

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

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Spectrum Innovation Act of 2011”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Rule of construction.
- Sec. 4. Enforcement.

TITLE I—SPECTRUM AUCTION AUTHORITY

- Sec. 101. Deadline for auction of certain spectrum.
- Sec. 102. General authority for incentive auctions.
- Sec. 103. Special requirements for incentive auction of broadcast TV spectrum.
- Sec. 104. Use of auctions to allocate spectrum for unlicensed use.
- Sec. 105. Administration of auctions by Commission.
- Sec. 106. Extension of auction authority.
- Sec. 107. Deficit reduction and funding prioritization.

TITLE II—PUBLIC SAFETY COMMUNICATIONS

- Sec. 201. Reassignment of public safety spectrum to States.
- Sec. 202. National Public Safety Communications Plan.
- Sec. 203. Plan administration.
- Sec. 204. Grants to States.
- Sec. 205. Wireless facilities deployment.
- Sec. 206. Study on emergency communications by amateur radio and impediments to amateur radio communications.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ADMINISTRATOR.**—The term “Adminis-
4 trator” means the entity awarded a contract by the
5 Commission under section 203(a) to serve as Admin-
6 istrator of the National Public Safety Communica-
7 tions Plan.

8 (2) **BOARD.**—The term “Board” means the
9 Public Safety Communications Planning Board es-
10 tablished under section 202(a)(1).

11 (3) **BROADCAST TELEVISION LICENSEE.**—The
12 term “broadcast television licensee” means a person
13 holding a license to use a portion of the broadcast

1 television spectrum to operate a full-power television
2 station.

3 (4) BROADCAST TELEVISION SPECTRUM.—The
4 term “broadcast television spectrum” means the por-
5 tions of the electromagnetic spectrum between the
6 frequencies from 54 megahertz to 72 megahertz,
7 from 76 megahertz to 88 megahertz, from 174
8 megahertz to 216 megahertz, and from 470 mega-
9 hertz to 698 megahertz.

10 (5) COMMERCIAL MOBILE BROADBAND SERV-
11 ICE.—The term “commercial mobile broadband serv-
12 ice” means broadband service (as defined by the
13 Commission) that is provided by a provider of com-
14 mercial mobile service (as defined in section 332 of
15 the Communications Act of 1934 (47 U.S.C. 332)).

16 (6) COMMISSION.—The term “Commission”
17 means the Federal Communications Commission.

18 (7) FEDERAL ENTITY.—The term “Federal en-
19 tity” has the meaning given such term in section
20 113 of the National Telecommunications and Infor-
21 mation Administration Organization Act (47 U.S.C.
22 923).

23 (8) FORWARD AUCTION.—The term “forward
24 auction” means the portion of an incentive auction
25 of broadcast television spectrum under section

1 103(c), in which the Commission assigns licenses for
2 the use of or allocates for unlicensed use the spec-
3 trum usage rights with respect to which the Com-
4 mission accepts bids for voluntary relinquishment in
5 a reverse auction under section 103(a).

6 (9) INCENTIVE AUCTION.—The term “incentive
7 auction” means a system of competitive bidding
8 under section 309(j) of the Communications Act of
9 1934 (47 U.S.C. 309(j)) in which spectrum auc-
10 tioned is attributable to the voluntary relinquis-
11 hment of spectrum usage rights by licensees, with
12 whom a portion of auction proceeds may be shared
13 in accordance with subparagraph (F) of paragraph
14 (8) of such section, as added by section 102(3).

15 (10) LOCAL MARKET.—The term “local mar-
16 ket” has the meaning given such term in section 338
17 of the Communications Act of 1934 (47 U.S.C.
18 338).

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

24 (12) NATIONAL PUBLIC SAFETY COMMUNICA-
25 TIONS PLAN.—The term “National Public Safety

1 Communications Plan” or “Plan” means the plan
2 adopted under section 202(c).

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

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

10 (15) PUBLIC SAFETY COMMUNICATIONS.—The
11 term “public safety communications” means commu-
12 nications by providers of public safety services.

13 (16) PUBLIC SAFETY SERVICES.—The term
14 “public safety services” has the meaning given such
15 term in section 337 of the Communications Act of
16 1934 (47 U.S.C. 337).

17 (17) PUBLIC SAFETY SPECTRUM.—The term
18 “public safety spectrum” means the portion of the
19 electromagnetic spectrum allocated for public safety
20 services under section 337(a) of the Communications
21 Act of 1934 (47 U.S.C. 337(a)).

22 (18) REVERSE AUCTION.—The term “reverse
23 auction” means the portion of an incentive auction
24 of broadcast television spectrum under section
25 103(a), in which a broadcast television licensee may

1 submit bids stating the amount it would accept for
2 voluntarily relinquishing some or all of its broadcast
3 television spectrum usage rights.

4 (19) STATE.—The term “State” has the mean-
5 ing given such term in section 3 of the Communica-
6 tions Act of 1934 (47 U.S.C. 153).

7 (20) STATE PUBLIC SAFETY BROADBAND COM-
8 MUNICATIONS NETWORK.—The term “State public
9 safety broadband communications network” means a
10 broadband network for public safety communications
11 established by a State using the public safety spec-
12 trum.

13 (21) ULTRA HIGH FREQUENCY.—The term
14 “ultra high frequency” means, with respect to a tele-
15 vision channel, that the channel is located in the
16 portion of the electromagnetic spectrum between the
17 frequencies from 470 megahertz to 698 megahertz.

18 (22) VERY HIGH FREQUENCY.—The term “very
19 high frequency” means, with respect to a television
20 channel, that the channel is located in the portion of
21 the electromagnetic spectrum between the fre-
22 quencies from 54 megahertz to 72 megahertz, from
23 76 megahertz to 88 megahertz, or from 174 mega-
24 hertz to 216 megahertz.

1 **SEC. 3. RULE OF CONSTRUCTION.**

2 Each range of frequencies described in this Act shall
3 be construed to be inclusive of the upper and lower fre-
4 quencies in the range.

5 **SEC. 4. ENFORCEMENT.**

6 (a) **IN GENERAL.**—The Commission shall enforce this
7 Act as if this Act were a part of the Communications Act
8 of 1934 (47 U.S.C. 151 et seq.). A violation of this Act,
9 or a regulation promulgated under this Act, shall be con-
10 sidered to be a violation of the Communications Act of
11 1934, or a regulation promulgated under such Act, respec-
12 tively.

13 (b) **EXCEPTION.**—Subsection (a) does not apply in
14 the case of a provision of this Act that is expressly re-
15 quired to be carried out by an agency (as defined in sec-
16 tion 551 of title 5, United States Code) other than the
17 Commission.

18 **TITLE I—SPECTRUM AUCTION**
19 **AUTHORITY**

20 **SEC. 101. DEADLINE FOR AUCTION OF CERTAIN SPECTRUM.**

21 (a) **IN GENERAL.**—Notwithstanding paragraph
22 (15)(A) of section 309(j) of the Communications Act of
23 1934 (47 U.S.C. 309(j)), not later than 10 years after
24 the date of the enactment of this Act, subject to subsection
25 (c), the Commission shall, through a system of competitive
26 bidding under such section, grant licenses for the use of

1 or allocate for unlicensed use (as described in paragraph
2 (17) of such section, as added by section 104(a)(3)) the
3 portions of the electromagnetic spectrum described in sub-
4 section (b).

5 (b) SPECTRUM DESCRIBED.—The portions of the
6 electromagnetic spectrum described in this subsection are
7 the following:

8 (1) The frequencies between 1915 megahertz
9 and 1920 megahertz and between 2020 megahertz
10 and 2025 megahertz (the AWS-2 H Block).

11 (2) The frequencies between 1755 megahertz
12 and 1780 megahertz and between 2155 megahertz
13 and 2180 megahertz (the AWS-3 band).

14 (3) The frequencies between 5350 megahertz
15 and 5470 megahertz and between 5850 megahertz
16 and 5925 megahertz.

17 (4) The frequencies between 1670 megahertz
18 and 1710 megahertz and between 2070 megahertz
19 and 2110 megahertz.

20 (5) The frequencies between 1780 megahertz
21 and 1800 megahertz and between 2180 megahertz
22 and 2200 megahertz.

23 (c) INCUMBENT FEDERAL USE.—

1 (1) IN GENERAL.—Not later than a date that
2 will allow the Commission to meet the deadline in
3 subsection (a), the NTIA shall—

4 (A) except as provided in subparagraph
5 (B), withdraw any assignment to a Federal en-
6 tity of a portion of the electromagnetic spec-
7 trum described in paragraph (3), (4), or (5) of
8 subsection (b);

9 (B) if the NTIA determines that Federal
10 use of such a portion is necessary to the critical
11 communications related to the mission of the
12 Federal entity and that Federal and non-Fed-
13 eral use of such portion may be coordinated by
14 means of the database established under para-
15 graph (2)(A), modify the terms under which the
16 Federal entity is permitted to use such portion
17 so that such use is subject to coordination by
18 means of the database; and

19 (C) notify the Commission of each with-
20 drawal under subparagraph (A) and each deter-
21 mination and modification under subparagraph
22 (B).

23 (2) DATABASE.—

24 (A) IN GENERAL.—The NTIA, in consulta-
25 tion with the Commission, shall establish and

1 maintain a database to coordinate Federal and
2 non-Federal use of any portions of the electro-
3 magnetic spectrum with respect to which the
4 NTIA has made a determination under para-
5 graph (1)(B).

6 (B) COORDINATION.—The database estab-
7 lished under subparagraph (A) may be used to
8 coordinate the use of such portions of the elec-
9 tromagnetic spectrum by Federal and non-Fed-
10 eral users based on usage parameters that in-
11 clude geographic area, time, and specific fre-
12 quencies within such portions.

13 (C) NTIA REGULATIONS.—The NTIA, in
14 coordination with the Commission, shall pro-
15 mulgate regulations to govern use of such por-
16 tions of the electromagnetic spectrum by Fed-
17 eral entities.

18 (D) COMMISSION REGULATIONS.—The
19 Commission, in coordination with the NTIA,
20 shall promulgate regulations to govern use of
21 such portions of the electromagnetic spectrum
22 by entities that are not Federal entities.

23 (3) LIMITATIONS ON NON-FEDERAL ASSIGN-
24 MENT OR ALLOCATION.—In conducting the competi-
25 tive bidding required by subsection (a), the Commis-

1 sion may only grant licenses for the use of or allo-
2 cate for unlicensed use a portion of the electro-
3 magnetic spectrum described in paragraph (3), (4),
4 or (5) of subsection (b) that is assigned to a Federal
5 entity—

6 (A) after receiving from the NTIA a notifi-
7 cation under paragraph (1)(C) with respect to
8 such portion; and

9 (B) in the case of a portion with respect
10 to which the NTIA has made a determination
11 under paragraph (1)(B), subject to coordination
12 with use by Federal entities by means of the
13 database established under paragraph (2)(A).

14 **SEC. 102. GENERAL AUTHORITY FOR INCENTIVE AUCTIONS.**

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

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

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

22 (3) by adding at the end the following:

23 “(F) INCENTIVE AUCTIONS.—

24 “(i) IN GENERAL.—Notwithstanding
25 subparagraph (A) and except as provided

1 in subparagraph (B), the Commission may
2 encourage a licensee to relinquish volun-
3 tarily some or all of its licensed spectrum
4 usage rights in order to permit the assign-
5 ment of new initial licenses or allocation of
6 spectrum for unlicensed use (as described
7 in paragraph (17)) by sharing with such li-
8 censee a portion of the proceeds (including
9 deposits and upfront payments from suc-
10 cessful bidders) from the use of a competi-
11 tive bidding system under this subsection.

12 “(ii) LIMITATIONS.—The Commission
13 may not enter into a relinquishment and
14 sharing agreement with a licensee under
15 this subparagraph unless—

16 “(I) the Commission conducts a
17 reverse auction to determine the
18 amount of compensation that licensees
19 would accept in return for voluntarily
20 relinquishing spectrum usage rights;
21 and

22 “(II) at least one other licensee
23 bids in the reverse auction.”.

1 **SEC. 103. SPECIAL REQUIREMENTS FOR INCENTIVE AUC-**
2 **TION OF BROADCAST TV SPECTRUM.**

3 (a) REVERSE AUCTION TO IDENTIFY INCENTIVE
4 AMOUNT.—

5 (1) IN GENERAL.—The Commission may con-
6 duct a reverse auction to determine the amount of
7 compensation that each broadcast television licensee
8 would accept in return for voluntarily relinquishing
9 some or all of its broadcast television spectrum
10 usage rights for assignment or reallocation for unli-
11 censed use through a system of competitive bidding
12 under subparagraph (F) of section 309(j)(8) of the
13 Communications Act of 1934, as added by section
14 102(3).

15 (2) ELIGIBLE RELINQUISHMENTS.—Only the
16 following shall be considered a relinquishment of
17 usage rights for purposes of paragraph (1):

18 (A) Relinquishing all usage rights with re-
19 spect to a particular television channel without
20 receiving in return any usage rights with re-
21 spect to another television channel.

22 (B) Relinquishing all usage rights with re-
23 spect to an ultra high frequency television chan-
24 nel in return for receiving usage rights with re-
25 spect to a very high frequency television chan-
26 nel.

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

3 (D) Any other voluntary relinquishment of
4 usage rights that the Commission considers to
5 be in the interest of the auction.

6 (3) WINNING BIDS.—

7 (A) DETERMINATION BY COMMISSION.—
8 The Commission shall examine the bids in a re-
9 verse auction under paragraph (1) and deter-
10 mine the amount of compensation that achieves
11 the proper balance between the spectrum usage
12 rights that will be freed and the amount that
13 the Commission must pay in order for the li-
14 censees to relinquish such rights.

15 (B) ACCEPTANCE.—The Commission may
16 accept a bid of a licensee that is less than or
17 equal to such amount of compensation, and the
18 relinquishment shall be binding on the licensee,
19 subject to subsection (c)(2)(B).

20 (4) CONFIDENTIALITY.—The Commission shall
21 take all steps necessary to protect the confidentiality
22 of a licensee participating in a reverse auction under
23 paragraph (1), including withholding the identity of
24 such licensee until the reassignments and realloca-

1 tions under subsection (b)(1) become effective, as
2 described in subsection (f)(2).

3 (5) PROTECTION OF CARRIAGE RIGHTS OF LI-
4 CENSEES SHARING A CHANNEL.—A broadcast tele-
5 vision licensee the signal of which was required to be
6 carried pursuant to section 338, 614, or 615 of the
7 Communications Act of 1934 (47 U.S.C. 338; 534;
8 535) on November 30, 2010, and that voluntarily re-
9 linquishes spectrum usage rights under this sub-
10 section in order to share a television channel with
11 another licensee shall retain the same rights to car-
12 riage under such section that the licensee would
13 have had if not sharing a channel.

14 (b) REORGANIZATION OF BROADCAST TV SPEC-
15 TRUM.—

16 (1) IN GENERAL.—The Commission may evalu-
17 ate the broadcast television spectrum and may—

18 (A) make such reassignments of television
19 channels as the Commission considers appro-
20 priate; and

21 (B) reallocate for other use such portions
22 of the broadcast television spectrum as the
23 Commission determines are available for re-
24 allocation.

1 (2) FACTORS FOR CONSIDERATION.—In making
2 reassignments and reallocations under paragraph
3 (1), the Commission shall make reasonable efforts to
4 preserve viewer access to the over-the-air signals of
5 broadcast television licensees and replicate the sta-
6 tion service areas and covered populations of such li-
7 censees, as in existence before the reassignments and
8 reallocations.

9 (3) NO INVOLUNTARY RELOCATION FROM UHF
10 TO VHF.—In making reassignments under para-
11 graph (1)(A), the Commission may not reassign a
12 broadcast television licensee from an ultra high fre-
13 quency television channel to a very high frequency
14 television channel unless the Commission accepts a
15 bid for such relinquishment from such licensee under
16 subsection (a)(3)(B).

17 (4) LOW-POWER BROADCAST TELEVISION STA-
18 TIONS.—

19 (A) IN GENERAL.—The Commission may
20 require a low-power broadcast television station
21 that is impacted by reorganization of the broad-
22 cast television spectrum under this subsection
23 to relocate from an ultra high frequency tele-
24 vision channel to a very high frequency tele-
25 vision channel, to the extent that any suitable

1 very high frequency television channels remain
2 available after any reassignments or realloca-
3 tions under paragraph (1).

4 (B) FACTORS FOR CONSIDERATION.—In
5 deciding whether to require a low-power broad-
6 cast television station to relocate under sub-
7 paragraph (A), the Commission shall consider
8 market factors including—

9 (i) the number of over-the-air viewers
10 of such station; and

11 (ii) the presence of other broadcast
12 television stations in the community
13 served.

14 (5) PAYMENT OF RELOCATION COSTS.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), from amounts made avail-
17 able under subsection (d)(2)(A), the Commis-
18 sion shall reimburse costs reasonably incurred
19 by—

20 (i) a broadcast television licensee that
21 was reassigned under paragraph (1)(A)
22 from one ultra high frequency television
23 channel to a different ultra high frequency
24 television channel or from one very high
25 frequency television channel to a different

1 very high frequency television channel, in
2 order for the licensee to relocate its tele-
3 vision service from one channel to the
4 other; or

5 (ii) a multichannel video programming
6 distributor that is required by section 338,
7 614, or 615 of the Communications Act of
8 1934 (47 U.S.C. 338; 534; 535) to carry
9 the signal of a broadcast television licensee
10 described in clause (i) or a broadcast tele-
11 vision licensee that voluntarily relinquishes
12 spectrum usage rights under subsection (a)
13 to share a television channel with another
14 licensee, in order for the multichannel
15 video programming distributor to continue
16 complying with such section with respect to
17 the licensee after the reassignment or shar-
18 ing arrangement.

19 (B) REGULATORY RELIEF.—In lieu of re-
20 imbursement for relocation costs under sub-
21 paragraph (A), a broadcast television licensee
22 **【or multichannel video programming dis-**
23 **tributor】** may accept, and the Commission may
24 grant as it considers appropriate, a waiver or
25 modification of the application to such licensee

1 **【or distributor】** of any provision of law admin-
2 istered by the Commission, or any regulation of
3 the Commission promulgated under any such
4 provision.

5 (C) **LIMITATION.**—The Commission may
6 not make reimbursements under subparagraph
7 (A) of revenues lost—

8 (i) by a broadcast television licensee
9 in connection with relocation; or

10 (ii) by a multichannel video program-
11 ming distributor in connection with contin-
12 ued compliance with carriage obligations.

13 (D) **DEADLINE.**—The Commission shall
14 make all reimbursements required by subpara-
15 graph (A) not later than the date that is 3
16 years after the completion of a forward auction
17 under subsection (c)(1).

18 (c) **FORWARD AUCTION.**—

19 (1) **IN GENERAL.**—The Commission may con-
20 duct a forward auction in which the Commission—

21 (A) assigns licenses for the use of or allo-
22 cates for unlicensed use the spectrum that the
23 Commission determines is available under sub-
24 section (b)(1)(B);

1 (B) shares with each licensee whose bid the
2 Commission accepts under subsection (a)(3)(B)
3 an amount of the proceeds that is equal to the
4 amount of such bid; and

5 (C) notwithstanding section 309(j)(8) of
6 the Communications Act of 1934 (47 U.S.C.
7 309(j)(8)), deposits in the TV Broadcaster Re-
8 location Fund established under subsection
9 (d)(1) an amount of the proceeds from such
10 forward auction that is sufficient to cover the
11 costs for which the Commission is required to
12 make reimbursements under subsection
13 (b)(5)(A).

14 (2) RESERVE PRICES.—

15 (A) IN GENERAL.—In conducting a for-
16 ward auction under paragraph (1), the Commis-
17 sion shall set such reserve prices as are nec-
18 essary in order for the proceeds to be greater
19 than or equal to the sum of—

20 (i) the total amount of the bids the
21 Commission accepts under subsection
22 (a)(3)(B);

23 (ii) the costs of conducting such for-
24 ward auction that the salaries and ex-
25 penses account of the Commission is re-

1 required to retain under section 309(j)(8)(B)
2 of the Communications Act of 1934 (47
3 U.S.C. 309(j)(8)(B)); and

4 (iii) the estimated costs for which the
5 Commission is required to make reim-
6 bursements under subsection (b)(5)(A).

7 (B) INSUFFICIENT PROCEEDS.—If the
8 amount of the proceeds from a forward auction
9 under paragraph (1) is not greater than or
10 equal to the sum described in subparagraph
11 (A), no licenses shall be assigned or spectrum
12 allocated for unlicensed use through such for-
13 ward auction, any reassignments or realloca-
14 tions under subsection (b)(1) shall not become
15 effective, and the Commission may not revoke
16 any spectrum usage rights by reason of a bid
17 that the Commission accepts under subsection
18 (a)(3)(B).

19 (C) ADMINISTRATIVE COSTS.—The amount
20 of the proceeds from a forward auction under
21 paragraph (1) that the salaries and expenses
22 account of the Commission is required to retain
23 under section 309(j)(8)(B) of the Communica-
24 tions Act of 1934 (47 U.S.C. 309(j)(8)(B))
25 shall be sufficient to cover the costs incurred by

1 the Commission in conducting a reverse auction
2 under subsection (a)(1) and making any re-
3 assignments or reallocations under subsection
4 (b)(1), in addition to the costs incurred by the
5 Commission in conducting such forward auc-
6 tion.

7 (3) **FACTOR FOR CONSIDERATION.**—In con-
8 ducting a forward auction under paragraph (1), the
9 Commission shall consider assigning licenses that
10 cover geographic areas of a variety of different sizes.

11 (d) **TV BROADCASTER RELOCATION FUND.**—

12 (1) **ESTABLISHMENT.**—There is established in
13 the Treasury of the United States a fund to be
14 known as the TV Broadcaster Relocation Fund.

15 (2) **BORROWING AUTHORITY AND REIMBURSE-**
16 **MENT.**—

17 (A) **BORROWING AUTHORITY.**—Beginning
18 on [_____] and ending on the
19 date that is 3 years after the completion of a
20 forward auction under subsection (c)(1), the
21 Commission may borrow from the Treasury of
22 the United States an amount not to exceed
23 [\$ _____] to make the reimburse-
24 ments required by subsection (b)(5)(A).

1 (B) REIMBURSEMENT.—The Commission
2 shall reimburse the Treasury, without interest,
3 for amounts borrowed under subparagraph (A)
4 as funds are deposited into the TV Broadcaster
5 Relocation Fund.

6 (3) TRANSFER OF UNUSED FUNDS.—If there is
7 a balance remaining in the TV Broadcaster Reloca-
8 tion Fund on the date that is 3 years after the com-
9 pletion of a forward auction under subsection (c)(1),
10 the Secretary of the Treasury shall transfer such
11 balance to the general fund of the Treasury of the
12 United States, where such balance shall be dedicated
13 for the sole purpose of deficit reduction.

14 (e) ONE REVERSE AUCTION AND ONE FORWARD
15 AUCTION.—The Commission may not conduct more than
16 one reverse auction under subsection (a)(1) or more than
17 one forward auction under subsection (c)(1).

18 (f) TIMING.—

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

1 (2) EFFECTIVENESS OF REASSIGNMENTS AND
2 REALLOCATIONS.— Notwithstanding paragraph (1),
3 any reassignments or reallocations under subsection
4 (b)(1) shall not become effective until the completion
5 of a reverse auction under subsection (a)(1) and a
6 forward auction under subsection (c)(1).

7 (3) DEADLINE.—The Commission may not con-
8 duct a reverse auction under subsection (a)(1) or a
9 forward auction under subsection (c)(1) after the
10 date that is 5 years after the date of the enactment
11 of this Act.

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

17 (g) LIMITATION ON REORGANIZATION AUTHORITY.—
18 During the 5-year period beginning on the date of the en-
19 actment of this Act, the Commission may not curtail the
20 spectrum usage rights of a broadcast television licensee
21 or reassign such a licensee to another television channel
22 except—

23 (1) in accordance with this section; or

24 (2) in the case of a violation by such licensee
25 of the terms of its license or a specific provision of

1 a statute administered by the Commission, or a reg-
2 ulation of the Commission promulgated under any
3 such provision.

4 (h) PROTEST RIGHT INAPPLICABLE.—The right of a
5 licensee to protest a proposed order of modification of its
6 license under section 316 of the Communications Act of
7 1934 (47 U.S.C. 316) shall not apply in the case of a
8 broadcast television licensee—

9 (1) during the period beginning on the date of
10 the enactment of this Act and ending on the earlier
11 of—

12 (A) the completion of a reverse auction
13 under subsection (a)(1), any reassignments or
14 reallocations under subsection (b)(1), and a for-
15 ward auction under subsection (c)(1); or

16 (B) the date that is 5 years after such date
17 of enactment; or

18 (2) after the expiration of the period described
19 in paragraph (1), to a modification made in connec-
20 tion with such a reverse auction, any such reassign-
21 ments or reallocations, or such a forward auction.

22 **SEC. 104. USE OF AUCTIONS TO ALLOCATE SPECTRUM FOR**
23 **UNLICENSED USE.**

24 (a) IN GENERAL.—Section 309(j) of the Communica-
25 tions Act of 1934 (47 U.S.C. 309(j)) is amended—

1 (1) in paragraph (6)(A), by inserting “except as
2 provided in paragraph (17),” before “alter spectrum
3 allocation criteria”;

4 (2) in paragraph (7)(A), by inserting “(except
5 as provided in paragraph (17))” before “, and in
6 prescribing”; and

7 (3) by adding at the end the following new
8 paragraph:

9 “(17) ALLOCATION OF SPECTRUM FOR UNLI-
10 CENSED USE.—The Commission may only exercise
11 its authority under this Act to allocate a portion of
12 the spectrum for unlicensed use if—

13 “(A) the Commission conducts a system of
14 competitive bidding under this subsection in
15 which bids may be placed—

16 “(i) for the allocation of such portion
17 for unlicensed use; and

18 “(ii) for a license for the use of such
19 portion; and

20 “(B) the bids for unlicensed use, in the ag-
21 gregate, exceed the highest bid for such li-
22 cense.”.

23 (b) COORDINATION OF UNLICENSED USE THROUGH
24 DATABASE.—

1 (1) ESTABLISHMENT OF DATABASE.—The
2 Commission shall establish and maintain a database
3 to coordinate the unlicensed use of the portions of
4 the electromagnetic spectrum allocated for such use
5 through a system of competitive bidding under sec-
6 tion 309(j) of the Communications Act of 1934 (47
7 U.S.C. 309(j)) (as described in paragraph (17) of
8 such section) by devices designed to use such por-
9 tions on an unlicensed basis. The database shall be
10 established and functioning not later than
11 【_____】 after the date of the enactment of
12 this Act.

13 (2) DEVICE REQUIREMENTS.—

14 (A) IN GENERAL.—Section 303 of the
15 Communications Act of 1934 (47 U.S.C. 303)
16 is amended by adding at the end the following
17 new subsection:

18 “(cc) Require that a device designed to use a portion
19 of the electromagnetic spectrum allocated for unlicensed
20 use through a system of competitive bidding under section
21 309(j) (as described in paragraph (17) of such section)
22 coordinate its use of such portion with that of other such
23 devices through the database established under section
24 104(b)(1) of the Spectrum Innovation Act of 2011, if such

1 device is shipped in interstate commerce or manufactured
2 in the United States, for sale or resale to the public.”.

3 (B) EFFECTIVE DATE.—The amendment
4 made by subparagraph (A) shall apply with re-
5 spect to devices shipped or manufactured after
6 the date that is [_____] after the date of
7 the enactment of this Act.

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

9 Section 309(j) of the Communications Act of 1934,
10 as amended by section 104(a), is further amended by add-
11 ing at the end the following new paragraph:

12 “(18) CERTAIN BIDDING AND LICENSING CON-
13 DITIONS PROHIBITED.—In assigning licenses or allo-
14 cating spectrum for unlicensed use through a system
15 of competitive bidding under this subsection, the
16 Commission may not—

17 “(A) impose any condition on the licenses
18 assigned through such system that—

19 “(i) limits the ability of a licensee to
20 manage the use of its network, including
21 management of the use of applications,
22 services, or devices on its network, or to
23 prioritize the traffic on its network as it
24 chooses; or

1 “(ii) requires a licensee to sell access
2 to its network on a wholesale basis;

3 “(B) limit participation in such system on
4 the basis of the total amount of spectrum li-
5 censes held by a person seeking such participa-
6 tion; or

7 “(C) impose any other condition on eligi-
8 bility for participation in such system or for the
9 holding of a license granted through such sys-
10 tem that is not related to [the qualifications of
11 an applicant under subsection (a) or section
12 308(b) or 310].”.

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

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

17 **SEC. 107. DEFICIT REDUCTION AND FUNDING**
18 **PRIORITIZATION.**

19 (a) IN GENERAL.—Notwithstanding section
20 309(j)(8)(A) of the Communications Act of 1934 (47
21 U.S.C. 309(j)(8)(A)), from so much of the proceeds from
22 auctions specified in subsection (b) as exceed the deposits
23 and payments specified in subsection (c), the Commission
24 shall deposit [\$_____] in the Public Safety

1 Broadband Communications Implementation Fund estab-
2 lished by section 204(g)(1).

3 (b) SPECIFIED AUCTIONS.—The auctions specified in
4 this subsection are auctions under section 309(j) of the
5 Communications Act of 1934 (47 U.S.C. 309(j)) that
6 are—

7 (1) required by section 101(a); or

8 (2) conducted under paragraph (8)(F) of such
9 section 309(j).

10 (c) SPECIFIED DEPOSITS AND PAYMENTS.—The de-
11 posits and payments specified in this subsection are—

12 (1) with respect to each auction specified in
13 subsection (b), the deposits and payments required
14 by paragraph (8) of such section 309(j), except sub-
15 paragraph (A) of such paragraph, and section
16 103(c); and

17 (2) deposits in the Treasury of the United
18 States under such subparagraph totaling
19 **【\$_____】**.

20 **TITLE II—PUBLIC SAFETY**
21 **COMMUNICATIONS**

22 **SEC. 201. REASSIGNMENT OF PUBLIC SAFETY SPECTRUM**
23 **TO STATES.**

24 (a) PUBLIC SAFETY BROADBAND SPECTRUM.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 not later than [_____], the Commission
3 shall assign to each State a license for the exclusive
4 use within such State of the portion of the electro-
5 magnetic spectrum between the frequencies from
6 763 megahertz to 768 megahertz and from 793
7 megahertz to 798 megahertz.

8 (2) EXISTING PUBLIC SAFETY BROADBAND
9 NETWORKS.—

10 (A) SPECIAL TEMPORARY AUTHORITY FOR
11 CONTINUED OPERATIONS.—The Commission
12 may permit a public safety broadband network
13 operating in the portion of the electromagnetic
14 spectrum described in paragraph (1) [on the
15 day before the deadline described in such para-
16 graph] to continue operating in such portion of
17 the spectrum under special temporary author-
18 ity.

19 (B) CHANGES IN OPERATIONS.—Any
20 changes in the operations of a public safety
21 broadband network operating under special
22 temporary authority under subparagraph (A)
23 shall be approved by the Administrator and in
24 compliance with the Plan.

25 (b) PUBLIC SAFETY NARROWBAND SPECTRUM.—

1 (1) NO FURTHER NARROWBAND DEVELOP-
2 MENT.—The Commission may not permit the public
3 safety spectrum to be used by a narrowband land
4 mobile radio system unless such system was pur-
5 chased before September 1, 2011.

6 (2) REALLOCATION FOR BROADBAND USE.—
7 The Commission, in consultation with the Adminis-
8 trator, shall develop a plan for reallocating for
9 broadband public safety communications the portion
10 of the electromagnetic spectrum between the fre-
11 quencies from 768 megahertz to 775 megahertz and
12 from 798 megahertz to 805 megahertz.

13 (3) ISSUANCE OF LICENSES.—Not later than
14 10 years after the date of the enactment of this Act,
15 the Commission shall reissue the licenses described
16 in subsection (a)(1) to include the spectrum de-
17 scribed in paragraph (2).

18 (c) LICENSE TERMS AND CONDITIONS.—

19 (1) IN GENERAL.—A license for the use of the
20 public safety spectrum issued to a State under this
21 section shall include the following terms and condi-
22 tions:

23 (A) The State shall, subject to the ap-
24 proval of the Administrator and in accordance
25 with the Plan, contract for the construction and

1 operation of a broadband network for public
2 safety communications using such spectrum.

3 (B) The State may not partition or
4 disaggregate the license or otherwise transfer
5 control of the license, or any part thereof, to
6 any other entity, including a political subdivi-
7 sion of the State.

8 (2) SERVICE AND TECHNICAL RULES.—The
9 Commission shall by regulation establish service and
10 technical rules consistent with this title for the li-
11 censes issued under this section.

12 (d) USE BY INDIAN TRIBES.—Notwithstanding sub-
13 section (a)(1), the Commission may assign a license for
14 the use of the public safety spectrum to **【an Indian tribe】**/
15 **【a tribal organization】** (as defined in section 4 of the In-
16 dian Self-Determination and Education Assistance Act
17 (25 U.S.C. 450b)) for public safety communications in ac-
18 cordance with such terms and conditions as the Commis-
19 sion considers appropriate. For purposes of the preceding
20 sentence, **【an Indian tribe】**/**【a tribal organization】** shall
21 be considered a State or local government entity for pur-
22 poses of section 337(f)(1)(B) of the Communications Act
23 of 1934 (47 U.S.C. 337(f)(1)(B)).

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

4 (1) in the matter preceding subparagraph (A),
5 by striking “public safety services licensees and com-
6 mercial licensees”;

7 (2) in subparagraph (A), by inserting “public
8 safety services licensees and commercial licensees”
9 before “to aggregate”; and

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

12 **SEC. 202. NATIONAL PUBLIC SAFETY COMMUNICATIONS**

13 **PLAN.**

14 (a) ESTABLISHMENT OF PUBLIC SAFETY COMMU-
15 NICATIONS PLANNING BOARD.—

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

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

22 (A) FEDERAL MEMBERS.—

23 (i) IN GENERAL.—Four Federal mem-
24 bers as follows:

1 (I) The Chairman of the Com-
2 mission, or a designee, who shall be
3 the Chair of the Board.

4 (II) The Assistant Secretary of
5 Commerce for Communications and
6 Information, or a designee.

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

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

14 (ii) DESIGNNEES.—If a Federal official
15 designates a designee under clause (i),
16 such designee shall be an officer or em-
17 ployee of the agency of the official, except
18 that the Chairman of the Commission may
19 designate another Commissioner of the
20 Commission or an officer or employee of
21 the Commission.

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

24 (i) Two members who represent pro-
25 viders of commercial mobile broadband

1 service, with one representing providers
2 that have nationwide coverage areas and
3 one representing providers that have re-
4 gional coverage areas.

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

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

13 (I) Two members who represent
14 the public safety interests of the
15 States.

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

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

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

24 (A) NOMINATION.—For each non-Federal
25 member of the Board, the group that is rep-

1 resented by such member shall, by consensus,
2 nominate an individual to serve as such member
3 and submit the name of the nominee to the
4 Chairman of the Commission.

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

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

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

21 (ii) TECHNICAL EXPERTISE.—Tech-
22 nical expertise and fluency regarding
23 broadband communications, including pub-
24 lic safety communications.

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

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

7 (4) ANNUAL MEETINGS.—In addition to any
8 other meetings necessary to carry out the duties of
9 the Board under this section, the Board shall meet
10 annually to consider the most recent report sub-
11 mitted by the Administrator under section 203(f)(1).

12 (5) RESOURCES.—The Commission shall pro-
13 vide the Board with the staff, administrative sup-
14 port, and facilities necessary to carry out the duties
15 of the Board under this section.

16 (6) NO COMPENSATION OF BOARD MEMBERS.—
17 The members of the Board may not receive any
18 compensation for service on the Board.

19 (7) FEDERAL ADVISORY COMMITTEE ACT INAP-
20 PPLICABLE.—The Federal Advisory Committee Act (5
21 U.S.C. App.) shall not apply to the Board.

22 (b) DEVELOPMENT OF PLAN BY BOARD.—

23 (1) IN GENERAL.—Not later than 18 months
24 after the date on which the Board is established
25 under subsection (a)(1), the Board shall submit to

1 the Commission a detailed proposal for a National
2 Public Safety Communications Plan to govern the
3 use of the public safety spectrum by States in order
4 to meet long-term public safety communications
5 needs.

6 (2) LIMITATION ON RECOMMENDATIONS.—The
7 Board may not make any recommendations for re-
8 quirements generally applicable to providers of com-
9 mercial mobile service or private mobile service (as
10 such terms are defined in section 332 of the Com-
11 munications Act of 1934 (47 U.S.C. 332)).

12 (c) ADOPTION OF PLAN BY COMMISSION.—Not later
13 than [] after the date of the submission of
14 the proposal by the Board under subsection (b)(1), the
15 Commission shall complete a single proceeding to adopt
16 a plan based on such proposal, with such modifications
17 as the Commission considers appropriate, to be known as
18 the National Public Safety Communications Plan.

19 (d) PUBLIC SAFETY COMMUNICATIONS PRIN-
20 CIPLES.—The proposal submitted by the Board under
21 subsection (b)(1) and the Plan adopted by the Commission
22 under subsection (c) shall be based on the following prin-
23 ciples:

24 (1) Not later than 10 years after the date of
25 the enactment of this Act, the public safety spec-

1 trum shall be used exclusively for broadband com-
2 munications.

3 (2) Each State public safety broadband commu-
4 nications network shall conform to—

5 (A) standards used by providers of com-
6 mercial mobile broadband service, in order to le-
7 verage the innovation and economies of scale in
8 commercial markets;

9 (B) standards that ensure the safety, secu-
10 rity, and resiliency of the network, including
11 standards for protecting and monitoring the
12 network to protect against cyberattack; and

13 (C) national interoperability requirements,
14 including requirements that the equipment used
15 to provide and access service on the network
16 be—

17 (i) built to open standards;

18 (ii) capable of being used on every
19 other such network; and

20 (iii) backward-compatible with second
21 and third generation commercial networks
22 for a period of not less than 5 years after
23 the date of the adoption of the Plan by the
24 Commission under subsection (c).

1 (3) Each State public safety broadband commu-
2 nications network shall be integrated with public
3 safety answering points or the equivalent of public
4 safety answering points.

5 (4) Each State shall include in requests for pro-
6 posals for the construction and operation of the
7 State public safety broadband communications net-
8 work of such State—

9 (A) specifications for the construction and
10 deployment of such network, including—

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

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

16 (iii) minimum service levels; and

17 (iv) specific performance criteria;

18 (B) the technical and operational require-
19 ments for such network;

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

23 (D) the terms of service for the use of such
24 network; and

1 (E) specifications for ongoing compliance
2 review and monitoring of—

3 (i) the management and operation of
4 such network;

5 (ii) the practices and procedures of
6 the entities operating on such network; and

7 (iii) the necessary training needs of
8 network users.

9 (5) The infrastructure of a State public safety
10 broadband communications network shall, where
11 practicable and efficient, be co-located with the in-
12 frastructure of commercial mobile broadband service
13 networks and other public safety communications
14 networks.

15 (6) The equipment used to provide and access
16 service on a State public safety broadband commu-
17 nications network may not be obtained through sole-
18 source contracts.

19 (7) A State public safety broadband commu-
20 nications network shall be well-maintained and up-
21 graded to take into account new and evolving tech-
22 nologies.

23 (8) In establishing and operating a State public
24 safety broadband communications network, a State
25 shall use, to the maximum extent practicable, public-

1 private partnerships between the State and providers
2 of commercial mobile broadband service.

3 **SEC. 203. PLAN ADMINISTRATION.**

4 (a) SELECTION OF ADMINISTRATOR.—

5 (1) IN GENERAL.—The Commission shall,
6 through an open, transparent request-for-proposals
7 process, select an entity to serve as the Adminis-
8 trator of the Plan. The Commission shall commence
9 such process not later than [_____] after the
10 date of the adoption of the Plan under section
11 202(c).

12 [(2) REPLACEMENT.—If an entity ceases to
13 serve as Administrator under a contract awarded
14 under paragraph (1) or this paragraph, the Commis-
15 sion shall, through an open, transparent request-for-
16 proposals process, award another contract for service
17 as Administrator.]

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

20 (1) oversee the implementation of the Plan and
21 the construction and operation of the State public
22 safety broadband communications networks under
23 contracts entered into by the States in accordance
24 with the Plan, and in the case of a State receiving
25 a grant under section 204, in accordance with the

1 State plan approved under subsection (b)(2) of such
2 section;

3 (2) set standards for requests for proposals to
4 be used by States in procuring services and equip-
5 ment for the construction and operation of the State
6 public safety broadband communications networks,
7 including measures to ensure that costs incurred by
8 the States are reasonable;

9 (3) review and approve or disapprove each con-
10 tract entered into by a State for the construction or
11 operation of a State public safety broadband com-
12 munications network;

13 (4) review and approve or disapprove the State
14 plans submitted under section 204(b)(1);

15 (5) take such actions as are necessary to link
16 the State public safety broadband communications
17 networks together into a national network of net-
18 works; and

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

21 (A) with respect to contracts described in
22 paragraph (3), the integrity of the contracting
23 process and the adequate performance of such
24 contracts; and

1 **[(B)** that the State public safety
2 broadband communications networks are con-
3 structed and operated in accordance with the
4 Plan, and in the case of a State receiving a
5 grant under section 204, in accordance with the
6 State plan approved under subsection (b)(2) of
7 such section**]**

8 (c) APPEAL TO COMMISSION.—

9 (1) IN GENERAL.—A decision of the Adminis-
10 trator may be appealed to the Commission in accord-
11 ance with regulations to be established by the Com-
12 mission.

13 (2) NO DELEGATION.—The Commission may
14 not delegate the review of or the decision on an ap-
15 peal under this subsection.

16 (d) ROLE OF THE STATES.—

17 (1) IN GENERAL.—Each State shall be respon-
18 sible for contracting for the construction and oper-
19 ation, in accordance with the Plan and with the re-
20 quirements included in the license of the State to
21 use the public safety spectrum, of a State public
22 safety broadband communications network.

23 (2) ACTIVITIES SUBJECT TO APPROVAL OF AD-
24 MINISTRATOR.—The activities of a State in con-
25 tracting for the construction and operation of a

1 State public safety broadband communications net-
2 work shall be subject to the approval of the Adminis-
3 trator.

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

12 (f) ANNUAL REPORT BY ADMINISTRATOR.—

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

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

21 (B) the Board.

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

24 (A) a comprehensive and detailed descrip-
25 tion of—

- 1 (i) progress on the construction of the
2 State public safety broadband communica-
3 tions networks;
- 4 (ii) the activities of the Administrator
5 in its capacity as Administrator; and
- 6 (iii) the financial condition of the Ad-
7 ministrator; and
- 8 (B) such recommendations or proposals for
9 legislative or administrative action as the Ad-
10 ministrator considers appropriate.

11 **SEC. 204. GRANTS TO STATES.**

12 (a) ESTABLISHMENT.—Subject to the availability of
13 appropriations, the Commission shall make grants to
14 States for contracting for the construction and operation
15 of State public safety broadband communications net-
16 works.

17 (b) APPLICATION.—The Commission may only make
18 a grant under this section to a State—

19 (1) that submits an application at such time, in
20 such form, and containing such information and as-
21 surances as the Commission may require, including
22 a State plan developed in accordance with subsection
23 (c); and

24 (2) the State plan of which is approved by the
25 Administrator.

1 (c) STATE PLAN.—A State wishing to receive a grant
2 under this section shall develop a State plan for the devel-
3 opment of a State public safety broadband communica-
4 tions network in accordance with the National Public
5 Safety Communications Plan and the terms of the license
6 of the State to use the public safety spectrum.

7 (d) USE OF FUNDS.—

8 (1) IN GENERAL.—A State receiving a grant
9 under this section shall use the grant funds to con-
10 tract for the construction and operation of a State
11 public safety broadband communications network in
12 accordance with the State plan approved by the Ad-
13 ministrator under subsection (b)(2).

14 (2) APPROVAL OF CONTRACTS.—A State may
15 not use grant funds received under this section for
16 payments under a contract unless such contract has
17 been approved by the Administrator.

18 (e) ADMINISTRATION BY NTIA.—The Commission
19 and the NTIA **may** enter into an agreement for the
20 NTIA to administer this section**],** without reimburse-
21 ment**]** **[and subject to the approval of the Commission].**

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Commission to carry
24 out this section **[for fiscal years _____] / [** to re-
25 main available until expended,**]** **[\$ _____]** from

1 the Public Safety Broadband Communications Implemen-
2 tation Fund established by subsection (g)(1).

3 (g) PUBLIC SAFETY BROADBAND COMMUNICATIONS
4 IMPLEMENTATION FUND.—

5 (1) ESTABLISHMENT.—There is established in
6 the Treasury of the United States a fund to be
7 known as the Public Safety Broadband Communica-
8 tions Implementation Fund.

9 (2) TRANSFER OF UNUSED FUNDS.—If there is
10 a balance remaining in the Public Safety Broadband
11 Communications Implementation Fund on
12 **[_____]**, the Secretary of the Treasury
13 shall transfer such balance to the general fund of
14 the Treasury of the United States, where such bal-
15 ance shall be dedicated for the sole purpose of deficit
16 reduction.

17 **SEC. 205. WIRELESS FACILITIES DEPLOYMENT.**

18 (a) FACILITY MODIFICATIONS.—

19 (1) IN GENERAL.—Notwithstanding section 704
20 of the Telecommunications Act of 1996 (Public Law
21 104–104) or any other provision of law, a State or
22 local government may not deny, and shall approve,
23 any eligible facilities request for a modification of an
24 existing wireless tower that does not substantially
25 change the physical dimensions of such tower.

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

5 (A) collocation of new transmission equip-
6 ment;

7 (B) removal of transmission equipment;
8 **【and】/【or】**

9 (C) replacement of transmission equip-
10 ment.

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

12 (1) GRANT.—If an executive agency, a State, a
13 political subdivision or agency of a State, or a per-
14 son, firm, or organization applies for the grant of an
15 easement or right-of-way to, in, over, or on a build-
16 ing **【or other property】** owned by the Federal Gov-
17 ernment for the right to install, construct, and main-
18 tain wireless service antenna structures and equip-
19 ment, and backhaul transmission **【equipment】**, the
20 executive agency **【having control of】/【occupying】**
21 the building **【or other property】** may grant to the
22 applicant, on behalf of the Federal Government, an
23 easement or right-of-way to perform such installa-
24 tion, construction, and maintenance.

1 (2) APPLICATION.—The Administrator of Gen-
2 eral Services shall develop a common form for appli-
3 cations for [easements and] rights-of-way under
4 paragraph (1) for all executive agencies that shall be
5 used by applicants with respect to the buildings or
6 other property of each such agency.

7 (3) FEE.—

8 (A) IN GENERAL.—Notwithstanding any
9 other provision of law, the Administrator of
10 General Services shall establish a fee for the
11 grant of an easement or right-of-way pursuant
12 to paragraph (1) that is based on direct cost re-
13 covery.

14 (B) EXCEPTIONS.—The Administrator of
15 General Services may establish exceptions to
16 the fee amount required under subparagraph
17 (A)—

18 (i) in consideration of the public ben-
19 efit provided by a grant of an easement or
20 right-of-way; and

21 (ii) in the interest of expanding wire-
22 less and broadband coverage.

23 (4) USE OF FEES COLLECTED.—Any fee
24 amounts collected by an executive agency pursuant
25 to paragraph (3) shall be made available, without

1 further appropriation, to such agency for the tele-
2 communications and information technology needs of
3 such agency. Any excess funds shall be deposited in
4 the Federal Buildings Fund established under sec-
5 tion 592 of title 40, United States Code.

6 (c) MASTER CONTRACTS FOR WIRELESS TOWER
7 SITINGS.—

8 (1) IN GENERAL.—Notwithstanding section 704
9 of the Telecommunications Act of 1996 or any other
10 provision of law, and not later than 60 days after
11 the date of enactment of this Act, the Administrator
12 of General Services shall—

13 (A) develop 1 or more master contracts
14 that shall govern the placement of wireless serv-
15 ice antenna structures on buildings and other
16 property owned by the Federal Government;
17 and

18 (B) in developing the master contract or
19 contracts, standardize the treatment of the
20 placement of wireless service antenna structures
21 on building rooftops or facades, the placement
22 of [wireless service antenna] equipment on
23 rooftops or inside buildings, [the] technology
24 [used in connection with wireless service an-
25 tenna structures or equipment placed on Fed-

1 eral buildings and other property】, and any
2 other key issues the Administrator considers
3 appropriate.

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

13 (3) APPLICATION.—The Administrator of Gen-
14 eral Services shall develop a common form or set of
15 forms for wireless service antenna structure siting
16 applications under this subsection for all executive
17 agencies that shall be used by applicants with re-
18 spect to the buildings 【and other property】 of each
19 such agency.

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

1 **SEC. 206. STUDY ON EMERGENCY COMMUNICATIONS BY**
2 **AMATEUR RADIO AND IMPEDIMENTS TO AMA-**
3 **TEUR RADIO COMMUNICATIONS.**

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

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

11 (2) submit to Congress a report on the findings
12 of such study.

13 (b) CONTENTS.—The study required by subsection
14 (a) shall include—

15 (1)(A) a review of the importance of emergency
16 amateur radio service communications to homeland
17 security missions relating to disasters, severe weath-
18 er, and other threats to lives and property in the
19 United States; and

20 (B) recommendations for—

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

25 (ii) improved integration of amateur radio
26 operators in the planning and furtherance of

1 initiatives of the Department of Homeland Se-
2 curity; and

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

8 (B) recommendations regarding the removal of
9 such impediments for consideration by other Federal
10 departments and agencies and by Congress.

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