu-
17 ation Act of 2011”.

18 **SEC. 222. EXTENSION OF PROGRAM.**

19 (a) FAMILY ASSISTANCE GRANTS.—Section
20 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1)
21 is amended—

22 (1) in subparagraph (A), by striking “ each of
23 fiscal years 1996” and all that follows through
24 “2003” and inserting “fiscal year 2012”;

25 (2) in subparagraph (B)—

1 (A) by inserting “(as in effect just before
2 the enactment of the TANF Continuation Act
3 of 2011)” after “this paragraph” the 1st place
4 it appears; and

5 (B) by inserting “(as so in effect)” after
6 “this paragraph” the 2nd place it appears; and

7 (3) in subparagraph (C), by striking “2003”
8 and inserting “2012”.

9 (b) HEALTHY MARRIAGE PROMOTION AND RESPON-
10 SIBLE FATHERHOOD GRANTS.—Section 403(a)(2)(D) of
11 such Act (42 U.S.C. 603(a)(2)(D)) is amended by striking
12 “2011” and inserting “2012”.

13 (c) SUPPLEMENTAL GRANTS FOR POPULATION IN-
14 CREASES IN CERTAIN STATES.—Section 403(a)(3)(H) of
15 such Act (42 U.S.C. 603(a)(3)(H)) is amended—

16 (1) in clause (i), by striking “each of fiscal
17 years 2002 and 2003” and inserting “fiscal year
18 2012”;

19 (2) by striking clause (ii) and inserting the fol-
20 lowing:

21 “(ii) subparagraph (G) shall be ap-
22 plied as if ‘fiscal year 2012’ were sub-
23 stituted for ‘fiscal year 2001’; and”;

24 (3) in clause (iii), by striking “each of” and all
25 that follows and inserting “fiscal year 2012 such

1 sums as are necessary for grants under this sub-
2 paragraph in a total amount not to exceed
3 \$319,000,000.”.

4 (d) MAINTENANCE OF EFFORT REQUIREMENT.—
5 Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is
6 amended—

7 (1) in subparagraph (A), by striking “fiscal
8 year” and all that follows through “2013” and in-
9 serting “a fiscal year”; and

10 (2) in subparagraph (B)(ii)—

11 (A) by striking “for fiscal years 1997
12 through 2012,”; and

13 (B) by striking “407(a) for the fiscal
14 year,” and inserting “407(a),”.

15 (e) TRIBAL GRANTS.—Section 412(a) of such Act (42
16 U.S.C. 612(a)) is amended in each of paragraphs (1)(A)
17 and (2)(A) by striking “each of fiscal years 1997” and
18 all that follows through “2003” and inserting “fiscal year
19 2012”.

20 (f) STUDIES AND DEMONSTRATIONS.—Section
21 413(h)(1) of such Act (42 U.S.C. 613(h)(1)) is amended
22 by striking “each of fiscal years 1997 through 2002” and
23 inserting “fiscal year 2012”.

24 (g) CENSUS BUREAU STUDY.—Section 414(b) of
25 such Act (42 U.S.C. 614(b)) is amended by striking “each

1 of fiscal years 1996” and all that follows through “2003”
2 and inserting “fiscal year 2012”.

3 (h) CHILD CARE ENTITLEMENT.—Section 418(a)(3)
4 of such Act (42 U.S.C. 618(a)(3)) is amended by striking
5 “appropriated” and all that follows and inserting “appro-
6 priated \$2,917,000,000 for fiscal year 2012.”.

7 (i) GRANTS TO TERRITORIES.—Section 1108(b)(2) of
8 such Act (42 U.S.C. 1308(b)(2)) is amended by striking
9 “for fiscal years 1997 through 2003” and inserting “fiscal
10 year 2012”.

11 (j) PREVENTION OF DUPLICATE APPROPRIATIONS
12 FOR FISCAL YEAR 2012.—Expenditures made pursuant
13 to the Short-Term TANF Extension Act (Public Law 112-
14 35) or section 403(b) of the Social Security Act for fiscal
15 year 2012 shall be charged to the applicable appropriation
16 or authorization provided by the amendments made by
17 this section for such fiscal year.

18 (k) EFFECTIVE DATE.—This section and the amend-
19 ments made by this section shall take effect on the date
20 of the enactment of this Act.

21 **TITLE III—EXTENSION OF** 22 **UNEMPLOYMENT PROGRAMS**

23 **SEC. 301. SHORT TITLE.**

24 This title may be cited as the “Emergency Unemploy-
25 ment Compensation Extension Act of 2011”.

1 **SEC. 302. TEMPORARY EXTENSION OF UNEMPLOYMENT IN-**
2 **SURANCE PROVISIONS.**

3 (a) IN GENERAL.—(1) Section 4007 of the Supple-
4 mental Appropriations Act, 2008 (Public Law 110–252;
5 26 U.S.C. 3304 note) is amended—

6 (A) by striking “January 3, 2012” each place
7 it appears and inserting “January 3, 2013”;

8 (B) in the heading for subsection (b)(2), by
9 striking “JANUARY 3, 2012” and inserting “JANUARY
10 3, 2013”; and

11 (C) in subsection (b)(3), by striking “June 9,
12 2012” and inserting “June 8, 2013”.

13 (2) Section 2005 of the Assistance for Unemployed
14 Workers and Struggling Families Act, as contained in
15 Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444),
16 is amended—

17 (A) by striking “January 4, 2012” each place
18 it appears and inserting “January 4, 2013”; and

19 (B) in subsection (c), by striking “June 11,
20 2012” and inserting “June 11, 2013”.

21 (3) Section 5 of the Unemployment Compensation
22 Extension Act of 2008 (Public Law 110–449; 26 U.S.C.
23 3304 note) is amended by striking “June 10, 2012” and
24 inserting “June 10, 2013”.

1 (b) FUNDING.—Section 4004(e)(1) of the Supple-
2 mental Appropriations Act, 2008 (Public Law 110–252;
3 26 U.S.C. 3304 note) is amended—

4 (1) in subparagraph (F), by striking “and” at
5 the end; and

6 (2) by inserting after subparagraph (G) the fol-
7 lowing:

8 “(H) the amendments made by section
9 302(a)(1) of the Emergency Unemployment
10 Compensation Extension Act of 2011; and”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect as if included in the enact-
13 ment of the Tax Relief, Unemployment Insurance Reau-
14 thorization, and Job Creation Act of 2010 (Public Law
15 111–312).

16 **SEC. 303. MODIFICATION OF INDICATORS UNDER THE EX-**
17 **TENDED BENEFIT PROGRAM.**

18 (a) EXTENSION.—Section 203 of the Federal-State
19 Extended Unemployment Compensation Act of 1970 (26
20 U.S.C. 3304 note) is amended—

21 (1) in subsection (d), by striking “December
22 31, 2011” and inserting “December 31, 2012”; and

23 (2) in subsection (f)(2), by striking “December
24 31, 2011” and inserting “December 31, 2012”.

1 (b) INDICATOR.—Section 203(d) of the Federal-State
2 Extended Unemployment Compensation Act of 1970 (26
3 U.S.C. 3304 note) is amended by adding at the end the
4 following: “Effective with respect to compensation for
5 weeks of unemployment beginning on or after January 1,
6 2012 (or, if later, the date established pursuant to State
7 law) and ending on or before December 31, 2012, the
8 State may by statute, regulation, or other issuance having
9 the force and effect of law provide that the determination
10 of whether there has been a State ‘on’ or ‘off’ indicator
11 beginning or ending any extended benefit period shall be
12 made under this subsection, disregarding subparagraph
13 (A) of paragraph (1) and as if paragraph (2) had been
14 amended by striking ‘either subparagraph (A) or’.”.

15 (c) ALTERNATIVE TRIGGER.—Section 203(f) of the
16 Federal-State Extended Unemployment Compensation Act
17 of 1970 (26 U.S.C. 3304 note) is amended—

18 (1) by redesignating paragraph (3) as para-
19 graph (4); and

20 (2) by inserting after paragraph (2) the fol-
21 lowing:

22 “(3) Effective with respect to compensation for weeks
23 of unemployment beginning on or after January 1, 2012
24 (or, if later, the date established pursuant to State law)
25 and ending on or before December 31, 2012, the State

1 may by statute, regulation, or other issuance with the
2 force and effect of law provide that the determination of
3 whether there has been a State ‘on’ or ‘off’ indicator be-
4 ginning or ending any extended benefit period shall be
5 made under this subsection, disregarding clause (ii) of
6 paragraph (1)(A) and as if paragraph (1)(B) had been
7 amended by striking ‘either the requirements of clause (i)
8 or (ii)’ and inserting ‘the requirements of clause (i)’.”.

9 **SEC. 304. ADDITIONAL EXTENDED UNEMPLOYMENT BENE-**
10 **FITS UNDER THE RAILROAD UNEMPLOY-**
11 **MENT INSURANCE ACT.**

12 (a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Rail-
13 road Unemployment Insurance Act, as added by section
14 2006 of the American Recovery and Reinvestment Act of
15 2009 (Public Law 111–5) and as amended by section 9
16 of the Worker, Homeownership, and Business Assistance
17 Act of 2009 (Public Law 111–92) and section 505 of the
18 Tax Relief, Unemployment Insurance Reauthorization,
19 and Job Creation Act of 2010 (Public Law 111–312), is
20 amended—

21 (1) by striking “June 30, 2011” and inserting
22 “June 30, 2012”; and

23 (2) by striking “December 31, 2011” and in-
24 serting “December 31, 2012”.

1 (b) CLARIFICATION ON AUTHORITY TO USE
2 FUNDS.—Funds appropriated under either the first or
3 second sentence of clause (iv) of section 2(c)(2)(D) of the
4 Railroad Unemployment Insurance Act shall be available
5 to cover the cost of additional extended unemployment
6 benefits provided under such section 2(c)(2)(D) by reason
7 of the amendments made by subsection (a) as well as to
8 cover the cost of such benefits provided under such section
9 2(c)(2)(D), as in effect on the day before the date of the
10 enactment of this Act.

11 **SEC. 305. EMERGENCY DESIGNATIONS.**

12 (a) STATUTORY PAYGO.—This title is designated as
13 an emergency requirement pursuant to section 4(g) of the
14 Statutory Pay-As-You-Go Act of 2010 (Public Law 111–
15 139; 2 U.S.C. 933(g)).

16 (b) SENATE.—In the Senate, this title is designated
17 as an emergency requirement pursuant to section 403(a)
18 of S. Con. Res. 13 (111th Congress), the concurrent reso-
19 lution on the budget for fiscal year 2010.

20 (c) HOUSE OF REPRESENTATIVES.—In the House of
21 Representatives, every provision of this title is expressly
22 designated as an emergency for purposes of cut-go prin-
23 ciples.

1 **TITLE IV—SAVINGS FROM OVER-**
2 **SEAS CONTINGENCY OPER-**
3 **ATIONS**

4 **SEC. 401. OVERSEAS CONTINGENCY AND RELATED ACTIVI-**
5 **TIES.**

6 (a) IN GENERAL.—Section 251(b)(2) of the Balanced
7 Budget and Emergency Deficit Control Act of 1985 (2
8 U.S.C. 901(b)(2)) is amended by adding at the end the
9 following new subparagraph:

10 “(E) OVERSEAS CONTINGENCY AND RE-
11 LATED ACTIVITIES.—

12 “(i) CAP ADJUSTMENT.—If a bill or
13 joint resolution making appropriations for
14 a fiscal year is enacted that specifies an
15 amount for overseas contingency and re-
16 lated activities for that fiscal year after
17 taking into account any other bills or joint
18 resolutions enacted for that fiscal year that
19 specify an amount for overseas contingency
20 and related activities, but do not exceed in
21 the aggregate the amounts specified in
22 clause (ii), then the adjustments for that
23 fiscal year shall be the additional new
24 budget authority provided in that Act for
25 such activities for that fiscal year.

1 “(ii) LEVELS.—The levels for overseas
2 contingency and related activities specified
3 in this subparagraph are as follows:

4 “(I) For fiscal year 2013,
5 \$83,000,000,000 in budget authority.

6 “(II) For fiscal year 2014,
7 \$50,000,000,000 in budget authority.

8 “(III) For fiscal year 2015,
9 \$50,000,000,000 in budget authority.

10 “(IV) For fiscal year 2016,
11 \$50,000,000,000 in budget authority.

12 “(V) For fiscal year 2017,
13 \$50,000,000,000 in budget authority.

14 “(VI) For fiscal year 2018,
15 \$50,000,000,000 in budget authority.

16 “(VII) For fiscal year 2019,
17 \$50,000,000,000 in budget authority.

18 “(VIII) For fiscal year 2020,
19 \$50,000,000,000 in budget authority.

20 “(IX) For fiscal year 2021,
21 \$50,000,000,000 in budget author-

22 ity.”.

23 (b) BREACH.—Section 251(a)(2) of such Act (2
24 U.S.C. 901(a)(2)) is amended to read as follows:

25 “(2) ELIMINATING A BREACH.—

1 “(A) IN GENERAL.—Each non-exempt ac-
2 count within a category shall be reduced by a
3 dollar amount calculated by multiplying the en-
4 acted level of sequestrable budgetary resources
5 in that account by the uniform percentage nec-
6 essary to eliminate a breach within that cat-
7 egory.

8 “(B) OVERSEAS CONTINGENCIES.—Any
9 amount of budget authority for overseas contin-
10 gency operations and related activities for fiscal
11 years 2013 through 2021 in excess of the levels
12 set in subsection 251(b)(2)(E) shall be counted
13 in determining whether a breach has occurred
14 in the security category and the nonsecurity
15 category on a proportional basis to the total
16 spending for overseas contingency operations in
17 the security category and the nonsecurity cat-
18 egory.”.

19 (c) CONFORMING AMENDMENT.—Section
20 251(b)(2)(A) of such Act (2 U.S.C. 901(b)(2)(A)) is
21 amended to read as follows:

22 “(A) EMERGENCY APPROPRIATIONS.—If,
23 for any fiscal year, appropriations for discre-
24 tionary accounts are enacted that the Congress
25 designates as emergency requirements in stat-

1 ute on an account by account basis and the
2 President subsequently so designates, the ad-
3 justment shall be the total of such appropria-
4 tions in discretionary accounts designated as
5 emergency requirements.”.

6 **DIVISION B—WIRELESS INNOVA-**
7 **TION AND PUBLIC SAFETY**
8 **ACT OF 2011**

9 **SEC. 1001. SHORT TITLE.**

10 This division may be cited as the “Wireless Innova-
11 tion and Public Safety Act of 2011”.

12 **SEC. 1002. DEFINITIONS.**

13 In this division:

14 (1) 700 MHZ D BLOCK SPECTRUM.—The term
15 “700 MHz D block spectrum” means the portion of
16 the electromagnetic spectrum between the fre-
17 quencies from 758 megahertz to 763 megahertz and
18 between the frequencies from 788 megahertz to 793
19 megahertz.

20 (2) APPROPRIATE COMMITTEES OF CON-
21 GRESS.—Except as otherwise specifically provided,
22 the term “appropriate committees of Congress”
23 means—

24 (A) the Committee on Commerce, Science,
25 and Transportation of the Senate; and

1 (B) the Committee on Energy and Com-
2 merce of the House of Representatives.

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

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

10 (A) a data service, which may include mo-
11 bile broadband Internet access service and
12 Internet Protocol-based applications;

13 (B) provided for profit; and

14 (C) available to the public or to such class-
15 es of eligible users as to be effectively available
16 to the public.

17 (5) COMMERCIAL MOBILE SERVICE.—The term
18 “commercial mobile service” has the meaning given
19 such term in section 332(d)(1) of the Communica-
20 tions Act of 1934 (47 U.S.C. 332(d)(1)).

21 (6) COMMERCIAL STANDARDS.—The term
22 “commercial standards” means the technical stand-
23 ards followed by the commercial mobile service and
24 commercial mobile data service industries for net-
25 work, device, and Internet Protocol connectivity.

1 Such term includes standards developed by the
2 Third Generation Partnership Project (3GPP), the
3 Institute of Electrical and Electronics Engineers
4 (IEEE), the Alliance for Telecommunications Indus-
5 try Solutions (ATIS), and the Internet Engineering
6 Task Force (IETF).

7 (7) COMMISSION.—The term “Commission”
8 means the Federal Communications Commission.

9 (8) CORE NETWORK.—The term “core net-
10 work” means the core network described in section
11 1202(b)(1).

12 (9) FEDERAL ENTITY.—The term “Federal en-
13 tity” has the meaning given such term in section
14 113(i) of the National Telecommunications and In-
15 formation Administration Organization Act (47
16 U.S.C. 923(i)).

17 (10) GOVERNOR.—The term “Governor” means
18 the Governor or other chief executive officer of a
19 State.

20 (11) GUARD BAND SPECTRUM.—The term
21 “guard band spectrum” means the portion of the
22 electromagnetic spectrum between the frequencies
23 from 768 megahertz to 769 megahertz and between
24 the frequencies from 798 megahertz to 799 mega-
25 hertz.

1 (12) INDIAN TRIBE.—The term “Indian tribe”
2 has the meaning given such term in section 4 of the
3 Indian Self-Determination and Education Assistance
4 Act (25 U.S.C. 450b).

5 (13) NARROWBAND SPECTRUM.—The term
6 “narrowband spectrum” means the portion of the
7 electromagnetic spectrum between the frequencies
8 from 769 megahertz to 775 megahertz and between
9 the frequencies from 799 megahertz to 805 mega-
10 hertz.

11 (14) NIST.—The term “NIST” means the Na-
12 tional Institute of Standards and Technology.

13 (15) NTIA.—The term “NTIA” means the Na-
14 tional Telecommunications and Information Admin-
15 istration.

16 (16) PROGRAM MANAGEMENT OFFICE.—The
17 term “Program Management Office” means the of-
18 fice established under section 1203(a).

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

23 (18) PUBLIC SAFETY BROADBAND NETWORK.—
24 The term “public safety broadband network” means
25 the network described in section 1202.

1 (19) PUBLIC SAFETY BROADBAND CORPORA-
2 TION.—The term “Public Safety Broadband Cor-
3 poration” or “Corporation” means the corporation
4 established under section 1201(a)(1).

5 (20) PUBLIC SAFETY BROADBAND SPEC-
6 TRUM.—The term “public safety broadband spec-
7 trum” means—

8 (A) the portion of the electromagnetic
9 spectrum between the frequencies from 763
10 megahertz to 768 megahertz and between the
11 frequencies from 793 megahertz to 798 mega-
12 hertz; and

13 (B) the 700 MHz D block spectrum.

14 (21) PUBLIC SAFETY COMMUNICATIONS RE-
15 SEARCH PROGRAM.—The term “Public Safety Com-
16 munications Research Program” means the program
17 that is housed within the Department of Commerce
18 Labs in Boulder, Colorado, and that is a joint effort
19 between the Office of Law Enforcement Standards
20 of NIST and the Institute for Telecommunication
21 Sciences of the NTIA.

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

1 (23) PUBLIC SAFETY SERVICES.—The term
2 “public safety services” has the meaning given such
3 term in section 337(f)(1) of the Communications Act
4 of 1934 (47 U.S.C. 337(f)(1)).

5 (24) RADIO ACCESS NETWORK.—The term
6 “radio access network” means the radio access net-
7 work described in section 1202(b)(2).

8 (25) STATE.—The term “State” means any of
9 the 50 States, the District of Columbia, the Com-
10 monwealth of Puerto Rico, the United States Virgin
11 Islands, Guam, American Samoa, and the Common-
12 wealth of the Northern Mariana Islands.

13 (26) STATE PUBLIC SAFETY BROADBAND OF-
14 FICE.—The term “State Public Safety Broadband
15 Office” means an office established under section
16 1212(d).

17 (27) TRIBAL.—The term “tribal” means, when
18 used with respect to any entity, that such entity is
19 a tribal organization (as defined in section 4 of the
20 Indian Self-Determination and Education Assistance
21 Act (25 U.S.C. 450b)).

22 **SEC. 1003. RULE OF CONSTRUCTION.**

23 Each range of frequencies described in this division
24 shall be construed to be inclusive of the upper and lower
25 frequencies in the range.

1 **SEC. 1004. ENFORCEMENT.**

2 (a) IN GENERAL.—The Commission shall implement
3 and enforce this division as if this division is a part of
4 the Communications Act of 1934 (47 U.S.C. 151 et seq.).
5 A violation of this division, or a regulation promulgated
6 under this division, shall be considered to be a violation
7 of the Communications Act of 1934, or a regulation pro-
8 mulgated under such Act, respectively.

9 (b) EXCEPTION.—Subsection (a) does not apply in
10 the case of a provision of this division that is expressly
11 required to be carried out by an agency (as defined in sec-
12 tion 551 of title 5, United States Code) other than the
13 Commission.

14 **TITLE I—ALLOCATION AND AS-**
15 **SIGNMENT OF PUBLIC SAFE-**
16 **TY BROADBAND SPECTRUM**

17 **SEC. 1101. REALLOCATION OF 700 MHZ D BLOCK SPECTRUM**
18 **FOR PUBLIC SAFETY USE.**

19 (a) IN GENERAL.—The Commission shall reallocate
20 the 700 MHz D block spectrum for use by public safety
21 entities in accordance with the provisions of this division.

22 (b) QUANTITY OF SPECTRUM ALLOCATED FOR PUB-
23 LIC SAFETY USE.—Section 337(a) of the Communications
24 Act of 1934 (47 U.S.C. 337(a)) is amended—

25 (1) by striking “Not later than January 1,
26 1998, the” and inserting “The”;

1 (2) in paragraph (1), by striking “24” and in-
2 serting “34”; and

3 (3) in paragraph (2), by striking “36” and in-
4 serting “26”.

5 **SEC. 1102. ASSIGNMENT OF LICENSE TO CORPORATION.**

6 (a) IN GENERAL.—Not later than the date that is
7 30 days after the date of the incorporation of the Public
8 Safety Broadband Corporation under section 1201(a), the
9 Commission shall revoke the license for the public safety
10 broadband spectrum and the guard band spectrum and
11 assign a new, single license for the public safety
12 broadband spectrum and the guard band spectrum to the
13 Corporation for the purpose of ensuring the construction,
14 management, maintenance, and operation of the public
15 safety broadband network.

16 (b) TERM.—

17 (1) INITIAL LICENSE.—The initial license as-
18 signed under subsection (a) shall be for a term of
19 10 years.

20 (2) RENEWAL OF LICENSE.—Prior to the expi-
21 ration of the term of the initial license assigned
22 under subsection (a) or the expiration of any re-
23 newal of such license, the Corporation shall submit
24 to the Commission an application for the renewal of
25 such license in accordance with the Communications

1 Act of 1934 (47 U.S.C. 151 et seq.) and any appli-
2 cable Commission regulations. Such renewal applica-
3 tion shall demonstrate that, during the term of the
4 license that the Corporation is seeking to renew, the
5 Corporation has fulfilled its duties and obligations
6 under this division and the Communications Act of
7 1934 and has complied with all applicable Commis-
8 sion regulations. A renewal of the initial license
9 granted under subsection (a) or any renewal of such
10 license shall be for a term not to exceed 10 years.

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

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

20 (2) in subparagraph (B)—

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

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

3 **SEC. 1103. ENSURING EFFICIENT AND FLEXIBLE USE OF 700**
4 **MHZ PUBLIC SAFETY NARROWBAND SPEC-**
5 **TRUM.**

6 (a) LICENSE REQUIREMENTS.—The Commission
7 may not renew a license to use the narrowband spectrum
8 after the date of the enactment of this Act, or grant an
9 application for an initial license to use such spectrum after
10 the date that is 3 years after such date of enactment, un-
11 less the licensee or applicant demonstrates that failure of
12 the Commission to renew such license or grant such appli-
13 cation will—

14 (1) cause considerable economic hardship; or
15 (2) adversely impact the ability of the licensee
16 or applicant to provide public safety services.

17 (b) INVENTORY.—Not later than 6 months after the
18 date of the enactment of this Act, the Commission shall
19 complete and submit to the appropriate committees of
20 Congress a State-by-State inventory of the use of the
21 narrowband spectrum, current as of such date of enact-
22 ment, including the numbers of base stations that are de-
23 ployed and in day-to-day operation, the approximate num-
24 ber of users, the extent of interoperability among the de-

1 ployed stations, and the approximate per-unit costs of mo-
2 bile equipment.

3 (c) FLEXIBLE USE.—In order to promote efficient
4 spectrum use, the Commission may allow the narrowband
5 spectrum and the guard band spectrum to be used in a
6 flexible manner, including for public safety broadband
7 communications, subject to such technical and inter-
8 ference protection measures as the Commission may re-
9 quire.

10 **SEC. 1104. SHARING OF PUBLIC SAFETY BROADBAND SPEC-**
11 **TRUM AND NETWORK.**

12 (a) EMERGENCY ACCESS BY NON-PUBLIC SAFETY
13 ENTITIES.—

14 (1) IN GENERAL.—Notwithstanding any limita-
15 tion in section 337 of the Communications Act of
16 1934 (47 U.S.C. 337), upon the request of a State
17 Public Safety Broadband Office, the Corporation
18 may enter into agreements with entities in such
19 State that are not public safety entities to permit
20 such entities to obtain access on a secondary,
21 preemptible basis to the public safety broadband
22 spectrum in order to facilitate interoperability be-
23 tween such entities and public safety entities in pro-
24 tecting the safety of life, health, and property during
25 emergencies and during preparation for and recovery

1 from emergencies, including during emergency drills,
2 exercises, and tests.

3 (2) PREEMPTION.—The Corporation shall en-
4 sure that, under any agreements entered into under
5 paragraph (1), public safety entities may preempt
6 use of the public safety broadband spectrum by the
7 entities with which the Corporation has entered into
8 such agreements.

9 (b) PUBLIC-PRIVATE PARTNERSHIPS.—Notwith-
10 standing any limitation in section 337 of the Communica-
11 tions Act of 1934 (47 U.S.C. 337), the Corporation may
12 permit a private entity with which the Corporation con-
13 tracts on behalf of public safety entities to construct, man-
14 age, maintain, or operate the core network or the radio
15 access network, upon the request of such private entity,
16 to—

17 (1) obtain access to the public safety broadband
18 spectrum for services that are not public safety serv-
19 ices; or

20 (2) share equipment or infrastructure of the
21 public safety broadband network, including antennas
22 and towers.

23 (c) APPROVAL BY COMMISSION.—The Corporation
24 may not enter into an agreement under subsection (a) or
25 (b)(1) without the approval of the Commission.

1 (d) REINVESTMENT.—The Corporation shall use any
2 funds the Corporation receives under the agreements en-
3 tered into under subsections (a) and (b) to cover the ad-
4 ministrative expenses of the Corporation for the fiscal year
5 in which such funds are received and shall use any excess
6 for the construction, management, maintenance, and oper-
7 ation of the public safety broadband network.

8 (e) ACCESS BY FEDERAL DEPARTMENTS AND AGEN-
9 CIES.—Notwithstanding any limitation in section 337 of
10 the Communications Act of 1934 (47 U.S.C. 337), the
11 Corporation shall enter into such written agreements as
12 are necessary to permit Federal departments and agencies
13 to have shared access to the public safety broadband spec-
14 trum on an equivalent basis in order to protect the safety
15 of life, health, and property.

16 (f) PROHIBITION ON OFFERING COMMERCIAL SERV-
17 ICES.—The Corporation may not offer, provide, or market
18 commercial telecommunications services or information
19 services directly to the public.

20 **SEC. 1105. COMMISSION RULES.**

21 (a) IN GENERAL.—In order to carry out the provi-
22 sions of this division, the Commission shall—

23 (1) adopt technical rules necessary to suffi-
24 ciently manage spectrum use in bands adjacent to
25 the public safety broadband spectrum;

1 (2) adopt rules requiring commercial mobile
2 service providers and commercial mobile data service
3 providers to offer roaming and priority access serv-
4 ices to public safety entities at commercially reason-
5 able terms and conditions if—

6 (A) the equipment of the public safety en-
7 tity is technically compatible with the network
8 of the commercial provider;

9 (B) the commercial provider is reasonably
10 compensated; and

11 (C) such access does not unreasonably pre-
12 empt or otherwise terminate or degrade existing
13 voice conversations or data sessions;

14 (3) adopt technical rules governing the oper-
15 ation of the public safety broadband network in
16 areas near the international borders of the United
17 States;

18 (4) adopt rules ensuring the commercial avail-
19 ability of devices capable of operating in the public
20 safety broadband spectrum, known as Band Class
21 14, at costs comparable to those of similar devices
22 that are designed to operate in spectrum allocated
23 for commercial use; and

24 (5) consider the adoption of such other rules as
25 the Commission determines are necessary.

1 (b) DEADLINE.—The Commission shall adopt the
2 rules required by paragraphs (1) through (4) of subsection
3 (a) not later than 180 days after the date of the enactment
4 of this Act.

5 (c) CONSULTATION.—In adopting rules under sub-
6 section (a) (or considering the adoption of rules under
7 paragraph (5) of such subsection), the Commission shall
8 consult with the Director of the Office of Emergency Com-
9 munications in the Department of Homeland Security, the
10 Assistant Secretary, the Director of NIST, and the Public
11 Safety Communications Research Program.

12 **SEC. 1106. FCC REPORT ON EFFICIENT USE OF PUBLIC**
13 **SAFETY SPECTRUM.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act and every 2 years there-
16 after, the Commission shall, in consultation with the As-
17 sistant Secretary and the Director of NIST, conduct a
18 study and submit to the appropriate committees of Con-
19 gress a report on the spectrum allocated for public safety
20 use.

21 (b) CONTENTS.—The report required by subsection
22 (a) shall include—
23 (1) an examination of how such spectrum is
24 being used;

1 (2) recommendations on how such spectrum
2 may be used more efficiently;

3 (3) an assessment of the feasibility of public
4 safety entities relocating from other bands to the
5 public safety broadband spectrum; and

6 (4) an assessment of whether any spectrum
7 made available by the relocation described in para-
8 graph (3) could be returned to the Commission for
9 reassignment through auction, including through use
10 of incentive auction authority under subparagraph
11 (G) of section 309(j)(8) of the Communications Act
12 of 1934, as added by section 1302(a).

13 **TITLE II—ADVANCED PUBLIC** 14 **SAFETY COMMUNICATIONS**

15 **Subtitle A—Public Safety**

16 **Broadband Network**

17 **SEC. 1201. ESTABLISHMENT AND OPERATION OF PUBLIC** 18 **SAFETY BROADBAND CORPORATION.**

19 (a) ESTABLISHMENT.—

20 (1) IN GENERAL.—There is authorized to be es-
21 tablished a private, nonprofit corporation to be
22 known as the Public Safety Broadband Corporation,
23 which will not be an agency or establishment of the
24 United States Government or the District of Colum-
25 bia government.

1 (2) GOVERNING LAW.—The Corporation shall
2 be subject to the provisions of this division and, to
3 the extent consistent with this division, the District
4 of Columbia Nonprofit Corporation Act (sec. 29–
5 301.01 et seq., D.C. Official Code). The Corporation
6 shall have the usual powers conferred upon a non-
7 profit corporation by the District of Columbia Non-
8 profit Corporation Act.

9 (3) INCORPORATION.—The members of the ini-
10 tial Board of Directors of the Corporation shall
11 serve as the incorporators of the Corporation and
12 shall take the necessary steps to establish the Cor-
13 poration under the District of Columbia Nonprofit
14 Corporation Act. The Corporation shall notify the
15 Commission of the date of its incorporation as soon
16 as possible after such incorporation.

17 (4) INITIAL BYLAWS.—The members of the ini-
18 tial Board of Directors of the Corporation shall es-
19 tablish the initial bylaws of the Corporation.

20 (5) RESIDENCE.—The Corporation shall have
21 its place of business in the District of Columbia and
22 shall be considered, for purposes of venue in civil ac-
23 tions, to be a resident of the District of Columbia.

24 (b) BOARD OF DIRECTORS.—

1 (1) MEMBERSHIP AND APPOINTMENT.—The
2 management of the Corporation shall be vested in a
3 Board of Directors, which shall consist of 15 mem-
4 bers, as follows:

5 (A) FEDERAL MEMBERS.—Four Federal
6 members, or their designees, as follows:

7 (i) The Secretary of Commerce.

8 (ii) The Secretary of Homeland Secu-
9 rity.

10 (iii) The Director of the Office of
11 Management and Budget.

12 (iv) The Attorney General of the
13 United States.

14 (B) NON-FEDERAL PUBLIC-SECTOR MEM-
15 BERS.—Seven non-Federal public-sector mem-
16 bers, representing both urban and rural inter-
17 ests, appointed by the Secretary of Commerce,
18 as follows:

19 (i) STATE GOVERNORS.—Two mem-
20 bers, each of whom is the Governor of a
21 State, or their designees.

22 (ii) LOCAL AND TRIBAL GOVERNMENT
23 MEMBERS.—Two members, each of whom
24 is the chief executive officer of a political

1 subdivision of a State or an Indian tribe,
2 or their designees.

3 (iii) PUBLIC SAFETY ENTITY EMPLOY-
4 EES.—Three members, each of whom is
5 employed by a public safety entity and pos-
6 sesses one or more of the following quali-
7 fications:

8 (I) Experience with emergency
9 preparedness and response.

10 (II) Technical expertise with pub-
11 lic safety radio communications.

12 (III) Operational experience with
13 9–1–1 emergency services.

14 (IV) Training in hospital or ur-
15 gent medical care.

16 (C) PRIVATE-SECTOR MEMBERS.—Four
17 private-sector members, appointed by the Sec-
18 retary of Commerce, each of whom has exten-
19 sive experience implementing commercial stand-
20 ards in the design, development, and operation
21 of commercial mobile data service networks.

22 (2) INDEPENDENCE OF NON-FEDERAL PUBLIC-
23 SECTOR AND PRIVATE-SECTOR MEMBERS.—

24 (A) IN GENERAL.—Each non-Federal pub-
25 lic-sector member and each private-sector mem-

1 ber of the Board of Directors appointed under
2 paragraph (1) shall be independent and neutral.

3 (B) INDEPENDENCE DETERMINATION.—In
4 order to be considered independent for purposes
5 of this paragraph, a member of the Board—

6 (i) may not, other than in the capacity
7 of such member as a member of the Board
8 or a committee thereof, accept any con-
9 sulting, advisory, or other compensatory
10 fee from the Corporation; and

11 (ii) shall be disqualified from any de-
12 liberation involving any transaction of the
13 Corporation in which such member has a
14 financial interest in the outcome.

15 (3) FEDERAL EMPLOYMENT STATUS.—The
16 non-Federal public-sector members and the private-
17 sector members of the Board of Directors shall not,
18 by reason of membership on the Board, be consid-
19 ered to be officers or employees of the United States
20 Government or the District of Columbia government.

21 (4) CITIZENSHIP.—Each non-Federal public-
22 sector member and each private-sector member of
23 the Board of Directors shall be a citizen of the
24 United States.

25 (5) TERMS OF APPOINTMENT.—

1 (A) INITIAL APPOINTMENT DEADLINE.—

2 The initial non-Federal public-sector members
3 and the initial private-sector members of the
4 Board of Directors shall be appointed not later
5 than 180 days after the date of the enactment
6 of this Act.

7 (B) TERMS.—

8 (i) LENGTH.—

9 (I) FEDERAL MEMBERS.—Each
10 Federal member of the Board of Di-
11 rectors shall serve as a member of the
12 Board for the life of the Corporation.

13 (II) NON-FEDERAL PUBLIC-SEC-
14 TOR AND PRIVATE-SECTOR MEM-
15 BERS.—The term of office of each
16 non-Federal public-sector member and
17 each private-sector member of the
18 Board of Directors shall be 3 years.
19 Such a member may not serve more
20 than 2 full terms consecutively.

21 (ii) EXPIRATION OF TERM.—Any non-
22 Federal public-sector member or private-
23 sector member of the Board of Directors
24 whose term has expired may serve until
25 such member's successor has taken office,

1 or until the end of the calendar year in
2 which such member's term has expired,
3 whichever is earlier.

4 (iii) APPOINTMENT TO FILL VA-
5 CANCY.—A non-Federal public-sector mem-
6 ber or private-sector member of the Board
7 of Directors appointed to fill a vacancy oc-
8 ccurring prior to the expiration of the term
9 for which that member's predecessor was
10 appointed shall be appointed for the re-
11 mainder of the predecessor's term.

12 (iv) STAGGERED TERMS.—With re-
13 spect to the initial non-Federal public-sec-
14 tor members and the initial private-sector
15 members of the Board of Directors—

16 (I) four members shall serve for
17 a term of 3 years;

18 (II) four members shall serve for
19 a term of 2 years; and

20 (III) three members shall serve
21 for a term of 1 year.

22 (C) EFFECT OF VACANCIES.—A vacancy in
23 the membership of the Board of Directors shall
24 not affect the Board's powers and shall be filled

1 in the same manner as the original member was
2 appointed.

3 (6) CHAIR.—

4 (A) SELECTION.—The Chair of the Board
5 of Directors shall be selected by the Secretary
6 of Commerce from among the non-Federal pub-
7 lic-sector members and the private-sector mem-
8 bers of the Board.

9 (B) TERM.—The term of office of the
10 Chair of the Board of Directors shall be 2
11 years, and an individual may not serve more
12 than 2 consecutive terms.

13 (7) REMOVAL.—

14 (A) BY SECRETARY OF COMMERCE.—The
15 Secretary of Commerce may remove, for good
16 cause—

17 (i) the Chair of the Board of Direc-
18 tors; or

19 (ii) any non-Federal public-sector
20 member or private-sector member of the
21 Board of Directors.

22 (B) BY BOARD.—The members of the
23 Board of Directors may, by majority vote—

24 (i) remove any non-Federal public-sec-
25 tor member or private-sector member of

1 the Board for conduct determined by the
2 Board to be detrimental to the Board or to
3 the Corporation; or

4 (ii) request that the Secretary of
5 Commerce exercise his or her authority to
6 remove the Chair of the Board for conduct
7 determined to be detrimental to the Board
8 or to the Corporation.

9 (8) MEETINGS.—

10 (A) FREQUENCY.—The Board of Directors
11 shall meet in accordance with the bylaws of the
12 Corporation—

13 (i) at the call of the Chair of the
14 Board; and

15 (ii) not less frequently than once each
16 quarter.

17 (B) TRANSPARENCY.—Meetings of the
18 Board of Directors, and meetings of any com-
19 mittees of the Board, shall be open to the pub-
20 lic. The Board may, by majority vote, close any
21 such meeting only for the time necessary to pre-
22 serve the confidentiality of commercial or finan-
23 cial information that is privileged or confiden-
24 tial, to discuss personnel matters, or to discuss

1 legal matters affecting the Corporation, includ-
2 ing pending or potential litigation.

3 (9) QUORUM.—Eight members of the Board of
4 Directors, including not fewer than 6 non-Federal
5 public-sector members or private-sector members,
6 shall constitute a quorum.

7 (10) ATTENDANCE.—Members of the Board of
8 Directors may attend meetings of the Corporation
9 and vote in person, via telephone conference, or via
10 video conference.

11 (11) BYLAWS.—A majority of the members of
12 the Board of Directors may amend the bylaws of the
13 Corporation.

14 (12) PROHIBITION AGAINST COMPENSATION.—
15 A member of the Board of Directors shall serve
16 without pay, and shall not otherwise benefit, directly
17 or indirectly, as a result of the member's service to
18 the Corporation, but shall be allowed a per diem al-
19 lowance for travel expenses, at rates authorized for
20 an employee of an agency under subchapter I of
21 chapter 57 of title 5, United States Code, while
22 away from the home or regular place of business of
23 the member in the performance of the duties of the
24 Corporation.

25 (c) CHIEF EXECUTIVE OFFICER AND EMPLOYEES.—

1 (1) IN GENERAL.—The Corporation shall have
2 1 officer, a Chief Executive Officer, and such em-
3 ployees as may be necessary to carry out the duties
4 and responsibilities of the Corporation under this
5 title and title I, for such terms, and at such rates
6 of compensation in accordance with paragraph (5),
7 as the Board of Directors of the Corporation con-
8 siders appropriate. The Chief Executive Officer and
9 the employees shall serve at the pleasure of the
10 Board of Directors.

11 (2) QUALIFICATIONS OF CEO.—The Chief Exec-
12 utive Officer shall have extensive experience in the
13 deployment, management, or design of commercial
14 mobile data service networks.

15 (3) CITIZENSHIP.—The Chief Executive Officer
16 and the employees of the Corporation shall be citi-
17 zens of the United States.

18 (4) NONPOLITICAL NATURE OF APPOINT-
19 MENT.—No political test or qualification may be
20 used in selecting, appointing, promoting, or taking
21 other personnel actions with respect to the Chief Ex-
22 ecutive Officer or the agents or employees of the
23 Corporation.

24 (5) COMPENSATION.—

1 (A) IN GENERAL.—The Board of Directors
2 may fix the compensation of the Chief Execu-
3 tive Officer and the employees hired under this
4 subsection, as necessary to carry out the duties
5 and responsibilities of the Corporation under
6 this title and title I, except that—

7 (i) the rate of compensation for the
8 Chief Executive Officer or any employee
9 may not exceed the maximum rate of basic
10 pay established under section 5382 of title
11 5, United States Code, for a member of
12 the Senior Executive Service; and

13 (ii) notwithstanding any other provi-
14 sion of law except clause (i), or any bylaw
15 of the Corporation, all rates of compensa-
16 tion, including benefit plans and salary
17 ranges, for the Chief Executive Officer and
18 the employees shall be jointly approved by
19 a majority of the Federal members of the
20 Board.

21 (B) LIMITATION ON OTHER COMPENSA-
22 TION.—Neither the Chief Executive Officer nor
23 any employee of the Corporation may receive
24 any salary or other compensation (except for
25 compensation for service on boards of directors

1 of other organizations that do not receive funds
2 from the Corporation, on committees of such
3 boards, and in similar activities for such organi-
4 zations) from any sources other than the Cor-
5 poration for services rendered during the period
6 of the employment of the Chief Executive Offi-
7 cer or employee, respectively, by the Corpora-
8 tion.

9 (C) SERVICE ON OTHER BOARDS.—Service
10 by the Chief Executive Officer or any employee
11 of the Corporation on a board of directors of
12 another organization, on a committee of such a
13 board, or in a similar activity for such an orga-
14 nization shall be subject to annual advance ap-
15 proval by the Board of Directors.

16 (D) FEDERAL EMPLOYMENT STATUS.—
17 Neither the Chief Executive Officer nor any em-
18 ployee of the Corporation shall be considered to
19 be an officer or employee of the United States
20 Government or the District of Columbia govern-
21 ment.

22 (d) SELECTION OF AGENTS, CONSULTANTS, AND EX-
23 PERTS.—

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

4 (2) FINAL AND BINDING.—If the selection of an
5 agent, consultant, or expert satisfies the require-
6 ments of paragraph (1), the selection of such agent,
7 consultant, or expert shall be final and binding.

8 (e) NONPROFIT AND NONPOLITICAL NATURE OF
9 CORPORATION.—

10 (1) STOCK.—The Corporation shall have no
11 power to issue any shares of stock, or to declare or
12 pay any dividends.

13 (2) PROFIT.—No part of the income or assets
14 of the Corporation shall inure to the benefit of any
15 director, officer, employee, or any other individual
16 associated with the Corporation, except as salary or
17 reasonable compensation for services.

18 (3) POLITICS.—The Corporation may not con-
19 tribute to or otherwise support any political party or
20 candidate for elective public office.

21 (4) PROHIBITION ON LOBBYING ACTIVITIES.—
22 The Corporation may not engage in lobbying activi-
23 ties (as defined in section 3(7) of the Lobbying Dis-
24 closure Act of 1995 (2 U.S.C. 1602(7))).

1 (f) GENERAL POWERS.—In addition to the powers
2 granted to the Corporation by any other provision of law,
3 the Corporation shall have the authority to do the fol-
4 lowing:

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

6 (2) To have succession until dissolved by an Act
7 of Congress.

8 (3) To prescribe, through the actions of the
9 Board of Directors, bylaws not inconsistent with
10 Federal law and the laws of the District of Colum-
11 bia, regulating the manner in which the Corpora-
12 tion's general business may be conducted and the
13 manner in which the privileges granted to the Cor-
14 poration by law may be exercised.

15 (4) To exercise, through the actions of the
16 Board of Directors, all powers specifically granted to
17 the Corporation by the provisions of this title and
18 title I, and such incidental powers as shall be nec-
19 essary.

20 (5) To hold such hearings, sit and act at such
21 times and places, take such testimony, and receive
22 such evidence as the Corporation considers necessary
23 to carry out its responsibilities and duties.

24 (6) To obtain grants and funds from and make
25 contracts with individuals, private companies, orga-

1 nizations, institutions, and Federal, State, regional,
2 and local agencies.

3 (7) To accept, hold, administer, and utilize
4 gifts, donations, and bequests of property, both real
5 and personal, for the purposes of aiding or facili-
6 tating the work of the Corporation.

7 (8) To spend amounts obtained under para-
8 graph (6) in a manner authorized by the Board, but
9 only for purposes that will advance or enhance pub-
10 lic safety communications consistent with this divi-
11 sion.

12 (9) To establish reserve accounts with funds
13 that the Corporation may receive from time to time
14 that exceed the amounts required by the Corporation
15 to timely pay its debt service and other obligations.

16 (10) To expend the funds placed in any reserve
17 accounts established under paragraph (9) (including
18 interest earned on any such amounts) in a manner
19 authorized by the Board, but only for purposes
20 that—

21 (A) will advance or enhance public safety
22 communications consistent with this division; or

23 (B) are otherwise approved by an Act of
24 Congress.

1 (11) To take such other actions as the Corpora-
2 tion, through the Board of Directors, may from time
3 to time determine necessary, appropriate, or advis-
4 able to accomplish the purposes of this title and title
5 I.

6 (g) PRINCIPAL POWERS.—In addition to the powers
7 granted to the Corporation by any other provision of law,
8 the Corporation shall have the power—

9 (1) to hold the single license for the public safe-
10 ty broadband spectrum and the guard band spec-
11 trum assigned by the Commission under section
12 1102(a);

13 (2) to take all actions necessary to ensure the
14 construction, management, maintenance, and oper-
15 ation of the public safety broadband network, in con-
16 sultation with Federal users of the network, public
17 safety entities, the Commission, and the Technical
18 and Operations Advisory Body established under
19 subsection (h), including by—

20 (A) ensuring the use of commercial stand-
21 ards;

22 (B) issuing open, transparent, and com-
23 petitive requests for proposals to private-sector
24 entities for the purpose of constructing, man-

1 aging, maintaining, and operating the public
2 safety broadband network;

3 (C) entering into and overseeing the per-
4 formance of contracts or agreements with pri-
5 vate-sector entities to construct, manage, main-
6 tain, and operate the public safety broadband
7 network;

8 (D) leveraging, to the maximum extent
9 possible, existing commercial, private, and pub-
10 lic infrastructure to reduce costs, supplement
11 network capacity, and speed deployment of the
12 network;

13 (E) entering into roaming and priority ac-
14 cess agreements with providers of commercial
15 mobile service and commercial mobile data serv-
16 ice to allow users of the public safety broadband
17 network to obtain such services across the net-
18 works of such providers;

19 (F) entering into sharing agreements
20 under section 1104; and

21 (G) exercising discretion in using and dis-
22 bursing the funds received under section
23 1401(b)(4); and

1 (3) to establish the Program Management Of-
2 fice and delegate functions to such Office, in accord-
3 ance with section 1203.

4 (h) TECHNICAL AND OPERATIONS ADVISORY
5 BODY.—

6 (1) ESTABLISHMENT.—In addition to such
7 other standing or ad hoc committees, panels, or
8 councils as the Board of Directors considers nec-
9 essary, the Corporation shall establish a Technical
10 and Operations Advisory Body, which shall provide
11 advice to the Corporation with respect to operational
12 and technical matters related to public safety com-
13 munications and commercial mobile data service.

14 (2) MEMBERSHIP.—The Technical and Oper-
15 ations Advisory Body shall be composed of such rep-
16 resentatives as the Board of Directors considers ap-
17 propriate, including representatives of the following:

18 (A) Public safety entities.

19 (B) State, local, and tribal entities that
20 use the public safety broadband network.

21 (C) Public safety answering points.

22 (D) One or more of the 10 regional organi-
23 zational units of the Federal Emergency Man-
24 agement Agency.

25 (E) The Bureau of Indian Affairs.

1 (F) The Office of Science and Technology
2 Policy.

3 (G) The Public Safety Communications
4 Research Program.

5 (H) Providers of commercial mobile data
6 service and vendors of equipment, devices, and
7 software used to provide and access such serv-
8 ice.

9 (i) AUDITS AND REPORTS BY GAO.—

10 (1) AUDITS.—

11 (A) IN GENERAL.—The financial trans-
12 actions of the Corporation for any fiscal year
13 during which Federal funds are available to fi-
14 nance any portion of its operations shall be au-
15 dited annually by the Comptroller General of
16 the United States in accordance with the prin-
17 ciples and procedures applicable to commercial
18 corporate transactions and under such rules
19 and regulations as may be prescribed by the
20 Comptroller General.

21 (B) LOCATION.—Any audit conducted
22 under subparagraph (A) shall be conducted at
23 the place or places where accounts of the Cor-
24 poration are normally kept.

1 (C) ACCESS TO CORPORATION BOOKS AND
2 DOCUMENTS.—

3 (i) IN GENERAL.—For purposes of an
4 audit conducted under subparagraph (A),
5 the representatives of the Comptroller Gen-
6 eral shall—

7 (I) have access to all books, ac-
8 counts, records, reports, files, and all
9 other papers, things, or property be-
10 longing to or in use by the Corpora-
11 tion that pertain to the financial
12 transactions of the Corporation and
13 are necessary to facilitate the audit;
14 and

15 (II) be afforded full facilities for
16 verifying transactions with the bal-
17 ances or securities held by deposi-
18 tories, fiscal agents, and custodians.

19 (ii) REQUIREMENT.—All books, ac-
20 counts, records, reports, files, papers, and
21 property of the Corporation shall remain in
22 the possession and custody of the Corpora-
23 tion.

24 (2) REPORTS.—

1 (A) IN GENERAL.—The Comptroller Gen-
2 eral of the United States shall submit a report
3 of each audit conducted under paragraph
4 (1)(A) to—

5 (i) the appropriate committees of Con-
6 gress;

7 (ii) the President; and

8 (iii) the Corporation.

9 (B) CONTENTS.—Each report submitted
10 under subparagraph (A) shall contain—

11 (i) such comments and information as
12 the Comptroller General determines nec-
13 essary to inform Congress of the financial
14 operations and condition of the Corpora-
15 tion;

16 (ii) any recommendations of the
17 Comptroller General relating to the finan-
18 cial operations and condition of the Cor-
19 poration; and

20 (iii) a description of any program, ex-
21 penditure, or other financial transaction or
22 undertaking of the Corporation that was
23 observed during the course of the audit,
24 which, in the opinion of the Comptroller

1 General, has been carried on or made with-
2 out the authority of law.

3 (j) ANNUAL REPORT TO CONGRESS.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of the enactment of this Act, and each year
6 thereafter, the Corporation shall submit an annual
7 report covering the preceding fiscal year to the ap-
8 propriate committees of Congress.

9 (2) REQUIRED CONTENT.—The report required
10 under paragraph (1) shall include—

11 (A) a comprehensive and detailed report of
12 the operations, activities, financial condition,
13 and accomplishments of the Corporation under
14 this section;

15 (B) an analysis of the continued need for
16 the Program Management Office and opportu-
17 nities for reductions in staffing levels or scope
18 of work in light of progress made in network
19 deployment, including the requests for pro-
20 posals process; and

21 (C) such recommendations or proposals for
22 legislative or administrative action as the Cor-
23 poration considers appropriate.

24 (3) AVAILABILITY TO TESTIFY.—The directors,
25 employees, and agents and the Chief Executive Offi-

1 cer of the Corporation shall be available to testify
2 before the appropriate committees of the Congress
3 with respect to—

4 (A) the report required under paragraph
5 (1);

6 (B) the report of any audit made by the
7 Comptroller General under subsection (i); or

8 (C) any other matter which such commit-
9 tees may consider appropriate.

10 (k) PROHIBITION AGAINST NEGOTIATION WITH
11 FOREIGN GOVERNMENTS.—The Corporation may not ne-
12 gotiate or enter into any agreements with a foreign gov-
13 ernment on behalf of the United States.

14 (l) USE OF MAILS.—The Corporation may use the
15 United States mails in the same manner and under the
16 same conditions as the departments and agencies of the
17 United States.

18 **SEC. 1202. PUBLIC SAFETY BROADBAND NETWORK.**

19 (a) ESTABLISHMENT.—The Corporation shall ensure
20 the establishment of a nationwide, interoperable public
21 safety broadband network.

22 (b) NETWORK COMPONENTS.—The public safety
23 broadband network shall be based on a single, national
24 network architecture that evolves with technological ad-
25 vancements and initially consists of the following:

1 (1) A core network that—

2 (A) consists of national and regional data
3 centers, and other elements and functions that
4 may be distributed geographically, all of which
5 shall be based on commercial standards; and

6 (B) provides the connectivity between—

7 (i) the radio access network; and

8 (ii) the public Internet or the public
9 switched network, or both.

10 (2) A radio access network that—

11 (A) is deployed on a State-by-State or
12 multi-State basis;

13 (B) consists of all cell site equipment, an-
14 tennas, and backhaul equipment, based on com-
15 mercial standards, that are required to enable
16 wireless communications with devices using the
17 public safety broadband spectrum; and

18 (C) shall be developed, constructed, man-
19 aged, maintained, and operated taking into ac-
20 count the plans developed in the State, local,
21 and tribal planning and implementation grant
22 program under section 1212.

23 (c) DEPLOYMENT STANDARDS.—The Corporation
24 shall, through the administration of the requests-for-pro-

1 posals process and oversight of contracts delegated to the
2 Program Management Office—

3 (1) ensure that the core network and the radio
4 access network are deployed as networks are typi-
5 cally deployed by commercial mobile data service
6 providers;

7 (2) promote competition in the public safety
8 equipment market by requiring that equipment for
9 use on the public safety broadband network be—

10 (A) built to open, nonproprietary, commer-
11 cial standards;

12 (B) capable of being used by any public
13 safety entity and accessed by devices manufac-
14 tured by multiple vendors; and

15 (C) backward-compatible with prior gen-
16 erations of commercial mobile service and com-
17 mercial mobile data service networks to the ex-
18 tent typically deployed by providers of commer-
19 cial mobile service and commercial mobile data
20 service; and

21 (3) ensure that the public safety broadband net-
22 work is integrated with public safety answering
23 points, or the equivalent of public safety answering
24 points, and with networks for the provision of Next

1 Generation 9–1–1 services (as defined in section
2 1231).

3 (d) PROCUREMENT.—In all procurement related to
4 the core network and the radio access network, the Cor-
5 poration shall use an open, competitive bidding process
6 that—

7 (1) details the required framework and architec-
8 ture of such networks, the general specifications of
9 the work requested, and the service-delivery respon-
10 sibilities of successful bidders;

11 (2) provides for the award of subcontracts; and

12 (3) prohibits, except in the case of minor up-
13 grades—

14 (A) sole-source contracts; and

15 (B) requirements for design proprietary to
16 any individual vendor.

17 (e) NETWORK INFRASTRUCTURE AND DEVICE CRI-
18 TERIA.—The Director of NIST, in consultation with the
19 Corporation and the Commission, shall develop and peri-
20 odically update a list of approved devices and components
21 meeting appropriate protocols and standards. A device or
22 component may not be used on the public safety
23 broadband network unless it appears on such list.

1 **SEC. 1203. PROGRAM MANAGEMENT OFFICE.**

2 (a) ESTABLISHMENT.—The Corporation shall estab-
3 lish and staff a Program Management Office within the
4 Corporation, or award a network management services
5 contract to a private entity to establish and staff such an
6 office. Any such contract shall be awarded through an
7 open, competitive bidding process and shall be subject to
8 approval by the Secretary of Commerce.

9 (b) ACCOUNTABILITY.—The actions of the Program
10 Management Office shall be subject to review by the Cor-
11 poration.

12 (c) INDEPENDENCE.—For the duration of any con-
13 tract between the Program Management Office and the
14 Corporation, the Program Management Office may not
15 have a material financial interest in the outcome of any
16 request for proposals of the Corporation or a material fi-
17 nancial interest in any contract or agreement entered into
18 by the Corporation.

19 (d) DUTIES.—Subject to the determination of the
20 Corporation of the continuing need and appropriate scale
21 of the Program Management Office, the Program Man-
22 agement Office shall—

23 (1) be responsible for carrying out the day-to-
24 day activities of the Corporation, including ensuring
25 uniformity of deployments of and upgrades to the
26 public safety broadband network to preserve nation-

1 wide interoperability and economies of scale in net-
2 work equipment and device costs;

3 (2) develop and recommend for adoption by the
4 Corporation a nationwide plan for the deployment of
5 the public safety broadband network;

6 (3) create a template for use by a State Public
7 Safety Broadband Office receiving a grant under
8 section 1212(a) in transmitting the plans developed
9 under such section to the Program Management Of-
10 fice;

11 (4) create, for approval by the Corporation—

12 (A) baseline criteria for a request for pro-
13 posals for the construction, management, main-
14 tenance, and operation of the core network; and

15 (B) baseline criteria for requests for pro-
16 posals for the construction, management, main-
17 tenance, and operation of the radio access net-
18 work;

19 (5) in consultation with State Public Safety
20 Broadband Offices, evaluate responses to the re-
21 quests for proposals described in paragraph (4);

22 (6) administer and oversee, and verify and vali-
23 date the performance of, contracts entered into by
24 the Corporation with entities the proposals of which
25 the Corporation accepts;

1 (7) in consultation with State Public Safety
2 Broadband Offices, the Office of Emergency Com-
3 munications in the Department of Homeland Secu-
4 rity, and the Commission, implement an awareness
5 campaign in order to stimulate nationwide adoption
6 of the public safety broadband network by public
7 safety entities;

8 (8) in consultation with State Public Safety
9 Broadband Offices, assess the progress of the con-
10 struction and adoption of the public safety
11 broadband network and report to the Corporation
12 regarding such progress at such intervals as the
13 Corporation requests, but no less frequently than bi-
14 annually; and

15 (9) in consultation with State Public Safety
16 Broadband Offices, develop a strategy for the Cor-
17 poration on the distribution of public funding pro-
18 vided under section 1401(b)(4) for the construction,
19 management, maintenance, and operation of the
20 public safety broadband network.

21 (e) DEVELOPMENT AND EVALUATION OF REQUESTS
22 FOR PROPOSALS.—In developing requests for proposals
23 with respect to the core network and the radio access net-
24 work, the Program Management Office shall, on a State-
25 by-State or multi-State basis, seek proposals and rec-

1 ommend for acceptance by the Corporation proposals
2 that—

3 (1) are based on commercial standards and are
4 backward-compatible with existing commercial mo-
5 bile service and commercial mobile data service net-
6 works;

7 (2) maximize use of existing infrastructure of
8 commercial entities and of Federal, State, and tribal
9 entities, including existing public safety infrastruc-
10 ture;

11 (3) provide for the selection on a localized basis
12 of network options that remain consistent with the
13 national network architecture;

14 (4) incorporate deployable network assets, ve-
15 hicular repeaters, and other equipment as a means
16 to provide additional coverage and capacity as may
17 be required;

18 (5) ensure a nationwide level of interoperability;

19 (6) provide economies of scale in equipment and
20 device costs comparable to those in the commercial
21 marketplace, including the costs of devices capable
22 of operating in Band Class 14;

23 (7) promote competition in the network equip-
24 ment and device markets;

1 (8) ensure coverage of rural and underserved
2 areas;

3 (9) take into account the need for the relocation
4 of any incumbent public safety narrowband oper-
5 ations from the public safety broadband spectrum;

6 (10) enable technology upgrades at a pace com-
7 parable to that occurring in the commercial mobile
8 service and commercial mobile data service market-
9 places;

10 (11) ensure the reliability, security, and resil-
11 iency of the network, including through measures
12 for—

13 (A) protecting and monitoring the cyberse-
14 curity of the network; and

15 (B) managing supply chain risks to the
16 network; and

17 (12) incorporate results from the 700 MHz
18 demonstration network managed by the Public Safe-
19 ty Communications Research Program.

20 (f) CONSULTATION WITH TECHNICAL AND OPER-
21 ATIONS ADVISORY BODY.—In carrying out its responsibil-
22 ities, the Program Management Office shall regularly meet
23 and consult with the Technical and Operations Advisory
24 Body established under section 1201(h).

1 **SEC. 1204. REPRESENTATION BEFORE STANDARDS SET-**
2 **TING ENTITIES.**

3 The Corporation, in consultation with the Director of
4 NIST, the Commission, and the Technical and Operations
5 Advisory Body established under section 1201(h), shall
6 represent the interests of Federal departments and agen-
7 cies and public safety entities using the public safety
8 broadband network before any appropriate standards de-
9 velopment organizations that address issues that in the
10 judgment of the Corporation are relevant and important
11 to the public safety broadband network.

12 **SEC. 1205. GAO REPORT ON SATELLITE BROADBAND.**

13 Not later than 2 years after the date of the enact-
14 ment of this Act, the Comptroller General of the United
15 States shall conduct a study and submit to the appropriate
16 committees of Congress a report on the current and future
17 capabilities of fixed and mobile satellite broadband for use
18 by public safety entities.

19 **SEC. 1206. ACCESS TO FEDERAL SUPPLY SCHEDULES.**

20 Section 502 of title 40, United States Code, is
21 amended—

22 (1) by redesignating subsection (f) as sub-
23 section (g); and

24 (2) by inserting after subsection (e) the fol-
25 lowing new subsection:

1 “(f) USE OF SUPPLY SCHEDULES BY PUBLIC SAFE-
2 TY BROADBAND CORPORATION FOR CERTAIN GOODS AND
3 SERVICES.—

4 “(1) IN GENERAL.—The Administrator may
5 provide, to the extent practicable, for the use by the
6 Public Safety Broadband Corporation of Federal
7 supply schedules for the following:

8 “(A) Roaming and priority access services
9 offered by providers of commercial mobile serv-
10 ice and commercial mobile data service.

11 “(B) Broadband network equipment, de-
12 vices, and applications that are suitable for use
13 on the public safety broadband network.

14 “(2) DEFINITIONS.—In this subsection—

15 “(A) the terms ‘commercial mobile data
16 service’ and ‘public safety broadband network’
17 have the meanings given such terms in section
18 1002 of the Wireless Innovation and Public
19 Safety Act of 2011;

20 “(B) the term ‘commercial mobile service’
21 has the meaning given such term in section
22 332(d)(1) of the Communications Act of 1934
23 (47 U.S.C. 332(d)(1)); and

24 “(C) the term ‘Public Safety Broadband
25 Corporation’ means the corporation established

1 under section 1201(a)(1) of the Wireless Inno-
2 vation and Public Safety Act of 2011.”.

3 **SEC. 1207. FEDERAL INFRASTRUCTURE SHARING.**

4 The Administrator of General Services shall establish
5 rules to allow the Corporation, on behalf of public safety
6 entities, to have access to such components of Federal in-
7 frastructure as are appropriate for the construction and
8 maintenance of the public safety broadband network.

9 **SEC. 1208. INITIAL FUNDING FOR CORPORATION.**

10 (a) IN GENERAL.—There is appropriated to the As-
11 sistant Secretary \$50,000,000 for use in accordance with
12 subsection (b), to remain available until the commence-
13 ment of incentive auctions to be carried out under sub-
14 paragraph (G) of section 309(j)(8) of the Communications
15 Act of 1934, as added by section 1302(a), or the auction
16 of spectrum pursuant to subsection (a)(1) or (b)(1) of sec-
17 tion 1301.

18 (b) USE OF FUNDS.—The Assistant Secretary shall
19 use the funds appropriated under subsection (a)—

20 (1) for reasonable administrative expenses and
21 other costs associated with the establishment of the
22 Corporation; and

23 (2) subject to subsection (c), for transfer to the
24 Corporation of an amount the Assistant Secretary
25 considers necessary for the Corporation to carry out

1 its duties and responsibilities under this title and
2 title I prior to the 1st fiscal year for which the Cor-
3 poration projects that the fees collected under sec-
4 tion 1209 will be sufficient to cover the total ex-
5 penses of the Corporation for such fiscal year.

6 (c) CONDITIONS.—The Assistant Secretary may not
7 transfer any funds under subsection (b)(2) unless the Cor-
8 poration files with the Assistant Secretary—

9 (1) an estimated budget for the period between
10 the filing and the beginning of the 1st fiscal year for
11 which the Corporation projects that the fees col-
12 lected under section 1209 will be sufficient to cover
13 the total expenses of the Corporation for such fiscal
14 year; and

15 (2) a statement of the anticipated use of the
16 funds transferred.

17 (d) REINVESTMENT OF EXCESS FUNDS.—Beginning
18 with the 1st fiscal year in which the Corporation collects
19 fees under section 1209 in excess of the total expenses
20 of the Corporation in carrying out its duties and respon-
21 sibilities under this title and title I for such fiscal year,
22 the Corporation shall use any remaining amount of the
23 funds transferred under subsection (b)(2) only to ensure
24 the construction, management, maintenance, and oper-
25 ation of the public safety broadband network.

1 **SEC. 1209. PERMANENT SELF-FUNDING OF CORPORATION**
2 **AND DUTY TO COLLECT CERTAIN FEES.**

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

5 (1) NETWORK USER FEES.—A user or subscrip-
6 tion fee from each public safety entity and Federal
7 department or agency that seeks access to or use of
8 the public safety broadband network.

9 (2) SHARING ARRANGEMENT FEES.—A fee from
10 each entity with which the Corporation enters into
11 a sharing arrangement under section 1104.

12 (b) ESTABLISHMENT OF FEE AMOUNTS.—The total
13 amount of the fees assessed for each fiscal year under this
14 section shall be sufficient, and to the extent practicable
15 shall not exceed the amount necessary, to cover the total
16 expenses of the Corporation in carrying out its duties and
17 responsibilities under this title and title I for such fiscal
18 year.

19 (c) REQUIRED REINVESTMENT OF EXCESS
20 FUNDS.—If, in a fiscal year, the Corporation collects fees
21 under this section in excess of the total expenses of the
22 Corporation in carrying out its duties and responsibilities
23 under this title and title I for such fiscal year, the Cor-
24 poration shall use the excess only to ensure the construc-
25 tion, management, maintenance, and operation of the pub-
26 lic safety broadband network.

1 **Subtitle B—State, Local, and Tribal**
2 **Planning and Implementation**

3 **SEC. 1211. STATE, LOCAL, AND TRIBAL PLANNING AND IM-**
4 **PLEMENTATION FUND.**

5 (a) ESTABLISHMENT.—There is established in the
6 Treasury of the United States a fund to be known as the
7 State, Local, and Tribal Planning and Implementation
8 Fund.

9 (b) PURPOSE.—The Assistant Secretary shall estab-
10 lish and administer the grant program under section 1212
11 using the funds deposited in the State, Local, and Tribal
12 Planning and Implementation Fund.

13 (c) CREDITING OF RECEIPTS.—There shall be depos-
14 ited into or credited to the State, Local, and Tribal Plan-
15 ning and Implementation Fund—

16 (1) any amounts specified in section 1401; and

17 (2) any amounts borrowed by the Assistant
18 Secretary under subsection (d).

19 (d) BORROWING AUTHORITY.—

20 (1) IN GENERAL.—The Assistant Secretary
21 may borrow from the general fund of the Treasury
22 beginning on October 1, 2011, such sums as may be
23 necessary, but not to exceed \$250,000,000, to imple-
24 ment section 1212.

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

7 **SEC. 1212. STATE, LOCAL, AND TRIBAL PLANNING AND IM-**
8 **PLEMENTATION GRANT PROGRAM.**

9 (a) ESTABLISHMENT OF GRANT PROGRAM.—The As-
10 sistant Secretary, in consultation with the Corporation,
11 shall take such action as is necessary to establish a grant
12 program to make grants to each State Public Safety
13 Broadband Office established under subsection (d) to as-
14 sist State, local, and tribal public safety entities within
15 such State in carrying out the following activities:

16 (1) Identifying and planning the most efficient
17 and effective use and integration by such entities of
18 the spectrum and the infrastructure, equipment, and
19 other architecture associated with the public safety
20 broadband network to satisfy the wireless commu-
21 nications and data services needs of such entities.

22 (2) Identifying opportunities for creating a con-
23 sortium with one or more other States to assist the
24 Program Management Office in developing a single

1 request for proposals to serve the common network
2 requirements of the States in the consortium.

3 (3) Identifying the particular assets and spe-
4 cialized needs of the public safety entities located
5 within such State for inclusion in requests for pro-
6 posals with respect to the radio access network.
7 Such assets may include available towers and infra-
8 structure. Such needs may include the projected
9 number of users, preferred buildout timeframes, spe-
10 cial coverage needs, special hardening, reliability, se-
11 curity, and resiliency needs, local user priority as-
12 signments, and integration needs of public safety an-
13 swering points and emergency operations centers.

14 (4) Transmitting the plans developed under this
15 subsection to the Program Management Office using
16 the template developed under section 1203(d)(3).

17 (b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

18 (1) IN GENERAL.—The Federal share of the
19 cost of any activity carried out using a grant under
20 this section may not exceed 80 percent of the eligible
21 costs of carrying out that activity, as determined by
22 the Assistant Secretary, in consultation with the
23 Corporation.

24 (2) WAIVER.—The Assistant Secretary may
25 waive, in whole or in part, the requirements of para-

1 graph (1) for good cause shown if the Assistant Sec-
2 retary determines that such a waiver is in the public
3 interest.

4 (c) PROGRAMMATIC REQUIREMENTS.—Not later than
5 6 months after the date of the incorporation of the Cor-
6 poration under section 1201(a), the Assistant Secretary,
7 in consultation with the Corporation, shall establish re-
8 quirements relating to the grant program to be carried
9 out under this section, including the following:

10 (1) Defining eligible costs for purposes of sub-
11 section (b)(1).

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

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

16 (d) STATE PUBLIC SAFETY BROADBAND OFFICES.—
17 A State wishing to receive a grant under this section shall
18 establish a State Public Safety Broadband Office to carry
19 out the activities described in subsection (a). The Assist-
20 ant Secretary may not accept a grant application unless
21 such application certifies that the State has established
22 such an office.

1 **SEC. 1213. PUBLIC SAFETY WIRELESS FACILITIES DEPLOY-**
2 **MENT.**

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

10 (b) ELIGIBLE FACILITIES REQUEST.—In this sec-
11 tion, the term “eligible facilities request” means a request
12 that—

13 (1) is for a modification of an existing wireless
14 tower that involves—

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

17 (B) removal of transmission equipment; or

18 (C) replacement of transmission equip-
19 ment; and

20 (2) is made by an entity that enters into a con-
21 tract with the Corporation to construct, manage,
22 maintain, or operate the public safety broadband
23 network for purposes of performing work under such
24 contract.

1 **Subtitle C—Public Safety Commu-**
2 **nications Research and Devel-**
3 **opment**

4 **SEC. 1221. NIST-DIRECTED PUBLIC SAFETY WIRELESS COM-**
5 **MUNICATIONS RESEARCH AND DEVELOP-**
6 **MENT.**

7 (a) IN GENERAL.—From amounts made available
8 from the Public Safety Trust Fund established under sec-
9 tion 1401, the Director of NIST, in consultation with the
10 Commission, the Secretary of Homeland Security, and the
11 National Institute of Justice of the Department of Justice,
12 as appropriate, shall conduct research and assist with the
13 development of standards, technologies, and applications
14 to advance wireless public safety communications.

15 (b) REQUIRED ACTIVITIES.—In carrying out sub-
16 section (a), the Director of NIST, in consultation with the
17 Corporation and the Technical and Operations Advisory
18 Body established under section 1201(h), shall—

19 (1) document public safety wireless communica-
20 tions requirements;

21 (2) accelerate the development of the capability
22 for communications between currently deployed pub-
23 lic safety narrowband systems and the public safety
24 broadband network;

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

6 (4) accelerate the development of mission crit-
7 ical voice communications, including device-to-device
8 talkaround capability over broadband networks, pub-
9 lic safety prioritization, authentication capabilities,
10 and standard application programming interfaces, if
11 necessary and practical;

12 (5) accelerate the development of communica-
13 tions technology and equipment that can facilitate
14 the eventual migration of public safety narrowband
15 communications to the public safety broadband net-
16 work;

17 (6) ensure the development and testing of new,
18 interoperable, nonproprietary broadband technologies
19 (including applications, devices, and device compo-
20 nents) that are designed to open standards to meet
21 the needs of public safety entities;

22 (7) seek to develop technologies, standards,
23 processes, and architectures that provide a signifi-
24 cant improvement in network security, resiliency,
25 and trustworthiness; and

1 (8) convene working groups of relevant govern-
2 ment and commercial parties in carrying out para-
3 graphs (1) through (7).

4 **Subtitle D—Next Generation 9–1–1**
5 **Services**

6 **SEC. 1231. DEFINITIONS.**

7 In this subtitle:

8 (1) 9–1–1 SERVICES, E9–1–1 SERVICES, NEXT
9 GENERATION 9–1–1 SERVICES.—The terms “9–1–1
10 services, E9–1–1 services, and Next Generation 9–
11 1–1 services” shall have the meaning given those
12 terms in section 158 of the National Telecommuni-
13 cations and Information Administration Organiza-
14 tion Act (47 U.S.C. 942), as amended by this divi-
15 sion.

16 (2) EMERGENCY CALL.—The term “emergency
17 call” has the meaning given such term in section
18 158 of the National Telecommunications and Infor-
19 mation Administration Organization Act (47 U.S.C.
20 942), as amended by this division.

21 (3) MULTI-LINE TELEPHONE SYSTEM.—The
22 term “multi-line telephone system” or “MLTS”
23 means a system comprised of common control units,
24 telephone sets, control hardware and software and
25 adjunct systems, including network and premises

1 based systems, such as Centrex and VoIP, as well as
2 PBX, Hybrid, and Key Telephone Systems (as clas-
3 sified by the Commission under part 68 of title 47,
4 Code of Federal Regulations) and includes systems
5 owned or leased by governmental agencies and non-
6 profit entities, as well as for profit businesses.

7 (4) OFFICE.—The term “Office” means the 9–
8 1–1 Implementation Coordination Office established
9 under section 158 of the National Telecommuni-
10 cations and Information Administration Organiza-
11 tion Act (47 U.S.C. 942), as amended by this divi-
12 sion.

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

17 **SEC. 1232. COORDINATION OF 9–1–1 IMPLEMENTATION.**

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

21 **“SEC. 158. COORDINATION OF 9–1–1, E9–1–1 AND NEXT GEN-
22 ERATION 9–1–1 IMPLEMENTATION.**

23 “(a) 9–1–1 IMPLEMENTATION COORDINATION OF-
24 FICE.—

1 “(1) ESTABLISHMENT AND CONTINUATION.—
2 The Assistant Secretary and the Administrator of
3 the National Highway Traffic Safety Administration
4 shall—

5 “(A) establish and further a program to
6 facilitate coordination and communication be-
7 tween Federal, State, and local emergency com-
8 munications systems, emergency personnel,
9 public safety organizations, telecommunications
10 carriers, and telecommunications equipment
11 manufacturers and vendors involved in the im-
12 plementation of 9–1–1 services; and

13 “(B) establish a 9–1–1 Implementation
14 Coordination Office to implement the provisions
15 of this section.

16 “(2) MANAGEMENT PLAN.—

17 “(A) DEVELOPMENT.—The Assistant Sec-
18 retary and the Administrator shall develop a
19 management plan for the grant program estab-
20 lished under this section, including by devel-
21 oping—

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

1 “(ii) funding profiles for each fiscal
2 year of the 5-year duration of such pro-
3 gram.

4 “(B) SUBMISSION TO CONGRESS.—Not
5 later than 90 days after the date of enactment
6 of the Wireless Innovation and Public Safety
7 Act of 2011, the Assistant Secretary and the
8 Administrator shall submit the management
9 plan developed under subparagraph (A) to—

10 “(i) the Committees on Commerce,
11 Science, and Transportation and Appro-
12 priations of the Senate; and

13 “(ii) the Committees on Energy and
14 Commerce and Appropriations of the
15 House of Representatives.

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

17 “(A) take actions, in concert with coordi-
18 nators designated in accordance with subsection
19 (b)(3)(A)(ii), to improve coordination and com-
20 munication with respect to the implementation
21 of 9–1–1 services, E9–1–1 services, and Next
22 Generation 9–1–1 services;

23 “(B) develop, collect, and disseminate in-
24 formation concerning practices, procedures, and
25 technology used in the implementation of 9–1–

1 1 services, E9–1–1 services, and Next Genera-
2 tion 9–1–1 services;

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

6 “(D) receive, review, and recommend the
7 approval or disapproval of applications for
8 grants under subsection (b); and

9 “(E) oversee the use of funds provided by
10 such grants in fulfilling such implementation
11 plans.

12 “(4) REPORTS.—The Assistant Secretary and
13 the Administrator shall provide an annual report to
14 Congress by the first day of October of each year on
15 the activities of the Office to improve coordination
16 and communication with respect to the implementa-
17 tion of 9–1–1 services, E9–1–1 services, and Next
18 Generation 9–1–1 services.

19 “(b) 9–1–1, E9–1–1 AND NEXT GENERATION 9–1–
20 1 IMPLEMENTATION GRANTS.—

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

24 “(A) the implementation and operation of
25 9–1–1 services, E9–1–1 services, migration to

1 an IP-enabled emergency network, and adoption
2 and operation of Next Generation 9–1–1 serv-
3 ices and applications;

4 “(B) the implementation of IP-enabled
5 emergency services and applications enabled by
6 Next Generation 9–1–1 services, including the
7 establishment of IP backbone networks and the
8 application layer software infrastructure needed
9 to interconnect the multitude of emergency re-
10 sponse organizations; and

11 “(C) training public safety personnel, in-
12 cluding call-takers, first responders, and other
13 individuals and organizations who are part of
14 the emergency response chain in 9–1–1 serv-
15 ices.

16 “(2) MATCHING REQUIREMENT.—The Federal
17 share of the cost of a project eligible for a grant
18 under this section shall not exceed 80 percent. The
19 non-Federal share of the cost shall be provided from
20 non-Federal sources unless waived by the Assistant
21 Secretary and the Administrator.

22 “(3) COORDINATION REQUIRED.—In providing
23 grants under paragraph (1), the Assistant Secretary
24 and the Administrator shall require an eligible entity
25 to certify in its application that—

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

3 “(i) has coordinated its application
4 with the public safety answering points lo-
5 cated within the jurisdiction of such entity;

6 “(ii) has designated a single officer or
7 governmental body of the entity to serve as
8 the coordinator of implementation of 9–1–
9 1 services, except that such designation
10 need not vest such coordinator with direct
11 legal authority to implement 9–1–1 serv-
12 ices, E9–1–1 services, or Next Generation
13 9–1–1 services or to manage emergency
14 communications operations;

15 “(iii) has established a plan for the
16 coordination and implementation of 9–1–1
17 services, E9–1–1 services, and Next Gen-
18 eration 9–1–1 services; and

19 “(iv) has integrated telecommuni-
20 cations services involved in the implemen-
21 tation and delivery of 9–1–1 services, E9–
22 1–1 services, and Next Generation 9–1–1
23 services; or

24 “(B) in the case of an eligible entity that
25 is not a State, the entity has complied with

1 clauses (i), (iii), and (iv) of subparagraph (A),
2 and the State in which it is located has com-
3 plied with clause (ii) of such subparagraph.

4 “(4) CRITERIA.—Not later than 120 days after
5 the submission of the report required under section
6 1237 of the Wireless Innovation and Public Safety
7 Act of 2011, the Assistant Secretary and the Admin-
8 istrator shall issue regulations, after providing the
9 public with notice and an opportunity to comment,
10 prescribing the criteria for selection for grants under
11 this section. The criteria shall include performance
12 requirements and a timeline for completion of any
13 project to be financed by a grant under this section.
14 The Assistant Secretary and the Administrator shall
15 update such regulations as necessary.

16 “(c) DIVERSION OF 9–1–1 CHARGES.—

17 “(1) DESIGNATED 9–1–1 CHARGES.—For the
18 purposes of this subsection, the term ‘designated 9–
19 1–1 charges’ means any taxes, fees, or other charges
20 imposed by a State or other taxing jurisdiction that
21 are designated or presented as dedicated to deliver
22 or improve 9–1–1 services, E9–1–1 services, or Next
23 Generation 9–1–1 services.

24 “(2) CERTIFICATION.—Each applicant for a
25 matching grant under this section shall certify to the

1 Assistant Secretary and the Administrator at the
2 time of application, and each applicant that receives
3 such a grant shall certify to the Assistant Secretary
4 and the Administrator annually thereafter during
5 any period of time during which the funds from the
6 grant are available to the applicant, that no portion
7 of any designated 9–1–1 charges imposed by a State
8 or other taxing jurisdiction within which the appli-
9 cant is located are being obligated or expended for
10 any purpose other than the purposes for which such
11 charges are designated or presented during the pe-
12 riod beginning 180 days immediately preceding the
13 date of the application and continuing through the
14 period of time during which the funds from the
15 grant are available to the applicant.

16 “(3) CONDITION OF GRANT.—Each applicant
17 for a grant under this section shall agree, as a con-
18 dition of receipt of the grant, that if the State or
19 other taxing jurisdiction within which the applicant
20 is located, during any period of time during which
21 the funds from the grant are available to the appli-
22 cant, obligates or expends designated 9–1–1 charges
23 for any purpose other than the purposes for which
24 such charges are designated or presented, eliminates
25 such charges, or re-designates such charges for pur-

1 poses other than the implementation or operation of
2 9–1–1 services, E9–1–1 services, or Next Generation
3 9–1–1 services, all of the funds from such grant
4 shall be returned to the Office.

5 “(4) PENALTY FOR PROVIDING FALSE INFOR-
6 MATION.—Any applicant that provides a certification
7 under paragraph (1) knowing that the information
8 provided in the certification was false shall—

9 “(A) not be eligible to receive the grant
10 under subsection (b);

11 “(B) return any grant awarded under sub-
12 section (b) during the time that the certification
13 was not valid; and

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

16 “(d) AUTHORIZATION AND TERMINATION.—

17 “(1) AUTHORIZATION.—

18 “(A) IN GENERAL.—There are authorized
19 to be appropriated to the Secretary of Com-
20 merce, for the purposes of carrying out grants
21 under this section, \$250,000,000 total for the
22 5-year period described in subparagraph (C).

23 “(B) LIMITATION.—Of the amounts made
24 available to the Secretary of Commerce under
25 this paragraph in a fiscal year, not more than

1 5 percent of such amounts may be obligated or
2 expended to cover the administrative costs of
3 carrying out this section.

4 “(C) PERIOD.—The 5-year period under
5 subparagraph (A) begins on the first day of the
6 fiscal year that begins following the date of the
7 submission of the report required under section
8 1237 of the Wireless Innovation and Public
9 Safety Act of 2011.

10 “(2) TERMINATION.—Effective on the day after
11 the end of the 5-year period described in paragraph
12 (1)(C), the authority provided by this section termi-
13 nates and this section shall have no effect.

14 “(e) DEFINITIONS.—In this section:

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

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

25 “(3) ELIGIBLE ENTITY.—

1 “(A) IN GENERAL.—The term ‘eligible en-
2 tity’ means a State or local government or a
3 tribal organization (as defined in section 4(l) of
4 the Indian Self-Determination and Education
5 Assistance Act (25 U.S.C. 450b(l))).

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

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

17 “(4) EMERGENCY CALL.—The term ‘emergency
18 call’ means any real-time communication with a pub-
19 lic safety answering point or other emergency man-
20 agement or response agency, including—

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

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

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

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

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

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

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

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

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

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

1 “(6) OFFICE.—The term ‘Office’ means the 9–
2 1–1 Implementation Coordination Office.

3 “(7) PUBLIC SAFETY ANSWERING POINT.—The
4 term ‘public safety answering point’ has the meaning
5 given the term in section 222 of the Communica-
6 tions Act of 1934 (47 U.S.C. 222).

7 “(8) STATE.—The term ‘State’ means any
8 State of the United States, the District of Columbia,
9 Puerto Rico, American Samoa, Guam, the United
10 States Virgin Islands, the Northern Mariana Is-
11 lands, and any other territory or possession of the
12 United States.”.

13 **SEC. 1233. REQUIREMENTS FOR MULTI-LINE TELEPHONE**
14 **SYSTEMS.**

15 (a) IN GENERAL.—Not later than 270 days after the
16 date of the enactment of this Act, the Administrator of
17 General Services, in conjunction with the Office, shall
18 issue a report to Congress identifying the 9–1–1 capabili-
19 ties of the multi-line telephone system in use by all Fed-
20 eral agencies in all Federal buildings and properties.

21 (b) COMMISSION ACTION.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date of the enactment of this Act, the Commis-
24 sion shall issue a public notice seeking comment on
25 the feasibility of requiring MLTS manufacturers to

1 include within all such systems manufactured or sold
2 after a date certain, to be determined by the Com-
3 mission, one or more mechanisms to provide a suffi-
4 ciently precise indication of a 9–1–1 caller’s location,
5 while avoiding the imposition of undue burdens on
6 MLTS manufacturers, providers, and operators.

7 (2) SPECIFIC REQUIREMENT.—The public no-
8 tice under paragraph (1) shall seek comment on the
9 National Emergency Number Association’s “Tech-
10 nical Requirements Document On Model Legislation
11 E9–1–1 for Multi-Line Telephone Systems” (NENA
12 06–750, Version 2).

13 **SEC. 1234. GAO STUDY OF STATE AND LOCAL USE OF 9–1–1**
14 **SERVICE CHARGES.**

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

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

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

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

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

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

18 **SEC. 1235. PARITY OF PROTECTION FOR PROVISION OR**
19 **USE OF NEXT GENERATION 9-1-1 SERVICE.**

20 (a) IMMUNITY.—A provider or user of Next Genera-
21 tion 9-1-1 services, a public safety answering point, and
22 the officers, directors, employees, vendors, agents, and au-
23 thorizing government entity (if any) of such provider, user,
24 or public safety answering point, shall have immunity and

1 protection from liability under Federal and State law to
2 the extent provided in subsection (b) with respect to—

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

5 (2) the use or provision of 9–1–1 services, E9–
6 1–1 services, or Next Generation 9–1–1 services;
7 and

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

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

20 **SEC. 1236. COMMISSION PROCEEDING ON AUTODIALING.**

21 (a) IN GENERAL.—Not later than 90 days after the
22 date of the enactment of this Act, the Commission shall
23 initiate a proceeding to create a specialized Do-Not-Call
24 registry for public safety answering points.

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

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

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

14 (3) provide a process for granting and tracking
15 access to the registry by the operators of automatic
16 dialing equipment;

17 (4) protect the list of registered numbers from
18 disclosure or dissemination by parties granted access
19 to the registry; and

20 (5) prohibit the use of automatic dialing or
21 “robocall” equipment to establish contact with reg-
22 istered numbers.

23 (c) ENFORCEMENT.—The Commission shall—

24 (1) establish monetary penalties for violations
25 of the protective regulations established pursuant to

1 subsection (b)(4) of not less than \$100,000 per inci-
2 dent nor more than \$1,000,000 per incident;

3 (2) establish monetary penalties for violations
4 of the prohibition on automatically dialing registered
5 numbers established pursuant to subsection (b)(5) of
6 not less than \$10,000 per call nor more than
7 \$100,000 per call; and

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

14 **SEC. 1237. NHTSA REPORT ON COSTS FOR REQUIREMENTS**

15 **AND SPECIFICATIONS OF NEXT GENERATION**

16 **9-1-1 SERVICES.**

17 (a) IN GENERAL.—Using amounts made available
18 from the Public Safety Trust Fund under section 1401,
19 not later than 1 year after the date of the enactment of
20 this Act, the Administrator of the National Highway Traf-
21 fic Safety Administration, in consultation with the Com-
22 mission, the Secretary of Homeland Security, and the Of-
23 fice, shall prepare and submit to Congress a report that
24 analyzes and determines detailed costs for specific Next
25 Generation 9-1-1 service requirements and specifications.

1 (b) CONTENTS.—The report required under sub-
2 section (a) shall include the following:

3 (1) How costs would be allocated geographically
4 or among public safety answering points, broadband
5 service providers, and third-party providers of Next
6 Generation 9–1–1 services.

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

10 (3) How differences in public safety answering
11 points' access to broadband across the United States
12 may affect costs.

13 (4) A technical analysis and cost study of dif-
14 ferent delivery platforms, such as wireline, wireless,
15 and satellite.

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

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

21 (7) Standards and protocols for Next Genera-
22 tion 9–1–1 service and for incorporating Voice over
23 Internet Protocol and real-time text standards.

1 **SEC. 1238. FCC RECOMMENDATIONS FOR LEGAL AND STAT-**
2 **UTORY FRAMEWORK FOR NEXT GENERATION**
3 **9-1-1 SERVICES.**

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

15 (1) A legal and regulatory framework for the
16 development of Next Generation 9-1-1 services and
17 the transition from legacy 9-1-1 to Next Generation
18 9-1-1 services.

19 (2) Legal mechanisms to ensure efficient and
20 accurate transmission of 9-1-1 caller information to
21 emergency management or response agencies.

22 (3) Recommendations for removing jurisdic-
23 tional barriers and inconsistent legacy regulations,
24 including—

25 (A) proposals that would require States to
26 remove regulatory impediments to Next Genera-

1 tion 9–1–1 services development, while recog-
2 nizing the appropriate role of the States;

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

5 (C) preempting inconsistent State regula-
6 tions.

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

9 **SEC. 1301. DEADLINES FOR AUCTION OF CERTAIN SPEC-**
10 **TRUM.**

11 (a) IN GENERAL.—

12 (1) AUCTION.—The Commission shall, through
13 competitive bidding under section 309(j) of the Com-
14 munications Act of 1934 (47 U.S.C. 309(j)), assign
15 licenses for the use of the electromagnetic spectrum
16 described in paragraph (2) in accordance with the
17 timetable set forth in paragraph (3).

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

20 (A) The frequencies from 2155 megahertz
21 to 2180 megahertz.

22 (B) The frequencies from 1755 megahertz
23 to 1780 megahertz, except that if—

24 (i) the President determines that such
25 frequencies cannot be reallocated for non-

1 Federal use due to the need to protect in-
2 cumbent Federal operations from inter-
3 ference; and

4 (ii) the President identifies other spec-
5 trum the reallocation for non-Federal use
6 of which better serves the public interest,
7 convenience, and necessity and that can
8 reasonably be expected to produce com-
9 parable auction receipts;
10 the spectrum described in this subparagraph
11 shall be the spectrum identified by the Presi-
12 dent under clause (ii).

13 (C) The frequencies from 1695 megahertz
14 to 1710 megahertz, except for the geographic
15 exclusion zones (as such zones may be amend-
16 ed) identified in the report of the NTIA pub-
17 lished in October 2010 and entitled “An Assess-
18 ment of Near-Term Viability of Accommodating
19 Wireless Broadband Systems in 1675–1710
20 MHz, 1755–1780 MHz, 3500–3650 MHz, and
21 4200–4220 MHz, 4380–4400 MHz Bands”.

22 (D) Fifteen megahertz of contiguous spec-
23 trum identified by the Commission to be paired
24 with the spectrum described in subparagraph
25 (C).

1 (E) The frequencies from 1780 megahertz
2 to 1850 megahertz, except that if—

3 (i) the President determines that such
4 frequencies cannot be reallocated for non-
5 Federal use due to the need to protect in-
6 cumbent Federal operations from inter-
7 ference; and

8 (ii) the President identifies other spec-
9 trum the reallocation for non-Federal use
10 of which better serves the public interest,
11 convenience, and necessity and that can
12 reasonably be expected to produce com-
13 parable auction receipts;

14 the spectrum described in this subparagraph
15 shall be the spectrum identified by the Presi-
16 dent under clause (ii).

17 (3) TIMETABLE.—Notwithstanding paragraph
18 (15)(A) of such section 309(j), the Commission shall
19 complete all actions necessary in order to—

20 (A) in the case of licenses for the use of
21 the spectrum described in subparagraphs (A)
22 and (B) of paragraph (2)—

23 (i) commence the bidding process not
24 later than January 31, 2014; and

1 (ii) deposit the available proceeds in
2 accordance with paragraph (8) of such sec-
3 tion not later than June 30, 2014;

4 (B) in the case of licenses for the use of
5 the spectrum described in subparagraphs (C)
6 and (D) of paragraph (2)—

7 (i) commence the bidding process not
8 later than January 31, 2018; and

9 (ii) deposit the available proceeds in
10 accordance with paragraph (8) of such sec-
11 tion not later than June 30, 2018; and

12 (C) in the case of licenses for the use of
13 the spectrum described in subparagraph (E) of
14 paragraph (2)—

15 (i) commence the bidding process not
16 later than January 31, 2020; and

17 (ii) deposit the available proceeds in
18 accordance with paragraph (8) of such sec-
19 tion not later than June 30, 2020.

20 (4) NOTIFICATION TO PRESIDENT.—Not later
21 than 6 months before each auction of frequencies
22 under paragraph (1) in which any frequency as-
23 signed to a Federal Government station will be auc-
24 tioned, the Commission shall notify the President of

1 the date when such auction will begin and the fre-
2 quencies to be auctioned.

3 (5) WITHDRAWAL FROM FEDERAL USE.—Not-
4 withstanding section 1062(b) of the National De-
5 fense Authorization Act for Fiscal Year 2000 (Pub-
6 lic Law 106–65; 47 U.S.C. 921 note), upon receipt
7 of a notification from the Commission under para-
8 graph (4) with respect to an auction of frequencies,
9 the President shall withdraw the assignment to a
10 Federal Government station of any such frequency.

11 (6) DELAYED OR PHASED REALLOCATION OF
12 CERTAIN FEDERAL SPECTRUM.—If the President de-
13 termines that reallocation for non-Federal use of the
14 spectrum described in subparagraph (E) of para-
15 graph (2) must be delayed or conducted in phases
16 to ensure protection from interference of or con-
17 tinuity of incumbent Federal operations, the Presi-
18 dent may delay the withdrawal under paragraph (5)
19 of the assignment of such spectrum to a Federal
20 Government station until such time as the President
21 considers necessary to ensure such protection, but in
22 no case later than January 31, 2020.

23 (b) AUCTION OF CERTAIN OTHER SPECTRUM.—

24 (1) AUCTION.—In accordance with the time-
25 table set forth in paragraph (2), the Commission

1 shall assign through competitive bidding under sec-
2 tion 309(j) of the Communications Act of 1934 (47
3 U.S.C. 309(j)), or reallocate for unlicensed use, the
4 electromagnetic spectrum between the frequencies
5 from 3550 megahertz to 3650 megahertz, except for
6 the geographic exclusion zones (as such zones may
7 be amended) identified in the report of the NTIA
8 published in October 2010 and entitled “An Assess-
9 ment of Near-Term Viability of Accommodating
10 Wireless Broadband Systems in 1675–1710 MHz,
11 1755–1780 MHz, 3500–3650 MHz, and 4200–4220
12 MHz, 4380–4400 MHz Bands”.

13 (2) TIMETABLE.—Notwithstanding paragraph
14 (15)(A) of such section, the Commission shall com-
15 plete all actions necessary in order to—

16 (A) commence the bidding process, or com-
17 mence reallocation for unlicensed use, not later
18 than 3 years after the date of the enactment of
19 this Act; and

20 (B) deposit the available proceeds in ac-
21 cordance with paragraph (8) of such section not
22 later than 6 months thereafter.

23 (3) NOTIFICATION TO PRESIDENT.—Not later
24 than 6 months before each auction of frequencies
25 under paragraph (1), or the reallocation for unli-

1 censed use of any frequency described in such para-
2 graph, the Commission shall notify the President of
3 the date when such auction will begin or such re-
4 allocation will occur and the frequencies to be auc-
5 tioned or reallocated.

6 (4) WITHDRAWAL FROM FEDERAL USE.—Upon
7 receipt of a notification from the Commission under
8 paragraph (3) with respect to an auction or realloca-
9 tion of frequencies, the President shall withdraw the
10 assignment to a Federal Government station of any
11 such frequency.

12 (c) AUCTION PROCEEDS.—Section 309(j)(8) of the
13 Communications Act of 1934 (47 U.S.C. 309(j)(8)) is
14 amended—

15 (1) in subparagraph (A), by striking “(B), (D),
16 and (E),” and inserting “(B), (D), (E), (F), and
17 (G),”;

18 (2) in subparagraph (C)—

19 (A) in clause (i), by striking “subpara-
20 graph (E)(ii)” and inserting “subparagraphs
21 (D)(ii), (E)(ii), (F), and (G)(iv)”;

22 (B) in clause (iii)—

23 (i) by striking the period at the end
24 and inserting a semicolon;

1 (ii) by striking “shall be” and insert-
2 ing the following:

3 “(I) before the date of the enact-
4 ment of the Wireless Innovation and
5 Public Safety Act of 2011, shall be”;
6 and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(II) during the 10-year period
10 beginning on the date of the enact-
11 ment of the Wireless Innovation and
12 Public Safety Act of 2011, shall be
13 transferred to the Public Safety
14 Broadband Corporation established
15 under section 1201(a)(1) of such Act
16 for use by the Corporation to carry
17 out its duties and responsibilities
18 under titles I and II of such Act; and

19 “(III) after such period, shall be
20 transferred to the general fund of the
21 Treasury for the sole purpose of def-
22 icit reduction.”;

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 Except as provided in subparagraph (B),
11 in the case of proceeds (including deposits
12 and upfront payments from successful bid-
13 ders) attributable to the auction of eligible
14 frequencies described in paragraph (2) of
15 section 113(g) of the National Tele-
16 communications and Information Adminis-
17 tration Organization Act that are required
18 to be auctioned by subsection (a)(1) or
19 (b)(1) of section 1301 of the Wireless In-
20 novation and Public Safety Act of 2011,
21 such portion of such proceeds as is nec-
22 essary to cover the relocation costs and
23 sharing costs (as defined in paragraph (3)
24 of such section 113(g)) of Federal entities
25 relocated from or sharing such eligible fre-

1 quencies shall be deposited in the Spec-
2 trum Relocation Fund. The remainder of
3 such proceeds shall be deposited in the
4 Public Safety Trust Fund established by
5 section 1401(a)(1) of such Act.”; and

6 (4) by adding at the end the following new sub-
7 paragraph:

8 “(F) CERTAIN PROCEEDS DESIGNATED
9 FOR PUBLIC SAFETY TRUST FUND.—Except as
10 provided in subparagraphs (B) and (D), the
11 proceeds (including deposits and upfront pay-
12 ments from successful bidders) from the use of
13 a system of competitive bidding under this sub-
14 section pursuant to subsections (a)(1) and
15 (b)(1) of section 1301 of the Wireless Innova-
16 tion and Public Safety Act of 2011 shall be de-
17 posited in the Public Safety Trust Fund estab-
18 lished by section 1401(a)(1) of such Act.”.

19 (d) EXTENSION OF AUCTION AUTHORITY.—Section
20 309(j)(11) of the Communications Act of 1934 (47 U.S.C.
21 309(j)(11)) is amended by striking “2012” and inserting
22 “2021”.

23 **SEC. 1302. INCENTIVE AUCTION AUTHORITY.**

24 (a) IN GENERAL.—Section 309(j)(8) of the Commu-
25 nications Act of 1934, as amended by section 1301(c), is

1 further amended by adding at the end the following new
2 subparagraph:

3 “(G) INCENTIVE AUCTION AUTHORITY.—

4 “(i) IN GENERAL.—If the Commission
5 determines that it is consistent with the
6 public interest in utilization of the spec-
7 trum for a licensee to voluntarily relinquish
8 some or all of its licensed rights for the
9 use of spectrum in order to permit—

10 “(I) through competitive bidding
11 under this subsection, the assignment
12 of initial licenses subject to new serv-
13 ice rules, on a flexible-use basis to the
14 extent technologically feasible; or

15 “(II) the allocation of spectrum
16 for unlicensed use;

17 the Commission may disburse to such li-
18 censee, from the proceeds from competitive
19 bidding for any spectrum usage rights
20 made available by reason of
21 relinquishments under this subparagraph,
22 an amount that the Commission considers
23 appropriate, based on the value of the
24 rights relinquished by such licensee.

1 “(ii) FACTORS FOR CONSIDER-
2 ATION.—In considering whether to accept
3 the voluntary relinquishment of licensed
4 spectrum usage rights of a licensee and
5 share proceeds with such licensee under
6 clause (i), the Commission shall consider
7 the following factors:

8 “(I) The conditions under which
9 such licensee could maintain the li-
10 cense and whether such licensee is in
11 compliance with the license terms.

12 “(II) The extent to which such
13 relinquishment would serve the public
14 interest, convenience, and necessity.

15 “(iii) COVERAGE AREA REQUIRE-
16 MENTS.—In assigning licenses under this
17 subparagraph, the Commission shall make
18 all reasonable efforts to ensure that there
19 is an adequate opportunity for applicants
20 to submit bids for licenses covering both
21 large and small geographic areas, as such
22 areas are determined by the Commission.

23 “(iv) TREATMENT OF REVENUES.—
24 Except as provided in subparagraph (B),
25 all proceeds (including deposits and up-

1 front payments from successful bidders)
2 from the auction of spectrum usage rights
3 made available by relinquishments under
4 this subparagraph shall be deposited in the
5 Public Safety Trust Fund established by
6 section 1401(a)(1) of the Wireless Innova-
7 tion and Public Safety Act of 2011.”.

8 (b) SPECIAL RULES FOR TELEVISION BROADCAST
9 SPECTRUM.—

10 (1) GENERAL AUTHORITY TO REORGANIZE.—In
11 order to create a geographically contiguous band of
12 spectrum across the United States, the Commission
13 shall—

14 (A) create a framework to make available
15 such portions of the television broadcast spec-
16 trum as the Commission considers appropriate;
17 and

18 (B) require television broadcast station li-
19 censees and other licensees to relocate, as the
20 Commission considers appropriate.

21 (2) VOLUNTARY NATURE OF INCENTIVE AUC-
22 TIONS.—Except as provided in paragraphs (3) and
23 (4), reclamation or modification of spectrum usage
24 rights of a television broadcast station licensee for
25 the purpose of providing spectrum usage rights to

1 carry out an incentive auction under subparagraph
2 (G) of section 309(j)(8) of the Communications Act
3 of 1934, as added by subsection (a), shall be on a
4 voluntary basis.

5 (3) RECLAMATION IN EXCHANGE FOR RIGHTS
6 TO SUBSTANTIALLY EQUIVALENT SPECTRUM.—

7 (A) IN GENERAL.—The Commission may
8 reclaim the spectrum usage rights of a tele-
9 vision broadcast station licensee for the purpose
10 of providing spectrum usage rights to carry out
11 an incentive auction under section 309(j)(8)(G)
12 of the Communications Act of 1934 if the Com-
13 mission assigns to such licensee the rights to
14 use an identical amount of contiguous spec-
15 trum, in the same geographic market.

16 (B) SUBSTANTIAL EQUIVALENCE.—The
17 Commission shall ensure, to the extent tech-
18 nically feasible, in the public interest, and con-
19 sistent with the goals of the auction, that spec-
20 trum usage rights assigned under subparagraph
21 (A) enable a licensee to offer service that is
22 substantially similar in service contour, popu-
23 lation covered, and amount of harmful inter-
24 ference to the service offered by such licensee
25 on the spectrum the rights to which are re-

1 claimed by the Commission under such sub-
2 paragraph.

3 (C) RELOCATION COSTS.—The costs in-
4 curred by a licensee in relocating to an identical
5 amount of spectrum under subparagraph (A)
6 shall be paid from the Incentive Auction Relo-
7 cation Fund established by paragraph (6).

8 (4) MODIFICATION OF RIGHTS AND COMPENSA-
9 TION.—

10 (A) MODIFICATION.—If the Commission
11 determines that it is in the public interest to
12 modify the spectrum usage rights of a television
13 broadcast station licensee for the purpose of
14 providing spectrum usage rights to carry out an
15 incentive auction under section 309(j)(8)(G) of
16 the Communications Act of 1934, the Commis-
17 sion may make the modification and com-
18 pensate such licensee for the reduction in spec-
19 trum usage rights from the Incentive Auction
20 Relocation Fund established by paragraph (6).

21 (B) LEAST MODIFICATION TECHNICALLY
22 FEASIBLE.—To the extent technically feasible
23 and in the public interest, in making a modi-
24 fication of the spectrum usage rights of a tele-
25 vision broadcast station licensee under subpara-

1 graph (A), the Commission shall make reason-
2 able efforts to—

3 (i) preserve the amount of population
4 covered by the signal of such licensee with-
5 in the service area of such licensee; and

6 (ii) avoid any substantial increase in
7 harmful interference to the signal of such
8 licensee as a result of the modification.

9 (5) LIMITATIONS.—

10 (A) CO-LOCATION.—In the reorganization
11 of the television broadcast spectrum under this
12 subsection—

13 (i) the Commission may not involun-
14 tarily co-locate multiple television broad-
15 cast station licensees on the same channel;
16 and

17 (ii) each television broadcast station
18 licensee voluntarily electing to be co-lo-
19 cated shall have the carriage rights under
20 sections 338, 614, and 615 of the Commu-
21 nications Act of 1934 (47 U.S.C. 338;
22 534; 535) that it would have had if it had
23 been the sole television broadcast station
24 licensee located at the shared location on
25 November 30, 2010.

1 (B) NO INVOLUNTARY RELOCATION FROM
2 UHF TO VHF.—In the reorganization of the tel-
3 evision broadcast spectrum under this sub-
4 section, the Commission may not involuntarily
5 reassign a licensee from a television channel lo-
6 cated between 470 megahertz and 608 mega-
7 hertz to a television channel located between 54
8 megahertz and 216 megahertz.

9 (6) ESTABLISHMENT OF INCENTIVE AUCTION
10 RELOCATION FUND.—

11 (A) IN GENERAL.—There is established in
12 the Treasury of the United States a fund to be
13 known as the Incentive Auction Relocation
14 Fund.

15 (B) DEPOSITS.—There shall be deposited
16 in the Incentive Auction Relocation Fund the
17 amounts specified in section 1401(b)(2).

18 (C) AVAILABILITY.—Amounts in the In-
19 centive Auction Relocation Fund shall be avail-
20 able to the Assistant Secretary for use—

- 21 (i) without fiscal year limitation;
22 (ii) without further appropriation;
23 (iii) in the case of availability for pay-
24 ment of the costs of a particular television
25 broadcast station licensee described in sub-

1 paragraph (D)(i)(I), for a period not to ex-
2 ceed 18 months following the latest of—

3 (I) completion of the auction
4 under section 309(j) of the Commu-
5 nications Act of 1934 (47 U.S.C.
6 309(j)) from which such amounts
7 were derived;

8 (II) the issuance by the Commis-
9 sion to such licensee of a construction
10 permit to allow such licensee to
11 change channels or geographic loca-
12 tions; or

13 (III) notification by such licensee
14 to the Assistant Secretary that such
15 licensee has incurred or will incur
16 costs as a result of such a change;

17 (iv) in the case of availability for pay-
18 ment of costs of a particular multichannel
19 video programming distributor described in
20 subparagraph (D)(i)(II), for a period not
21 to exceed 18 months following the later
22 of—

23 (I) completion of the auction
24 under section 309(j) of the Commu-
25 nications Act of 1934 (47 U.S.C.

1 309(j)) from which such amounts
2 were derived; or

3 (II) notification by such multi-
4 channel video programming dis-
5 tributor to the Assistant Secretary
6 that such multichannel video pro-
7 gramming distributor has incurred or
8 will incur such costs; and

9 (v) before January 1, 2018.

10 (D) USE OF FUNDS.—

11 (i) IN GENERAL.—Amounts in the In-
12 centive Auction Relocation Fund may only
13 be used by the Assistant Secretary, in con-
14 sultation with the Commission, to cover—

15 (I) the costs, including the costs
16 of new equipment, installation, and
17 construction (including the costs of
18 tower, antenna, transmitter, and
19 transmission line upgrades), incurred
20 by television broadcast station licens-
21 ees as a result of—

22 (aa) relocation to an iden-
23 tical amount of contiguous spec-
24 trum under paragraph (3); or

1 (bb) modification of spec-
2 trum usage rights under para-
3 graph (4);

4 (II) the costs of multichannel
5 video programming distributors (as
6 defined in section 602(13) of the
7 Communications Act of 1934 (47
8 U.S.C. 522(13))) to continue com-
9 plying with any carriage obligations
10 under sections 338, 614, and 615 of
11 such Act (47 U.S.C. 338; 534; 535),
12 if such costs were incurred as a result
13 of—

14 (aa) voluntary relinquish-
15 ment by television broadcast sta-
16 tion licensees of spectrum usage
17 rights under section 309(j)(8)(G)
18 of such Act;

19 (bb) relocation of television
20 broadcast station licensees to an
21 identical amount of contiguous
22 spectrum under paragraph (3);
23 or

24 (cc) modification of the
25 spectrum usage rights of tele-

1 vision broadcast station licensees
2 under paragraph (4); and

3 (III) the expenses incurred by
4 the Assistant Secretary in admin-
5 istering the Fund.

6 (ii) PROHIBITION.—Amounts in the
7 Incentive Auction Relocation Fund may
8 not be used to cover—

9 (I) lost revenues; or

10 (II) costs incurred by a television
11 broadcast station licensee as a result
12 of a voluntary relinquishment of
13 rights.

14 (iii) REASONABLENESS.—The Assist-
15 ant Secretary may only make payments
16 under clause (i) to cover costs that were
17 reasonably incurred, as determined by the
18 Assistant Secretary, in consultation with
19 the Commission.

20 (7) CONFIDENTIALITY.—The Commission shall
21 protect the confidentiality of the identity of a tele-
22 vision broadcast station licensee offering to relin-
23 quish spectrum usage rights under section
24 309(j)(8)(G) of the Communications Act of 1934
25 until the relinquishment becomes effective.

1 (8) DEADLINES FOR REORGANIZATION OF TEL-
2 EVISION BROADCAST SPECTRUM.—

3 (A) RULEMAKING.—Not later than 18
4 months after the date of the enactment of this
5 Act, the Commission shall complete a rule-
6 making proceeding to establish a process for
7 carrying out the reorganization of the television
8 broadcast spectrum under this subsection.

9 (B) AUCTIONS.—The Commission shall
10 take all actions necessary in order to, with re-
11 spect to the portions of the television broadcast
12 spectrum made available through the reorga-
13 nization under this subsection—

14 (i) not later than January 31, 2016—

15 (I) commence the bidding process
16 under section 309(j)(8)(G) of the
17 Communications Act of 1934 to as-
18 sign initial licenses subject to new
19 service rules, on a flexible-use basis to
20 the extent technologically feasible; or

21 (II) allocate such spectrum for
22 unlicensed use; and

23 (ii) not later than June 30, 2016, de-
24 posit the available proceeds in accordance
25 with such section.

1 (9) LIMITATION.—During the period beginning
2 on the date of the enactment of this Act and ending
3 on June 30, 2016, the Commission may conduct
4 only 1 process involving reorganization of the tele-
5 vision broadcast spectrum under this subsection.

6 (10) CERTAIN PROVISIONS INAPPLICABLE.—
7 The following provisions of the Communications Act
8 of 1934 shall not apply in the case of the reorga-
9 nization of television broadcast spectrum under this
10 subsection or the auction under section 309(j)(8)(G)
11 of such Act of the spectrum made available through
12 such reorganization: section 307(b), the 2nd and 3rd
13 sentences and subparagraphs (A) and (F) of section
14 309(j)(3), subparagraphs (A), (C), and (D) of sec-
15 tion 309(j)(4), section 309(j)(15)(A), section 316,
16 and section 331.

17 (11) DEFINITIONS.—In this subsection:

18 (A) TELEVISION BROADCAST SPECTRUM.—
19 The term “television broadcast spectrum”
20 means the portions of the electromagnetic spec-
21 trum between the frequencies from 54 mega-
22 hertz to 72 megahertz, from 76 megahertz to
23 88 megahertz, from 174 megahertz to 216
24 megahertz, from 470 megahertz to 608 mega-

1 hertz, and from 614 megahertz to 698 mega-
2 hertz.

3 (B) TELEVISION BROADCAST STATION LI-
4 CENSEE.—The term “television broadcast sta-
5 tion licensee” means the licensee of—

6 (i) a full-power television station; or

7 (ii) low-power television station that
8 has been accorded primary status as a
9 Class A television licensee under section
10 73.6001(a) of title 47, Code of Federal
11 Regulations.

12 (12) EXPIRATION.—The preceding paragraphs
13 of this subsection, except paragraphs (6) and (11),
14 shall not apply after June 30, 2016.

15 (c) INCENTIVE AUCTIONS TO REPURPOSE CERTAIN
16 MOBILE SATELLITE SERVICE SPECTRUM FOR TERRES-
17 TRIAL BROADBAND USE.—

18 (1) IN GENERAL.—To the extent that the Com-
19 mission makes available, after the date of the enact-
20 ment of this Act, initial spectrum licenses for the
21 use of some or all of the spectrum described in para-
22 graph (2) for terrestrial broadband use, such li-
23 censes shall be assigned through a system of com-
24 petitive bidding under section 309(j) of the Commu-

1 nications Act of 1934 (47 U.S.C. 309(j)), including,
2 as appropriate, paragraph (8)(G) of such section.

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

5 (A) The frequencies from 1525 megahertz
6 to 1544 megahertz, from 1545 megahertz to
7 1559 megahertz, from 1626.5 megahertz to
8 1645.5 megahertz, and from 1646.5 megahertz
9 to 1660.5 megahertz (the L band).

10 (B) The frequencies from 1610 megahertz
11 to 1626.5 megahertz and from 2483.5 mega-
12 hertz to 2500 megahertz (the Big LEO band).

13 (C) The frequencies from 2000 megahertz
14 to 2020 megahertz and from 2180 megahertz
15 to 2200 megahertz (the S band).

16 (3) RETENTION OF COMMISSION AUTHORITY.—
17 Nothing in this subsection shall modify or restrict
18 the authority of the Commission to grant a waiver
19 under section 316 of the Communications Act of
20 1934 (47 U.S.C. 316) to an existing mobile satellite
21 service licensee to afford such licensee additional
22 flexibility to provide terrestrial broadband services.

**TITLE IV—PUBLIC SAFETY
TRUST FUND**

SEC. 1401. PUBLIC SAFETY TRUST FUND.

(a) ESTABLISHMENT OF PUBLIC SAFETY TRUST
FUND.—

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

(2) DEPOSIT OF RECEIPTS.—

(A) IN GENERAL.—There shall be depos-
ited in the Public Safety Trust Fund the pro-
ceeds from the auction of spectrum required to
be deposited in the Fund by subparagraphs
(D)(ii), (F), and (G) of section 309(j)(8) of the
Communications Act of 1934, as added by sec-
tions 1301(c)(3)(C), 1301(c)(4), and 1302(a),
respectively.

(B) AVAILABILITY.—Amounts deposited in
the Public Safety Trust Fund in accordance
with subparagraph (A) shall remain available
through fiscal year 2021. After the end of such
fiscal year, such amounts shall be deposited in
the general fund of the Treasury, where such
amounts shall be dedicated for the sole purpose
of deficit reduction.

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

3 (1) PAYMENT OF INCENTIVE AMOUNTS.—

4 (A) DISBURSALS.—Amounts in the Public
5 Safety Trust Fund shall be used to make the
6 disbursements permitted by section 309(j)(8)(G)(i)
7 of the Communications Act of 1934 to licensees
8 who voluntarily relinquished licensed spectrum
9 usage rights under such section.

10 (B) NOTIFICATION TO CONGRESS.—

11 (i) IN GENERAL.—At least 3 months
12 before any incentive auction conducted
13 under section 309(j)(8)(G) of the Commu-
14 nications Act of 1934, the Chairman of the
15 Commission, in consultation with the Di-
16 rector of the Office of Management and
17 Budget, shall notify the appropriate com-
18 mittees of Congress—

19 (I) of the methodology for calcu-
20 lating any disbursements described in sub-
21 paragraph (A) that will be made from
22 the proceeds of such auction; and

23 (II) that such methodology con-
24 sider the value of the spectrum vol-
25 untarily relinquished in its current use

1 and the timeliness with which the li-
2 censee cleared its use of such spec-
3 trum.

4 (ii) DEFINITION.—In this subpara-
5 graph, the term “appropriate committees
6 of Congress” means—

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

10 (II) the Committee on Appropria-
11 tions of the Senate;

12 (III) the Committee on Energy
13 and Commerce of the House of Rep-
14 resentatives; and

15 (IV) the Committee on Appro-
16 priations of the House of Representa-
17 tives.

18 (2) INCENTIVE AUCTION RELOCATION FUND.—
19 Not less than 5 percent but not more than
20 \$1,000,000,000 of the amounts in the Public Safety
21 Trust Fund shall be deposited in the Incentive Auc-
22 tion Relocation Fund established by section
23 1302(b)(6)(A).

24 (3) STATE, LOCAL, AND TRIBAL PLANNING AND
25 IMPLEMENTATION FUND.—\$250,000,000 shall be

1 deposited in the State, Local, and Tribal Planning
2 and Implementation Fund established by section
3 1211(a).

4 (4) PUBLIC SAFETY BROADBAND CORPORA-
5 TION.—\$11,000,000,000 shall be deposited with the
6 Public Safety Broadband Corporation established
7 under section 1201(a) for ensuring the construction,
8 management, maintenance, and operation of the
9 public safety broadband network.

10 (5) PUBLIC SAFETY RESEARCH AND DEVELOP-
11 MENT.—\$40,000,000 per year for each of the fiscal
12 years 2012 through 2016 shall be made available for
13 use by the Director of NIST to carry out the re-
14 search program established under section 1221.

15 (6) NHTSA REPORT ON NEXT GENERATION 9–
16 1–1 SERVICES.—\$2,000,000 shall be made available
17 for fiscal years 2012 and 2013 for use by the Ad-
18 ministrator of the National Highway Traffic Safety
19 Administration to prepare the report on Next Gen-
20 eration 9–1–1 services required by section 1237.

21 (7) DEFICIT REDUCTION.—Any amounts re-
22 maining in the Public Safety Trust Fund after the
23 deduction of the amounts required by paragraphs
24 (1) through (6) shall be deposited in the general

1 fund of the Treasury, where such amounts shall be
2 dedicated for the sole purpose of deficit reduction.

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

8 **TITLE V—SPECTRUM POLICY**

9 **SEC. 1501. SPECTRUM INVENTORY.**

10 Part B of title I of the National Telecommunications
11 and Information Administration Organization Act (47
12 U.S.C. 921 et seq.) is amended by adding at the end the
13 following:

14 **“SEC. 119. SPECTRUM INVENTORY.**

15 “(a) RADIO SPECTRUM INVENTORY.—In order to
16 promote the efficient use of the electromagnetic spectrum,
17 the Assistant Secretary and the Commission shall coordi-
18 nate and carry out each of the following activities not later
19 than 1 year after the date of enactment of this section:

20 “(1) Except as provided in subsection (e), cre-
21 ate an inventory of each radio spectrum band of fre-
22 quencies listed in the United States Table of Fre-
23 quency Allocations, from 225 megahertz to, at a
24 minimum, 3.7 gigahertz, and to 10 gigahertz unless
25 the Assistant Secretary and the Commission deter-

1 mine that the burden of expanding the inventory
2 outweighs the benefit, that includes—

3 “(A) the radio services authorized to oper-
4 ate in each band of frequencies;

5 “(B) the identity of each Federal or non-
6 Federal user within each such radio service au-
7 thorized to operate in each band of frequencies;

8 “(C) the activities, capabilities, functions,
9 or missions (including whether such activities,
10 capabilities, functions, or missions are space-
11 based, air-based, or ground-based) supported by
12 the transmitters, end-user terminals or receiv-
13 ers, or other radio frequency devices authorized
14 to operate in each band of frequencies;

15 “(D) the total amount of spectrum, by
16 band of frequencies, assigned or licensed to
17 each Federal or non-Federal user (in percent-
18 age terms and in sum) and the geographic
19 areas covered by their respective assignments or
20 licenses; and

21 “(E) to the greatest extent possible—

22 “(i) the approximate number of trans-
23 mitters, end-user terminals or receivers, or
24 other radio frequency devices authorized to
25 operate, as appropriate to characterize the

1 extent of use of each radio service in each
2 band of frequencies;

3 “(ii) an approximation of the extent
4 to which each Federal or non-Federal user
5 is using, by geography, each band of fre-
6 quencies, such as the amount and percent-
7 age of time of use, number of end users,
8 or other measures as appropriate to the
9 particular band and radio service;

10 “(iii) contour maps or other informa-
11 tion that illustrates the coverage area, re-
12 ceiver performance, and other parameters
13 relevant to an assessment of the avail-
14 ability of spectrum in each band;

15 “(iv) for each band or range of fre-
16 quencies, the identity of each entity offer-
17 ing unlicensed services and the types and
18 approximate number of unlicensed inten-
19 tional radiators verified or certified by the
20 Commission that are authorized to operate;
21 and

22 “(v) for non-Federal users, any com-
23 mercial names under which facilities-based
24 service is offered to the public using the
25 spectrum of the non-Federal user, includ-

1 ing the commercial names under which the
2 spectrum is being offered through resale.

3 “(2) Except as provided in subsection (e), cre-
4 ate a centralized portal or Web site to make the in-
5 ventory of the bands of frequencies required under
6 paragraph (1) available to the public.

7 “(b) USE OF AGENCY RESOURCES.—In creating the
8 inventory described in subsection (a)(1), the Assistant
9 Secretary and the Commission shall first use agency re-
10 sources, including existing databases, field testing, and
11 recordkeeping systems, and only request information from
12 Federal and non-Federal users if such information cannot
13 be obtained using such agency resources.

14 “(c) REPORTS.—

15 “(1) IN GENERAL.—Except as provided in sub-
16 section (e), not later than 2 years after the date of
17 enactment of this section and biennially thereafter,
18 the Assistant Secretary and the Commission shall
19 submit a report to the Committee on Commerce,
20 Science, and Transportation of the Senate and to
21 the Committee on Energy and Commerce of the
22 House of Representatives containing—

23 “(A) the results of the inventory created
24 under subsection (a)(1), including any update

1 to the information in the inventory pursuant to
2 subsection (d);

3 “(B) a description of any information the
4 Assistant Secretary or the Commission deter-
5 mines is necessary for such inventory but that
6 is unavailable; and

7 “(C) a description of any information not
8 provided by any Federal or non-Federal user in
9 accordance with subsections (e)(1)(B)(ii) and
10 (e)(2)(C)(ii).

11 “(2) RELOCATION REPORT.—

12 “(A) IN GENERAL.—Except as provided in
13 subsection (e), the Assistant Secretary and the
14 Commission shall submit a report to the Com-
15 mittee on Commerce, Science, and Transpor-
16 tation of the Senate and the Committee on En-
17 ergy and Commerce of the House of Represent-
18 atives containing a recommendation of which
19 spectrum, if any, should be reallocated or other-
20 wise made available for shared access and an
21 explanation of the basis for that recommenda-
22 tion.

23 “(B) DEADLINES.—The report required
24 under subparagraph (A) shall be submitted not

1 later than 2 years after the date of enactment
2 of this section and every 2 years thereafter.

3 “(3) INVENTORY REPORT.—If the Assistant
4 Secretary and the Commission have not conducted
5 an inventory under subsection (a) to 10 gigahertz at
6 least 90 days before the third report required under
7 paragraph (1) is submitted, the Assistant Secretary
8 and the Commission shall include an evaluation in
9 such report and in every report thereafter of wheth-
10 er the burden of expanding the inventory to 10
11 gigahertz outweighs the benefit until such time as
12 the Assistant Secretary and the Commission have
13 conducted the inventory to 10 gigahertz.

14 “(d) MAINTENANCE AND UPDATING OF INFORMA-
15 TION.—After the creation of the inventory required by
16 subsection (a)(1), the Assistant Secretary and the Com-
17 mission shall make all reasonable efforts to maintain and
18 update the information required under such subsection on
19 a quarterly basis, including when there is a transfer or
20 auction of a license or a change in a permanent assign-
21 ment or license.

22 “(e) NATIONAL SECURITY AND PUBLIC SAFETY IN-
23 FORMATION.—

24 “(1) NONDISCLOSURE.—

1 “(A) IN GENERAL.—If the head of an ex-
2 ecutive agency of the Federal Government de-
3 termines that public disclosure of certain infor-
4 mation held by that agency or a licensee of non-
5 Federal spectrum and required by subsection
6 (a), (c), or (d) would reveal classified national
7 security information or other information for
8 which there is a legal basis for nondisclosure
9 and such public disclosure would be detrimental
10 to national security, homeland security, or pub-
11 lic safety, the agency head shall notify the As-
12 sistant Secretary of that determination and
13 shall include descriptions of the activities, capa-
14 bilities, functions, or missions (including wheth-
15 er they are space-based, air-based, or ground-
16 based) supported by the information being with-
17 held.

18 “(B) INFORMATION PROVIDED.—The
19 agency head shall provide to the Assistant Sec-
20 retary—

21 “(i) the publicly releasable informa-
22 tion required by subsection (a)(1);

23 “(ii) to the maximum extent prac-
24 ticable, a summary description, suitable for
25 public release, of the classified national se-

1 curity information or other information for
2 which there is a legal basis for nondisclo-
3 sure; and

4 “(iii) a classified annex, under appro-
5 priate cover, containing the classified na-
6 tional security information or other infor-
7 mation for which there is a legal basis for
8 nondisclosure that the agency head has de-
9 termined must be withheld from public dis-
10 closure.

11 “(2) PUBLIC SAFETY NONDISCLOSURE.—

12 “(A) IN GENERAL.—If a licensee of non-
13 Federal spectrum determines that public disclo-
14 sure of certain information held by that licensee
15 and required to be submitted by subsection (a),
16 (c), or (d) would reveal information for which
17 public disclosure would be detrimental to public
18 safety, or the licensee is otherwise prohibited by
19 law from disclosing the information, the licensee
20 may petition the Commission for a partial or
21 total exemption from inclusion on the central-
22 ized portal or Web site under subsection (a)(2)
23 and in the report required by subsection (c).

24 “(B) BURDEN.—The licensee seeking an
25 exemption under this paragraph bears the bur-

1 den of justifying the exemption and shall pro-
2 vide clear and convincing evidence to support
3 such an exemption.

4 “(C) INFORMATION REQUIRED.—If an ex-
5 emption is granted under this paragraph, the li-
6 censee shall provide to the Commission—

7 “(i) the publicly releasable informa-
8 tion required by subsection (a)(1) for the
9 inventory;

10 “(ii) to the maximum extent prac-
11 ticable, a summary description, suitable for
12 public release, of the information for which
13 public disclosure would be detrimental to
14 public safety or the licensee is otherwise
15 prohibited by law from disclosing; and

16 “(iii) an annex, under appropriate
17 cover, containing the information that the
18 Commission has determined should be
19 withheld from public disclosure.

20 “(3) ADDITIONAL DISCLOSURE.—The annexes
21 required under paragraphs (1)(B)(iii) and (2)(C)(iii)
22 shall be provided to the congressional committees
23 listed in subsection (c), but shall not be disclosed to
24 the public under subsection (a) or subsection (d) or

1 provided to any unauthorized person through any
2 other means.

3 “(4) NATIONAL SECURITY COUNCIL CONSULTA-
4 TION.—Prior to the release of the inventory under
5 subsection (a), any updates to the inventory result-
6 ing from subsection (d), or the submission of a re-
7 port under subsection (c)(1), the Assistant Secretary
8 and the Commission shall consult with the National
9 Security Council for a period not to exceed 30 days
10 for the purposes of determining what additional in-
11 formation, if any, shall be withheld from the public.

12 “(f) PROPRIETARY INFORMATION.—In creating and
13 maintaining the inventory, centralized portal or Web site,
14 and reports under this section, the Assistant Secretary
15 and the Commission shall follow their rules and practice
16 regarding confidential and proprietary information. Noth-
17 ing in this subsection shall be construed to compel the
18 Commission to make publicly available any confidential or
19 proprietary information.”.

20 **SEC. 1502. FEDERAL SPECTRUM PLANNING.**

21 (a) REVIEW OF EVALUATION PROCESS.—Not later
22 than 6 months after the date of the enactment of this Act,
23 the Comptroller General of the United States shall—

1 (1) conduct a review of the processes that Fed-
2 eral entities utilize to evaluate the spectrum needs of
3 such entities;

4 (2) make recommendations on how to improve
5 such processes; and

6 (3) submit to the appropriate committees of
7 Congress a report on the review and recommenda-
8 tions made pursuant to paragraphs (1) and (2).

9 (b) REVISION OF EVALUATION PROCESS.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of the enactment of this Act, each Federal
12 entity shall update or revise the process used by
13 such entity to evaluate the proposed spectrum needs
14 of such entity, or establish such a process, taking
15 into account any applicable recommendations made
16 in the report required by subsection (a).

17 (2) REQUIRED INCLUSIONS.—

18 (A) ANALYSIS OF OPTIONS.—Each process
19 described in paragraph (1), whether newly es-
20 tablished, updated, or revised, shall include an
21 analysis and assessment of—

22 (i) the options available to the Federal
23 entity to obtain communications services
24 that are the most spectrum-efficient; and

1 (ii) the effective alternatives available
2 to such entity that will permit the entity to
3 continue to satisfy the mission require-
4 ments of the entity.

5 (B) ANALYSIS SUBMITTED TO NTIA.—The
6 analysis and assessment carried out under sub-
7 paragraph (A) shall be submitted by the Fed-
8 eral entity to the Assistant Secretary at the
9 same time that the entity seeks certification or
10 recertification, if applicable, of spectrum sup-
11 port from the NTIA pursuant to the require-
12 ments of the National Telecommunications and
13 Information Administration Organization Act
14 (47 U.S.C. 901 et seq.) and OMB Circular A-
15 11.

16 (c) SPECTRUM PLANS OF FEDERAL ENTITIES.—

17 (1) IN GENERAL.—Not later than 2 years after
18 the date of the enactment of this Act, and every 2
19 years thereafter, each Federal entity shall provide an
20 entity-specific strategic spectrum plan to the Assist-
21 ant Secretary and the Director of the Office of Man-
22 agement and Budget.

23 (2) REQUIRED INCLUSIONS.—Each strategic
24 spectrum plan submitted under paragraph (1) shall
25 include—

1 (A) the spectrum requirements of the enti-
2 ty;

3 (B) the planned uses of new technologies
4 or expanded services requiring spectrum over a
5 period of time to be determined by the entity;

6 (C) suggested spectrum-efficient ap-
7 proaches to meeting the spectrum requirements
8 identified under subparagraph (A); and

9 (D) progress reports on the activities of
10 the entity to improve its spectrum management.

11 (d) CLASSIFIED NATIONAL SECURITY INFORMATION
12 AND CERTAIN OTHER INFORMATION.—

13 (1) IN GENERAL.—The head of a Federal entity
14 shall take the actions described in paragraph (2) if
15 such head determines that disclosure of information
16 required by subsection (c) would reveal—

17 (A) information that is classified in accord-
18 ance with Executive Order 13526 (75 Fed. Reg.
19 707) or any successor Executive order estab-
20 lishing or modifying the uniform system for
21 classifying, safeguarding, and declassifying na-
22 tional security information; or

23 (B) other information for which there is a
24 legal basis for nondisclosure and the public dis-
25 closure of which would be detrimental to na-

1 tional security, homeland security, or public
2 safety.

3 (2) ACTIONS DESCRIBED.—The actions de-
4 scribed in this paragraph are the following:

5 (A) Notification to the Assistant Secretary
6 of the determination under paragraph (1).

7 (B) Provision to the Assistant Secretary
8 of—

9 (i) the publicly releasable information
10 required by subsection (c);

11 (ii) to the maximum extent prac-
12 ticable, a summary description, suitable for
13 public release, of the classified information
14 or other information for which there is a
15 legal basis for nondisclosure; and

16 (iii) a classified annex, under appro-
17 priate cover, containing the classified infor-
18 mation or other information for which
19 there is a legal basis for nondisclosure that
20 the head of the Federal entity has deter-
21 mined must be withheld from public disclo-
22 sure.

23 (3) ANNEX RESTRICTION.—The Assistant Sec-
24 retary shall make an annex described in paragraph
25 (2)(B)(iii) available to the Secretary of Commerce

1 and the Director of the Office of Management and
2 Budget. Neither the Assistant Secretary, the Sec-
3 retary of Commerce, nor the Director of the Office
4 of Management and Budget may make any such
5 annex available to the public or to any unauthorized
6 person through any other means.

7 (e) FEDERAL STRATEGIC SPECTRUM PLAN.—

8 (1) DEVELOPMENT AND SUBMISSION.—

9 (A) IN GENERAL.—The Secretary of Com-
10 merce shall develop a Federal Strategic Spec-
11 trum Plan, in coordination with the Assistant
12 Secretary and the Director of the Office of
13 Management and Budget.

14 (B) SUBMISSION TO CONGRESS.—Not later
15 than 6 months after the date by which the ini-
16 tial entity-specific strategic spectrum plans are
17 required to be submitted to the Assistant Sec-
18 retary under subsection (c)(1), the Secretary of
19 Commerce shall, consistent with the require-
20 ments set forth in subsection (d)(3), submit the
21 Federal Strategic Spectrum Plan developed
22 under subparagraph (A) to the appropriate
23 committees of Congress.

24 (C) NONDISCLOSURE OF ANNEXES.—The
25 Federal Strategic Spectrum Plan required to be

1 submitted under subparagraph (B) shall be
2 submitted in unclassified form, but shall in-
3 clude, if appropriate, 1 or more annexes as pro-
4 vided for by subsection (d)(2)(B)(iii). No con-
5 gressional committee may make any such annex
6 available to the public or to any unauthorized
7 person.

8 (D) CLASSIFIED ANNEXES.—If the Federal
9 Strategic Spectrum Plan includes a classified
10 annex as provided for by subsection
11 (d)(2)(B)(iii), the Secretary of Commerce
12 shall—

13 (i) submit the classified annex only to
14 the appropriate committees of Congress
15 with primary oversight jurisdiction for the
16 user entities or licensees concerned; and

17 (ii) provide notice of the submission to
18 the other appropriate committees of Con-
19 gress.

20 (E) DEFINITION.—In this subsection, the
21 term “appropriate committees of Congress”
22 means the Committee on Commerce, Science,
23 and Transportation of the Senate, the Com-
24 mittee on Energy and Commerce of the House
25 of Representatives, and any other congressional

1 committee with primary oversight jurisdiction
2 for the user entity or licensees concerned.

3 (2) INCORPORATION OF ENTITY PLANS.—The
4 Federal Strategic Spectrum Plan developed under
5 paragraph (1)(A) shall incorporate, consistent with
6 the requirements of subsection (d)(3), the initial en-
7 tity-specific strategic spectrum plans submitted
8 under subsection (c)(1).

9 (3) REQUIRED INCLUSIONS.—The Federal
10 Strategic Spectrum Plan developed under paragraph
11 (1)(A) shall include—

12 (A) information on how spectrum assigned
13 to and used by Federal entities is being used;

14 (B) opportunities to increase efficient use
15 of infrastructure and spectrum assigned to and
16 used by Federal entities;

17 (C) an assessment of the future spectrum
18 needs of the Federal Government; and

19 (D) plans to incorporate such needs in the
20 frequency assignment, equipment certification,
21 and review processes of the Assistant Secretary.

22 (4) UPDATES.—The Secretary of Commerce
23 shall revise and update the Federal Strategic Spec-
24 trum Plan developed under paragraph (1)(A) to take
25 into account the biennial submission of the entity-

1 specific strategic spectrum plans submitted under
2 subsection (c)(1).

3 (f) NATIONAL STRATEGIC SPECTRUM PLAN.—

4 (1) IN GENERAL.—Not later than 4 years after
5 the date of the enactment of this Act, and every 4
6 years thereafter, the Assistant Secretary and the
7 Commission, in consultation with other Federal de-
8 partments and agencies, State, local, and tribal enti-
9 ties, and commercial spectrum interests, shall de-
10 velop a quadrennial National Strategic Spectrum
11 Plan.

12 (2) REQUIRED INCLUSION.—A National Stra-
13 tegic Spectrum Plan developed under paragraph (1)
14 shall include the following:

15 (A) The Federal Strategic Spectrum Plan
16 developed under paragraph (1)(A) of subsection
17 (e), as updated under paragraph (4) of such
18 subsection.

19 (B) Long-range spectrum planning for
20 both Federal and non-Federal users, including
21 commercial users and State and local govern-
22 ment users.

23 (C) An identification of new technologies
24 or expanded services requiring spectrum.

1 (D) An identification and analysis of the
2 nature and characteristics of the new radio
3 communication systems required and the nature
4 and characteristics of the spectrum required.

5 (E) An identification and analysis of effi-
6 cient approaches to meeting the future spec-
7 trum requirements of all users, including—

8 (i) requiring certain standards-based
9 technologies that improve spectrum effi-
10 ciencies;

11 (ii) spectrum sharing and reuse op-
12 portunities;

13 (iii) possible reallocation; and

14 (iv) any other approaches that pro-
15 mote efficient use of spectrum.

16 (F) An evaluation of current spectrum
17 auction processes to determine the effectiveness
18 of such processes in—

19 (i) promoting competition;

20 (ii) improving the efficiency of spec-
21 trum use; and

22 (iii) maximizing the full economic
23 value of the spectrum to consumers, indus-
24 try, and taxpayers.

1 **SEC. 1503. REALLOCATING FEDERAL SPECTRUM FOR COM-**
2 **MERCIAL PURPOSES AND FEDERAL SPEC-**
3 **TRUM SHARING.**

4 (a) ELIGIBLE FEDERAL ENTITIES.—Section
5 113(g)(1) of the National Telecommunications and Infor-
6 mation Administration Organization Act (47 U.S.C.
7 923(g)(1)) is amended to read as follows:

8 “(1) ELIGIBLE FEDERAL ENTITIES.—Any Fed-
9 eral entity that operates a Federal Government sta-
10 tion authorized to use a band of frequencies speci-
11 fied in paragraph (2) and that incurs relocation
12 costs or sharing costs because of planning for a po-
13 tential auction of spectrum frequencies, a planned
14 auction of spectrum frequencies, or the reallocation
15 of spectrum frequencies from Federal use to exclu-
16 sive non-Federal use or to shared use shall receive
17 payment for such relocation costs or sharing costs
18 from the Spectrum Relocation Fund, in accordance
19 with section 118. For purposes of this paragraph,
20 Federal power agencies exempted under subsection
21 (c)(4) that choose to relocate from the frequencies
22 identified for reallocation pursuant to subsection (a)
23 are eligible to receive payment under this para-
24 graph.”.

25 (b) ELIGIBLE FREQUENCIES.—Section 113(g)(2)(B)
26 of the National Telecommunications and Information Ad-

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

3 “(B) any other band of frequencies reallo-
4 cated from Federal use to non-Federal or
5 shared use, whether for licensed or unlicensed
6 use, after January 1, 2003, that is assigned—

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

10 “(ii) as a result of an Act of Congress
11 or any other administrative or executive di-
12 rection.”.

13 (c) RELOCATION COSTS AND SHARING COSTS DE-
14 FINED.—Section 113(g)(3) of the National Telecommuni-
15 cations and Information Administration Organization Act
16 (47 U.S.C. 923(g)(3)) is amended to read as follows:

17 “(3) RELOCATION COSTS AND SHARING COSTS
18 DEFINED.—

19 “(A) IN GENERAL.—For purposes of this
20 subsection, the term ‘relocation costs’ or ‘shar-
21 ing costs’ means the costs incurred by a Fed-
22 eral entity in connection with the auction (or a
23 potential or planned auction) of spectrum fre-
24 quencies previously assigned to such entity, or
25 the sharing of spectrum frequencies assigned to

1 such entity (including the auction or a potential
2 or planned auction of the rights to use spec-
3 trum frequencies on a shared basis with such
4 entity), respectively, in order to achieve com-
5 parable capability of systems as before the relo-
6 cation or the sharing arrangement. Such term
7 includes, with respect to relocation or sharing,
8 as the case may be—

9 “(i) the costs of any modification or
10 replacement of equipment, spares, associ-
11 ated ancillary equipment, software, facili-
12 ties, operating manuals, training costs, or
13 regulations that are attributable to reloca-
14 tion or sharing;

15 “(ii) the costs of all engineering,
16 equipment, software, site acquisition, and
17 construction, as well as any legitimate and
18 prudent transaction expense, including
19 term-limited Federal civil servant and con-
20 tractor staff necessary to carry out the re-
21 location or sharing activities of an eligible
22 Federal entity, and reasonable additional
23 costs incurred by the Federal entity that
24 are attributable to relocation or sharing,

1 including increased recurring costs associ-
2 ated with the replacement of facilities;

3 “(iii) the costs of research, engineer-
4 ing studies, economic analyses, or other ex-
5 penses reasonably incurred in connection
6 with—

7 “(I) calculating the estimated re-
8 location costs or sharing costs that
9 are provided to the Commission pur-
10 suant to paragraph (4);

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

15 “(III) planning for or managing
16 a relocation or sharing project (includ-
17 ing spectrum coordination with auc-
18 tion winners) or potential relocation
19 or sharing project;

20 “(iv) the one-time costs of any modi-
21 fication of equipment reasonably nec-
22 essary—

23 “(I) to accommodate commercial
24 use of shared frequencies; or

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

14 “(v) the costs associated with the ac-
15 celerated replacement of systems and
16 equipment if such acceleration is necessary
17 to ensure the timely relocation of systems
18 to a new frequency assignment or the time-
19 ly accommodation of sharing of Federal
20 frequencies; and

21 “(vi) the costs of the use of commer-
22 cial systems (including systems not uti-
23 lizing spectrum) to replace Federal systems
24 discontinued or relocated pursuant to this
25 Act, including lease (including lease of

1 land), subscription, and equipment costs
2 over an appropriate period, such as the an-
3 ticipated life of an equivalent Federal sys-
4 tem or other period determined by the Di-
5 rector of the Office of Management and
6 Budget.

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

10 “(i) may be achieved by relocating a
11 Federal Government station to a new fre-
12 quency assignment, by relocating a Federal
13 Government station to a different geo-
14 graphic location, by modifying Federal
15 Government equipment to mitigate inter-
16 ference or use less spectrum, in terms of
17 bandwidth, geography, or time, and there-
18 by permitting spectrum sharing (including
19 sharing among relocated Federal entities
20 and incumbents to make spectrum avail-
21 able for non-Federal use) or relocation, or
22 by utilizing an alternative technology; and
23 “(ii) includes the acquisition of state-
24 of-the-art replacement systems intended to
25 meet comparable operational scope, which

1 may include incidental increases in
2 functionality.”.

3 (d) CERTAIN PROCEDURAL REQUIREMENTS.—Sec-
4 tion 113(g) of the National Telecommunications and In-
5 formation Administration Organization Act (47 U.S.C.
6 923(g)) is amended—

7 (1) in paragraph (4)(A)—

8 (A) by inserting “or sharing costs” after
9 “relocation costs”; and

10 (B) by inserting “or sharing” after “such
11 relocation”;

12 (2) in paragraph (5)—

13 (A) by inserting “or sharing costs” after
14 “relocation costs”; and

15 (B) by inserting “or sharing” after “for
16 relocation”;

17 (3) in paragraph (6)—

18 (A) in the 1st sentence, by inserting “and
19 the timely implementation of arrangements for
20 the sharing of such frequencies” before the pe-
21 riod at the end;

22 (B) in the 2nd sentence—

23 (i) by striking “by relocating to a new
24 frequency assignment or by utilizing an al-
25 ternative technology”;

1 (ii) by inserting “or limit” after “ter-
2 minate”; and

3 (iii) by inserting “or sharing arrange-
4 ment has been implemented” before the
5 period at the end; and

6 (C) in the 3rd sentence, by inserting “or
7 sharing” after “relocation”.

8 (e) SPECTRUM SHARING AGREEMENTS.—Section
9 113(g) of the National Telecommunications and Informa-
10 tion Administration Organization Act, as amended by sub-
11 section (d), is further amended by adding at the end the
12 following:

13 “(7) SPECTRUM SHARING AGREEMENTS.—A
14 Federal entity is permitted to allow access to its fre-
15 quency assignments by a non-Federal entity upon
16 approval of the NTIA, in consultation with the Di-
17 rector of the Office of Management and Budget.
18 Such non-Federal entities shall comply with all ap-
19 plicable rules of the Commission and the NTIA, in-
20 cluding any regulations promulgated pursuant to
21 this section. Any remuneration associated with such
22 access shall be deposited into the Spectrum Reloca-
23 tion Fund established under section 118. The costs
24 incurred by a Federal entity as a result of allowing
25 such access are sharing costs for which the entity is

1 eligible for payment from the Fund for the purposes
2 specified in paragraph (3). The revenue associated
3 with such access shall be at least 110 percent of the
4 estimated Federal costs.”.

5 (f) SPECTRUM RELOCATION FUND.—Section 118 of
6 the National Telecommunications and Information Ad-
7 ministration Organization Act (47 U.S.C. 928) is amend-
8 ed—

9 (1) in subsection (b), by inserting before the pe-
10 riod at the end the following: “and any payments
11 made by non-Federal entities for access to Federal
12 spectrum pursuant to section 113(g)(7)”;

13 (2) by amending subsection (c) to read as fol-
14 lows:

15 “(c) USE OF FUNDS.—

16 “(1) FUNDS FROM AUCTIONS.—The amounts in
17 the Fund from auctions of eligible frequencies are
18 authorized to be used to pay relocation costs or
19 sharing costs, as defined in section 113(g)(3), of an
20 eligible Federal entity incurring such costs with re-
21 spect to relocation from any eligible frequency or the
22 sharing of such frequency.

23 “(2) FUNDS FROM PAYMENTS BY NON-FED-
24 ERAL ENTITIES.—The amounts in the Fund from
25 payments by non-Federal entities for access to Fed-

1 eral spectrum pursuant to section 113(g)(7) are au-
2 thorized to be used to pay the sharing costs, as de-
3 fined in section 113(g)(3), of an eligible Federal en-
4 tity incurring such costs with respect to such access.

5 “(3) TRANSFER OF FUNDS.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), the Director of OMB may transfer
8 at any time (including prior to any auction or
9 contemplated auction or sharing initiative) such
10 sums as may be available in the Fund to an eli-
11 gible Federal entity to pay eligible relocation
12 costs or sharing costs related to pre-auction es-
13 timates or research, as such costs are described
14 in section 113(g)(3)(A)(iii).

15 “(B) NOTIFICATION.—No funds may be
16 transferred pursuant to subparagraph (A) un-
17 less the notification provided under subsection
18 (d)(2)(B) includes a certification from the Di-
19 rector of OMB that—

20 “(i) funds transferred before an auc-
21 tion will likely allow for timely implementa-
22 tion of relocation or sharing, thereby in-
23 creasing net expected auction proceeds by
24 an amount equal to or greater than the

1 time value of the amount of funds trans-
2 ferred; and

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

6 “(C) APPLICABILITY.—

7 “(i) PRIOR COSTS INCURRED.—The
8 Director of OMB may transfer up to
9 \$10,000,000 from the Fund to eligible
10 Federal entities for eligible relocation costs
11 or sharing costs related to pre-auction esti-
12 mates or research, as such costs are de-
13 scribed in section 113(g)(3)(A)(iii), for
14 costs incurred prior to the date of the en-
15 actment of the Wireless Innovation and
16 Public Safety Act of 2011, but after June
17 28, 2010.

18 “(ii) SUPPLEMENT NOT SUPPLANT.—
19 Any amounts transferred by the Director
20 of OMB pursuant to clause (i) shall be in
21 addition to any amounts that the Director
22 of OMB may transfer for costs incurred
23 after the date of the enactment of the
24 Wireless Innovation and Public Safety Act
25 of 2011.”;

1 (3) in subsection (d)—

2 (A) in paragraph (1), by inserting “and
3 sharing costs” after “relocation costs”;

4 (B) in paragraph (2)—

5 (i) in subparagraph (A), by inserting
6 “or sharing” before the semicolon; and

7 (ii) in subparagraph (B)—

8 (I) by inserting “or sharing
9 costs” after “relocation costs”; and

10 (II) by inserting “or sharing” be-
11 fore the period at the end; and

12 (C) by amending paragraph (3) to read as
13 follows:

14 “(3) REVERSION OF UNUSED FUNDS.—

15 “(A) IN GENERAL.—Any amounts in the
16 Fund that are remaining after the payment of
17 the relocation costs and sharing costs that are
18 payable from the Fund shall revert to and be
19 deposited in the general fund of the Treasury
20 not later than 8 years after the date of the de-
21 posit of such proceeds to the Fund, unless with-
22 in 60 days in advance of the reversion of such
23 funds, the Director of OMB, in consultation
24 with the NTIA, notifies the appropriate com-
25 mittees of Congress that such funds are needed

1 to complete or to implement current or future
2 relocations or sharing initiatives.

3 “(B) DEFINITION.—In this paragraph, the
4 term ‘appropriate committees of Congress’
5 means—

6 “(i) the Committee on Appropriations
7 of the Senate;

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

10 “(iii) the Committee on Appropria-
11 tions of the House of Representatives; and

12 “(iv) the Committee on Energy and
13 Commerce of the House of Representa-
14 tives.”;

15 (4) in subsection (e)(2)—

16 (A) by inserting “or sharing costs” after
17 “relocation costs”;

18 (B) by striking “entity’s relocation” and
19 inserting “relocation of the entity or implemen-
20 tation of the sharing arrangement by the enti-
21 ty”; and

22 (C) by inserting “or the implementation of
23 such arrangement” after “such relocation”; and

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

25 “(f) ADDITIONAL PAYMENTS FROM THE FUND.—

1 “(1) AMOUNTS AVAILABLE.—Notwithstanding
2 subsections (c) through (e), after the date of the en-
3 actment of the Wireless Innovation and Public Safe-
4 ty Act of 2011, and following the credit of any
5 amounts specified in subsection (b), there are hereby
6 appropriated from the Fund and available to the Di-
7 rector of OMB—

8 “(A) up to 10 percent of the amounts de-
9 posited in the Fund from the auction of licenses
10 for frequencies of spectrum vacated by Federal
11 entities; and

12 “(B) up to 10 percent of the amounts de-
13 posited in the Fund by non-Federal entities for
14 sharing of Federal spectrum.

15 “(2) USE OF AMOUNTS.—The Director of
16 OMB, in consultation with the NTIA, may use such
17 amounts to make payments to eligible Federal enti-
18 ties for the purpose of encouraging timely access to
19 such spectrum, provided that—

20 “(A) any such payment by the Director of
21 OMB is based on the market value of the spec-
22 trum, the timeliness with which the Federal en-
23 tity cleared its use of such spectrum, and the
24 need for such spectrum in order for the Federal
25 entity to conduct its essential missions;

1 “(B) any such payment by the Director of
2 OMB is used to carry out—

3 “(i) the purposes specified in clauses
4 (i) through (vi) of section 113(g)(3)(A) to
5 achieve enhanced capability for those sys-
6 tems affected by reallocation of Federal
7 spectrum for commercial use, or by sharing
8 of Federal frequencies with non-Federal
9 entities; and

10 “(ii) other communications, radar,
11 and spectrum-using investments not di-
12 rectly affected by such reallocation or shar-
13 ing but essential for the missions of the
14 Federal entity that is relocating its sys-
15 tems or sharing frequencies;

16 “(C) the amount remaining in the Fund
17 after any such payment by the Director of
18 OMB is not less than 10 percent of the winning
19 bids in the relevant auction, or is not less than
20 10 percent of the payments from non-Federal
21 entities in the relevant sharing agreement;

22 “(D) any such payment by the Director of
23 OMB shall not be made until 30 days after the
24 Director has notified the Committees on Appro-
25 priations and Commerce, Science, and Trans-

1 portation of the Senate, and the Committees on
2 Appropriations and Energy and Commerce of
3 the House of Representatives; and

4 “(E) the Director of OMB shall make
5 available from such amounts not more than
6 \$3,000,000 per year for each of the fiscal years
7 2012 through 2016 for use by the Assistant
8 Secretary in carrying out the spectrum manage-
9 ment activities of the Assistant Secretary under
10 title V of the Wireless Innovation and Public
11 Safety Act of 2011.”.

12 (g) PUBLIC DISCLOSURE AND NONDISCLOSURE.—If
13 the head of an executive agency of the Federal Govern-
14 ment determines that public disclosure of any information
15 contained in a notification or report required by section
16 113 or 118 of the National Telecommunications and In-
17 formation Administration Organization Act (47 U.S.C.
18 923; 928) would reveal classified national security infor-
19 mation or other information for which there is a legal
20 basis for nondisclosure and such public disclosure would
21 be detrimental to national security, homeland security,
22 public safety, or jeopardize law enforcement investiga-
23 tions, the head of the executive agency shall notify the As-
24 sistant Secretary of that determination prior to release of
25 such classified information or other information. In that

1 event, such classified information or other information
2 shall be included in a separate annex, as needed. These
3 annexes shall be provided to the subcommittee of primary
4 jurisdiction of the congressional committee of primary ju-
5 risdiction in accordance with appropriate national security
6 stipulations but shall not be disclosed to the public or pro-
7 vided to any unauthorized person through any other
8 means.

9 **SEC. 1504. STUDY ON SPECTRUM EFFICIENCY THROUGH**
10 **RECEIVER STANDARDS.**

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

17 (b) REQUIRED CONSIDERATIONS.—At a minimum,
18 the study required by subsection (a) shall consider—

19 (1) the value of—

20 (A) improving receiver standards as it re-
21 lates to increasing spectral efficiency;

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

24 (C) narrowing the guard bands between
25 adjacent spectrum use; and

1 (D) improving overall receiver performance
2 for the end user;

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

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

12 (4) the value of action by the Commission and
13 the Assistant Secretary to establish, by rule, tech-
14 nical requirements or standards for non-Federal and
15 Federal use, respectively, with respect to the reason-
16 able use of adjacent spectrum described in sub-
17 section (a).

18 (c) REPORT.—Not later than 1 year after the date
19 of the enactment of this Act, the Comptroller General of
20 the United States shall submit a report to the appropriate
21 committees of Congress on the results of the study re-
22 quired by subsection (a).

23 (d) DEFINITION.—For purposes of this section, the
24 term “transmission system” means any telecommuni-
25 cations, broadcast, satellite, commercial mobile service, or

1 other communications system that employs radio spec-
2 trum.

3 **SEC. 1505. STUDY ON UNLICENSED USE IN THE 5 GHZ BAND.**

4 (a) IN GENERAL.—The Assistant Secretary and the
5 Commission shall, in consultation with the Secretary of
6 Transportation and other stakeholders, conduct a study
7 evaluating known and proposed spectrum-sharing tech-
8 nologies and the risk to Federal and primary users if unli-
9 censed U–NII devices were allowed to operate in the
10 5350–5470 MHz band and the 5850–5925 MHz band.

11 (b) SUBMISSION.—Not later than 8 months after the
12 date of the enactment of this Act, the Assistant Secretary
13 and the Commission, acting jointly or separately, shall re-
14 port on their findings under subsection (a) to the appro-
15 priate committees of Congress.

16 (c) DEFINITIONS.—In this section:

17 (1) 5350–5470 MHZ BAND.—The term “5350–
18 5470 MHz band” means the portion of the electro-
19 magnetic spectrum between the frequencies from
20 5350 megahertz to 5470 megahertz.

21 (2) 5850–5925 MHZ BAND.—The term “5850–
22 5925 MHz band” means the portion of the electro-
23 magnetic spectrum between the frequencies from
24 5850 megahertz to 5925 megahertz.

1 (3) U–NII DEVICES.—The term “U–NII de-
2 vices” has the meaning given such term in section
3 15.403(s) of title 47, Code of Federal Regulations,
4 except for the frequency bands specified in such sec-
5 tion.

6 **SEC. 1506. REPORT ON AVAILABILITY OF WIRELESS EQUIP-**
7 **MENT FOR THE 700 MHZ BAND.**

8 (a) IN GENERAL.—Not later than 90 days after the
9 date of the enactment of this Act, and every 6 months
10 thereafter until January 1, 2016, the Commission shall
11 prepare and submit to the appropriate committees of Con-
12 gress a report on—

13 (1) the availability of wireless equipment capa-
14 ble of operating over all spectrum between the fre-
15 quencies from 698 megahertz to 806 megahertz that
16 is allocated by the Commission for paired commer-
17 cial or public safety use; and

18 (2) the potential availability of wireless equip-
19 ment capable of operating over spectrum made avail-
20 able through reorganization of the television broad-
21 cast spectrum under section 1302(b) and the auction
22 of such spectrum under subparagraph (G) of section
23 309(j)(8) of the Communications Act of 1934, as
24 added by section 1302(a).

1 (b) CONTENTS.—The Commission shall seek input
2 from the commercial mobile data service industry and in-
3 clude in the report required by subsection (a) an assess-
4 ment of—

5 (1) the technical feasibility, and the potential
6 impact on costs, size, battery consumption, and any
7 other factor the Commission considers appropriate,
8 of making equipment capable of operating over some
9 or all of the spectrum described in paragraph (1) of
10 such subsection;

11 (2) the timeframe for when wireless equipment
12 capable of operating over some or all of such spec-
13 trum will be available; and

14 (3) the feasibility of and progress towards mak-
15 ing available wireless equipment that is capable of
16 operating over some or all of the spectrum described
17 in paragraph (2) of such subsection.

