

Calendar No. 595

117TH CONGRESS
2D SESSION**S. 3014**

To establish the Next Generation Telecommunications Council, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2021

Ms. CORTEZ MASTO (for herself, Mr. WICKER, Mr. SCHUMER, Mr. THUNE, and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 7, 2022

Reported by Ms. CANTWELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To establish the Next Generation Telecommunications Council, 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.**

4 This Act may be cited as the “Next Generation Tele-
5 communications Act”.

1 **SEC. 2. 6G AND ADVANCED WIRELESS TECHNOLOGIES**
2 **COUNCIL.**

3 (a) **ESTABLISHMENT.**—There is established a Coun-
4 cil, to be known as the “Next Generation Telecommuni-
5 cations Council” (referred to in this section as the “Coun-
6 cil”), to advise Congress on 6G advancements and other
7 advanced wireless communications technologies, including
8 the use of such technologies for smart cities or commu-
9 nities.

10 (b) **MEMBERSHIP.**—

11 (1) **COMPOSITION.**—

12 (A) **IN GENERAL.**—Subject to subpara-
13 graph (B), the Council shall be composed of the
14 following members:

15 (i) The Deputy Secretary of Com-
16 merce.

17 (ii) The Assistant Secretary of Com-
18 merce for Communications and Informa-
19 tion.

20 (iii) The Undersecretary of the Na-
21 tional Institute of Standards.

22 (iv) The Chairperson of the Federal
23 Communications Commission.

24 (v) The Director of the National
25 Science Foundation.

1 (vi) Three members appointed by the
2 majority leader of the Senate, in consulta-
3 tion with the Chairman of the Committee
4 on Commerce, Science, and Transportation
5 of the Senate, 1 of whom shall be a mem-
6 ber of the Senate and 2 of whom shall not
7 be.

8 (vii) Two members appointed by the
9 minority leader of the Senate, in consulta-
10 tion with the Ranking Member of the Com-
11 mittee on Commerce, Science, and Trans-
12 portation of the Senate, 1 of whom shall be
13 a member of the Senate and 1 of whom
14 shall not be.

15 (viii) Three members appointed by the
16 Speaker of the House of Representatives,
17 in consultation with the Chairman of the
18 Committee on Energy and Commerce of
19 the House of Representatives, 1 of whom
20 shall be a member of the House of Rep-
21 resentatives and 2 of whom shall not be.

22 (ix) Two members appointed by the
23 minority leader of the House of Represent-
24 atives, in consultation with the Ranking
25 Member of the Committee on Energy and

Commerce of the House of Representatives, 1 of whom shall be a member of the House of Representatives and 1 of whom shall not be.

(B) REQUIREMENTS FOR CERTAIN MEMBERS.—

(i) IN GENERAL.—The members of the Council who are not members of Congress and who are appointed under clauses (iv) through (vii) of subparagraph (A) shall be individuals who are nationally recognized for expertise, knowledge, or experience in—

(I) telecommunications, spectrum policy, and standards organizations;

(II) cybersecurity and innovation;

or

(III) the implementation, funding, or oversight of national security and information sharing.

(ii) LIMITATION ON APPOINTMENTS.—

An official who appoints members of the Council may not appoint an individual as a member of the Council if such individual possesses any personal or financial interest

1 in the discharge of any of the duties of the
2 Council.

3 (iii) REQUIREMENT.—All members of
4 the Council described in clause (i) shall
5 possess an appropriate security clearance
6 in accordance with applicable provisions of
7 law concerning the handling of classified
8 information.

9 (2) CO-CHAIRS.—

10 (A) IN GENERAL.—The Council shall have
11 2 co-chairs selected from among the members
12 of the Council, of which—

13 (i) one co-chair of the Council shall be
14 a member of the Democratic Party; and

15 (ii) one co-chair shall be a member of
16 the Republican Party.

17 (B) REQUIREMENT.—The individuals who
18 serve as the co-chairs of the Council shall be
19 jointly agreed upon by the President, the major-
20 ity leader of the Senate, the minority leader of
21 the Senate, the Speaker of the House of Rep-
22 resentatives, and the minority leader of the
23 House of Representatives.

24 (c) APPOINTMENT; INITIAL MEETING.—

1 (1) APPOINTMENT.—Members of the Council
2 shall be appointed not later than 45 days after the
3 date of the enactment of this Act.

4 (2) INITIAL MEETING.—The Council shall hold
5 its initial meeting on or before the date that is 60
6 days after the date of the enactment of this Act.

7 (d) MEETINGS; QUORUM; VACANCIES.—

8 (1) IN GENERAL.—After its initial meeting, the
9 Council shall meet upon the call of the co-chairs of
10 the Council.

11 (2) QUORUM.—Seven members of the Council
12 shall constitute a quorum for purposes of conducting
13 business, except that 2 members of the Council shall
14 constitute a quorum for purposes of receiving testi-
15 mony.

16 (3) VACANCIES.—Any vacancy in the Council
17 shall not affect its powers, but shall be filled in the
18 same manner in which the original appointment was
19 made.

20 (4) QUORUM WITH VACANCIES.—If vacancies in
21 the Council occur on any day after 45 days after the
22 date of the enactment of this Act, a quorum shall
23 consist of a majority of the members of the Council
24 as of such day.

25 (e) ACTIONS OF COUNCIL.—

1 (1) IN GENERAL.—The Council shall act by res-
 2 olution agreed to by a majority of the members of
 3 the Council voting and present.

4 (2) PANELS.—The Council may establish panels
 5 composed of less than the full membership of the
 6 Council for purposes of carrying out the duties of
 7 the Council under this section. The actions of any
 8 such panel shall be subject to the review and control
 9 of the Council. Any findings and determinations
 10 made by such a panel shall not be considered the
 11 findings and determinations of the Council unless
 12 approved by the Council.

13 (3) DELEGATION.—Any member, agent, or staff
 14 of the Council may, if authorized by the co-chairs of
 15 the Council, take any action which the Council is au-
 16 thorized to take pursuant to this section.

17 (f) DUTIES.—The duties of the Council are to review
 18 past actions of the processes and procedures used to ad-
 19 vance wireless communication deployment, including 5G
 20 technology, and advise Congress on 6G advancements, ex-
 21 isting gaps in the standardization and development of 6G,
 22 and other advanced wireless communications technologies.

23 (g) STRATEGY.—

1 (1) IN GENERAL.—The Council shall develop
2 and submit to Congress recommendations for how
3 the Federal Government can support—

4 (A) the development and adoption of 6G
5 and other advanced wireless communications
6 technologies, including ensuring digital inclu-
7 sion and equity in access to such technologies
8 for communities of color, those underserved,
9 and rural communities;

10 (B) assessment of roles and responsibilities
11 within the Federal Government and how the
12 Federal Government can better coordinate func-
13 tions to ensure timely decisions and needed ac-
14 tions;

15 (C) research and development into, and
16 standards for, 6G and other advanced wireless
17 communications technologies, including collabo-
18 ration with the private sector and United States
19 allies; and

20 (D) the promotion of international co-
21 operation, including security cooperation, with
22 respect to 6G and other wireless communica-
23 tions technologies.

1 (2) CONSIDERATIONS.—In developing the strat-
2 egy under this subsection, the Council shall consider
3 the following issues:

4 (A) Access to adequate spectrum resources
5 to support 6G and other advanced wireless com-
6 munications technologies.

7 (B) Assessment of the Federal Govern-
8 ment's function as regulator of electromagnetic
9 spectrum, including but not limited to, testing
10 capabilities, proper access to timely and rel-
11 evant information, the Interdepartment Radio
12 Advisory Committee and interagency coopera-
13 tion, and communication with Federal and com-
14 mercial license holders.

15 (C) Supply chain resiliency and security,
16 including vendor diversity, for 6G and other ad-
17 vanced wireless communications technologies.

18 (D) Assessment of the workforce needs in
19 order to build, maintenance, and utilize 6G net-
20 works, including the necessary diversity within
21 each of these areas.

22 (E) Ensure greater collaboration and infor-
23 mation sharing to make certain advanced net-
24 works, including those utilized by first respond-

ers, remain secure and resilient in the face of
cyber intrusions and natural disasters.

~~(F)~~ Other issues identified as important to
the successful development and deployment of
6G and other advanced wireless communica-
tions technologies, such as artificial intelligence
and machine learning, satellite and fixed wire-
less broadband, and open RAN technologies.

~~(h)~~ POWERS OF COUNCIL.—

~~(1)~~ IN GENERAL.—The Council or, on the au-
thorization of the Council, any subcommittee or
member thereof, may, for the purpose of carrying
out the provisions of this section hold such hearings
and sit and act at such times and places, take such
testimony, receive such evidence, and administer
such oaths.

~~(2)~~ CONTRACTING.—The Council may, to such
extent and in such amounts as are provided in ad-
vance in appropriation Acts, enter into contracts to
enable the Council to discharge its duties under this
section.

~~(3)~~ INFORMATION FROM FEDERAL AGENCIES.—

~~(A)~~ IN GENERAL.—The Council may se-
cure directly from any executive department,
agency, bureau, board, council, office, inde-

pendent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this section.

(B) REQUIREMENT TO SHARE INFORMATION.—Each such department, agency, bureau, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Council, upon request of the co-chairs of the Council.

(C) TREATMENT OF CLASSIFIED INFORMATION.—The Council shall handle and protect all classified information provided to it under this section in accordance with applicable statutes and regulations.

(4) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Secretary of Commerce, acting through the Assistant Secretary of Commerce for Communications and Information, shall provide to the Council, on a reimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the Council's duties under this section.

1 (B) ADMINISTRATIVE SUPPORT.—The
2 Chairperson of the Federal Communications
3 Council may provide the Council, on a reim-
4 bursable basis, with such administrative serv-
5 ices, staff, and other support services as the
6 Council may request.

7 (C) ADDITIONAL SUPPORT.—In addition to
8 the assistance set forth in paragraphs (1) and
9 (2), other departments and agencies of the Fed-
10 eral Government may provide the Council such
11 services, funds, facilities, staff, and other sup-
12 port as such departments and agencies consider
13 advisable and as may be authorized by law.

14 (D) COOPERATION AMONG AGENCIES.—
15 The Council shall receive the full and timely co-
16 operation of any official, department, or agency
17 of the Federal Government, including from the
18 Department of State, Department of Defense,
19 and the Office of the United States Trade Rep-
20 resentative, whose assistance is necessary, as
21 jointly determined by the co-chairs selected
22 under subsection (b)(2), for the fulfillment of
23 the duties of the Council, including the provi-
24 sion of full and current briefings and analyses.

1 (5) POSTAL SERVICES.—The Council may use
 2 the United States Postal Service in the same man-
 3 ner and under the same conditions as the depart-
 4 ments and agencies of the Federal Government.

5 (6) GIFTS.—No member or staff of the Council
 6 may receive a gift or benefit by reason of the service
 7 of such member or staff to the Council.

8 (i) STAFF OF COUNCIL.—

9 (1) IN GENERAL.—

10 (A) APPOINTMENT OF STAFF DIRECTOR
 11 AND OTHER PERSONNEL.—The co-chairs of the
 12 Council, in accordance with rules agreed upon
 13 by the Council, shall appoint and fix the com-
 14 pensation of a staff director and such other per-
 15 sonnel as may be necessary to enable the Coun-
 16 cil to carry out its duties, without regard to the
 17 provisions of title 5, United States Code, gov-
 18 erning appointments in the competitive service,
 19 and without regard to the provisions of chapter
 20 51 and subchapter III of chapter 53 of such
 21 title relating to classification and General
 22 Schedule pay rates, except that no rate of pay
 23 fixed under this subsection may exceed the
 24 equivalent of that payable to a person occu-

pying a position at level V of the Executive Schedule under section 5316 of such title 5.

(B) DETAILEES.—Any Federal Government employee may be detailed to the Council without reimbursement from the Council, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(C) REQUIREMENT.—All staff of the Council shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

(2) CONSULTANT SERVICES.—

(A) IN GENERAL.—The Council may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title 5.

(B) REQUIREMENT.—All experts and consultants employed by the Council shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

1 (j) COMPENSATION AND TRAVEL EXPENSES.—

2 (1) COMPENSATION.—

3 (A) IN GENERAL.—Except as provided in
 4 paragraph (2), each member of the Council may
 5 be compensated at not to exceed the daily
 6 equivalent of the annual rate of basic pay in ef-
 7 fect for a position at level IV of the Executive
 8 Schedule under section 5315 of title 5, United
 9 States Code, for each day during which that
 10 member is engaged in the actual performance of
 11 the duties of the Council under this section.

12 (B) LIMITATION.—Members of the Council
 13 who are officers or employees of the Federal
 14 Government or Members of Congress shall re-
 15 ceive no additional pay by reason of their serv-
 16 ice on the Council.

17 (2) TRAVEL EXPENSES.—While away from
 18 their homes or regular places of business in the per-
 19 formance of services for the Council, members of the
 20 Council may be allowed travel expenses, including
 21 per diem in lieu of subsistence, in the same manner
 22 as persons employed intermittently in the Federal
 23 Government are allowed expenses under section
 24 5703 of title 5, United States Code.

1 ~~(3)~~ ACCESS AFTER TERMINATION OF COUN-
 2 CIL.—Notwithstanding any other provision of law,
 3 after the termination of the Council under sub-
 4 section (k)(2), only the members and designated
 5 staff of the congressional commerce committees, the
 6 majority leader of the Senate, the minority leader of
 7 the Senate, the Speaker of the House of Representa-
 8 tives, and the minority leader of the House of Rep-
 9 resentatives, and such other officials of the executive
 10 branch as the President may designate, shall have
 11 access to information related to the national security
 12 of the United States that is received, considered, or
 13 used by the Council.

14 ~~(k)~~ FINAL REPORT; TERMINATION.—

15 ~~(1)~~ FINAL REPORT.—Not later than 1 year
 16 after the date on which the Council is established,
 17 the Council shall submit to the majority leader of
 18 the Senate, the minority leader of the Senate, the
 19 Speaker of the House of Representatives, and the
 20 minority leader of the House of Representatives, and
 21 the Committee on Commerce, Science, and Trans-
 22 portation of the Senate, the Committee on Appro-
 23 priations of the Senate, the Committee on Energy
 24 and Commerce of the House of Representatives, and
 25 the Committee on Appropriations of the House of

Representatives a final report in compliance with the duties described in subsection (f) and containing the strategy described in subsection (g).

(2) TERMINATION.—

(A) IN GENERAL.—The Council, and all the authorities of this section, shall terminate at the end of the 120-day period beginning on the date on which the final report under paragraph (1) is submitted to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of the House of Representatives.

(B) CONCLUSION OF ACTIVITIES.—The Council may use the 120-day period referred to in paragraph (1) for the purposes of concluding its activities, including providing testimony to Congress concerning the final report referred to in that paragraph and disseminating the report.

(I) ASSESSMENTS OF FINAL REPORT.—Not later than 60 days after receipt of the final report under subsection (k)(1), the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation

1 of the Senate, the Committee on Appropriations of the
 2 Senate, the Committee on Energy and Commerce of the
 3 House of Representatives, the Committee on Appropria-
 4 tions of the House of Representatives, the majority leader
 5 of the Senate, the minority leader of the Senate, the
 6 Speaker of the House of Representatives, and the minority
 7 leader of the House of Representatives, as the case may
 8 be, an assessment of the final report. Each assessment
 9 shall include such comments on the findings and rec-
 10 ommendations contained in the final report as the Direc-
 11 tor or Secretary, as the case may be, considers appro-
 12 priate.

13 ~~(m) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE~~
 14 ~~PROVISIONS.—~~

15 ~~(1) FEDERAL ADVISORY COMMITTEE ACT.—The~~
 16 provisions of the Federal Advisory Committee Act (~~5~~
 17 U.S.C. App.) shall not apply to the activities of the
 18 Council under this section.

19 ~~(2) FREEDOM OF INFORMATION ACT.—The pro-~~
 20 visions of section 552 of title 5, United States Code
 21 (commonly referred to as the “Freedom of Informa-
 22 tion Act”), shall not apply to the activities, records,
 23 and proceedings of the Council under this section.

24 ~~(n) FUNDING.—~~

1 (1) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated
3 \$10,000,000 for fiscal year 2022 to carry out this
4 section.

5 (2) AVAILABILITY IN GENERAL.—Subject to
6 paragraph (1), the Secretary of Commerce shall
7 make available to the Council such amounts as the
8 Council may require for purposes of the activities of
9 the Council under this section.

10 (3) DURATION OF AVAILABILITY.—Amounts
11 made available to the Council under paragraph (2)
12 shall remain available until expended.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Next Generation Tele-*
15 *communications Act”.*

16 **SEC. 2. DEFINITIONS.**

17 *In this Act:*

18 (1) *ADVANCED WIRELESS COMMUNICATIONS*
19 *TECHNOLOGIES.*—*The term “advanced wireless com-*
20 *munications technologies” means advanced tech-*
21 *nologies that contribute to or rely on 6G or future*
22 *generation networks, such as artificial intelligence*
23 *and machine learning, satellite and fixed wireless*
24 *broadband, open network architecture, precision agri-*

1 *culture, advanced telemedicine and medical*
 2 *diagnostics, and remote learning technologies.*

3 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
 4 *TEES.—The term “appropriate congressional commit-*
 5 *tees” means—*

6 (A) *the Committee on Commerce, Science,*
 7 *and Transportation of the Senate;*

8 (B) *the Committee on Appropriations of the*
 9 *Senate;*

10 (C) *the Committee on Energy and Com-*
 11 *merce of the House of Representatives; and*

12 (D) *the Committee on Appropriations of the*
 13 *House of Representatives.*

14 (3) *CONGRESSIONAL LEADERS.—The term “con-*
 15 *gressional leaders” means—*

16 (A) *the majority leader of the Senate;*

17 (B) *the minority leader of the Senate;*

18 (C) *the Speaker of the House of Representa-*
 19 *tives; and*

20 (D) *the minority leader of the House of*
 21 *Representatives.*

22 (4) *COUNCIL.—The term “Council” means the*
 23 *Next Generation Telecommunications Council estab-*
 24 *lished under section 3(a).*

1 **SEC. 3. 6G AND ADVANCED WIRELESS TECHNOLOGIES**
 2 **COUNCIL.**

3 (a) *ESTABLISHMENT.*—*There is established a council,*
 4 *to be known as the “Next Generation Telecommunications*
 5 *Council”, to advise Congress on 6G advancements and ad-*
 6 *vanced wireless communications technologies, including the*
 7 *use of such technologies for smart cities or communities.*

8 (b) *MEMBERSHIP.*—

9 (1) *COMPOSITION.*—

10 (A) *IN GENERAL.*—*Subject to subparagraph*
 11 *(B), the Council shall be composed of the fol-*
 12 *lowing members:*

13 (i) *The Deputy Secretary of Commerce.*

14 (ii) *The Assistant Secretary of Com-*
 15 *merce for Communications and Informa-*
 16 *tion.*

17 (iii) *The Under Secretary of Commerce*
 18 *for Standards and Technology.*

19 (iv) *The Chair of the Federal Commu-*
 20 *nications Commission.*

21 (v) *The Director of the National*
 22 *Science Foundation.*

23 (vi) *Three members appointed by the*
 24 *majority leader of the Senate, in consulta-*
 25 *tion with the Chair of the Committee on*
 26 *Commerce, Science, and Transportation of*

1 *the Senate, 1 of whom shall be a member of*
2 *the Senate and 2 of whom shall not be.*

3 *(vii) Three members appointed by the*
4 *minority leader of the Senate, in consulta-*
5 *tion with the Ranking Member of the Com-*
6 *mittee on Commerce, Science, and Trans-*
7 *portation of the Senate, 1 of whom shall be*
8 *a member of the Senate and 2 of whom*
9 *shall not be.*

10 *(viii) Three members appointed by the*
11 *Speaker of the House of Representatives, in*
12 *consultation with the Chair of the Com-*
13 *mittee on Energy and Commerce of the*
14 *House of Representatives, 1 of whom shall*
15 *be a member of the House of Representatives*
16 *and 2 of whom shall not be.*

17 *(ix) Three members appointed by the*
18 *minority leader of the House of Representa-*
19 *tives, in consultation with the Ranking*
20 *Member of the Committee on Energy and*
21 *Commerce of the House of Representatives,*
22 *1 of whom shall be a member of the House*
23 *of Representatives and 2 of whom shall not*
24 *be.*

1 (B) *REQUIREMENTS FOR CERTAIN MEM-*
 2 *BERS.—*

3 (i) *IN GENERAL.—The members of the*
 4 *Council who are not members of Congress*
 5 *and who are appointed under clauses (vi)*
 6 *through (ix) of subparagraph (A) shall be*
 7 *individuals who are nationally recognized*
 8 *for expertise, knowledge, or experience in—*

9 (I) *telecommunications, com-*
 10 *puting, spectrum policy, and standards*
 11 *organizations;*

12 (II) *cloud services and artificial*
 13 *intelligence and machine learning;*

14 (III) *cybersecurity and security*
 15 *innovations; or*

16 (IV) *national security oversight,*
 17 *protection of information systems, and*
 18 *coordination conducted between the*
 19 *private sector and government institu-*
 20 *tions.*

21 (ii) *LIMITATION ON APPOINTMENTS.—*
 22 *An official who appoints members of the*
 23 *Council may not appoint an individual as*
 24 *a member of the Council if such individual*
 25 *possesses any personal or financial interest*

1 *in the discharge of any of the duties of the*
 2 *Council.*

3 *(iii) REQUIREMENT.—All members of*
 4 *the Council described in clause (i) shall pos-*
 5 *sess an appropriate security clearance in*
 6 *accordance with applicable provisions of*
 7 *law concerning the handling of classified in-*
 8 *formation.*

9 *(2) CO-CHAIRS.—*

10 *(A) IN GENERAL.—The Council shall have 2*
 11 *co-chairs selected from among the members of the*
 12 *Council, of which—*

13 *(i) one co-chair of the Council shall be*
 14 *a member of the Democratic Party; and*

15 *(ii) one co-chair shall be a member of*
 16 *the Republican Party.*

17 *(B) REQUIREMENT.—The individuals who*
 18 *serve as the co-chairs of the Council shall be*
 19 *jointly agreed upon by the President and the*
 20 *congressional leaders.*

21 *(c) APPOINTMENT; INITIAL MEETING.—*

22 *(1) APPOINTMENT.—Members of the Council*
 23 *shall be appointed not later than 45 days after the*
 24 *date of the enactment of this Act.*

1 (2) *INITIAL MEETING.*—*The Council shall hold*
 2 *its initial meeting on or before the date that is 60*
 3 *days after the date of the enactment of this Act.*

4 (d) *MEETINGS; QUORUM; VACANCIES.*—

5 (1) *IN GENERAL.*—*After its initial meeting, the*
 6 *Council shall meet upon the call of the co-chairs of the*
 7 *Council.*

8 (2) *QUORUM.*—*Nine members of the Council*
 9 *shall constitute a quorum for purposes of conducting*
 10 *business, except that 2 members of the Council shall*
 11 *constitute a quorum for purposes of receiving testi-*
 12 *mony.*

13 (3) *VACANCIES.*—*Any vacancy in the Council*
 14 *shall not affect its powers, but shall be filled in the*
 15 *same manner in which the original appointment was*
 16 *made.*

17 (4) *QUORUM WITH VACANCIES.*—*If vacancies in*
 18 *the Council occur on any day after 45 days after the*
 19 *date of the enactment of this Act, a majority of sitting*
 20 *members of the Council shall constitute a quorum.*

21 (e) *ACTIONS OF COUNCIL.*—

22 (1) *IN GENERAL.*—*The Council shall act by reso-*
 23 *lution agreed to by a majority of the members of the*
 24 *Council voting and present.*

1 (2) *PANELS.*—*The Council may establish panels*
 2 *composed of less than the full membership of the*
 3 *Council for purposes of carrying out the duties of the*
 4 *Council under this section. The actions of any such*
 5 *panel shall be subject to the review and control of the*
 6 *Council. Any findings and determinations made by*
 7 *such a panel shall not be considered the findings and*
 8 *determinations of the Council unless approved by the*
 9 *Council.*

10 (3) *DELEGATION.*—*Any member, agent, or staff*
 11 *of the Council may, if authorized by the co-chairs of*
 12 *the Council, take any action which the Council is au-*
 13 *thorized to take pursuant to this section.*

14 (f) *DUTIES.*—

15 (1) *IN GENERAL.*—*The duties of the Council are*
 16 *to—*

17 (A) *review past processes and procedures*
 18 *used to advance wireless communication deploy-*
 19 *ment, including 5G technology; and*

20 (B) *advise Congress on—*

21 (i) *6G advancements;*

22 (ii) *existing gaps in the standardiza-*
 23 *tion and development of 6G; and*

24 (iii) *advanced wireless communica-*
 25 *tions technologies.*

1 (2) *SOLICITATION OF STAKEHOLDER COM-*
 2 *MENT.—In carrying out the review required under*
 3 *paragraph (1), the Council shall solicit input and in-*
 4 *formation from non-Federal stakeholders, including*
 5 *new market entrants.*

6 (g) *STRATEGY.—*

7 (1) *IN GENERAL.—The Council shall develop and*
 8 *submit to Congress recommendations for how the Fed-*
 9 *eral Government can support—*

10 (A) *the development and adoption of 6G*
 11 *and advanced wireless communications tech-*
 12 *nologies, including ensuring digital inclusion*
 13 *and equity in access to such technologies for com-*
 14 *munities of color, underserved communities, in-*
 15 *dividuals with disabilities, low-income commu-*
 16 *nities, and rural and Tribal communities;*

17 (B) *the coordination of spectrum manage-*
 18 *ment functions within the Federal Government*
 19 *to ensure timely decisions and needed actions for*
 20 *the development of 6G applications and ad-*
 21 *vanced wireless communications technologies;*

22 (C) *research and development into, and*
 23 *standards for, 6G and advanced wireless commu-*
 24 *nications technologies, including collaboration*
 25 *with federally funded research and development*

1 *centers, universities, the private sector, and*
2 *United States allies;*

3 *(D) the development of 6G applications and*
4 *other end uses, including through test beds and*
5 *pilot programs;*

6 *(E) the promotion of international coopera-*
7 *tion, including privacy and security cooperation,*
8 *with respect to 6G and advanced wireless com-*
9 *munications technologies;*

10 *(F) coordination regarding the deployment*
11 *of 6G technologies among existing (as of the date*
12 *on which the strategy is developed) and future*
13 *spectrum users; and*

14 *(G) the consideration of issues regarding the*
15 *national security of the United States with re-*
16 *spect to the deployment of 6G and advanced*
17 *wireless communications technologies.*

18 *(2) CONSIDERATIONS.—In developing the strat-*
19 *egy under this subsection, the Council shall consider*
20 *the following:*

21 *(A) Access to adequate spectrum resources to*
22 *support 6G and advanced wireless communica-*
23 *tions technologies for Federal and non-Federal*
24 *users.*

1 *(B) The Federal Government's function as*
2 *regulator of commercial and non-commercial*
3 *electromagnetic spectrum, including an assess-*
4 *ment of the Federal Government's—*

5 *(i) technical engineering capabilities;*

6 *(ii) transparent processes for the reso-*
7 *lution of non-routine policy disputes;*

8 *(iii) interagency cooperation; and*

9 *(iv) communication with Federal and*
10 *commercial license holders, including taking*
11 *into consideration relevant expert reports*
12 *from Federal advisory councils and other*
13 *academic organizations.*

14 *(C) Supply chain resiliency and security,*
15 *including vendor diversity, for 6G and advanced*
16 *wireless communications technologies.*

17 *(D) Securing the network for 6G and ad-*
18 *vanced wireless communications technologies.*

19 *(E) The role of cloud computing in the de-*
20 *velopment of 6G applications and advanced*
21 *wireless communications technologies.*

22 *(F) The workforce needs that must be met*
23 *in order to build, maintain, and utilize 6G ap-*
24 *plications and advanced wireless communica-*
25 *tions technologies and networks, along with*

1 *strategies to conduct the necessary workforce*
2 *training, which consideration may include con-*
3 *sulting the report submitted to Congress by the*
4 *telecommunications interagency working group*
5 *established under section 344 of the Communica-*
6 *tions Act of 1934 (47 U.S.C. 344).*

7 *(G) The need for greater collaboration and*
8 *information sharing between the Federal Govern-*
9 *ment and the communications industry to make*
10 *certain that 6G and advanced wireless commu-*
11 *nications networks, including those utilized by*
12 *first responders, remain secure and resilient in*
13 *the face of cyber intrusions and natural disas-*
14 *ters.*

15 *(H) Facilitation of infrastructure siting,*
16 *easements, and licenses for the deployment of 6G.*

17 *(I) Other factors relevant to the successful*
18 *development and deployment of 6G and ad-*
19 *vanced wireless communications technologies,*
20 *such as artificial intelligence and machine learn-*
21 *ing, satellite and fixed wireless broadband, and*
22 *open RAN technologies.*

23 *(h) POWERS OF COUNCIL.—*

24 *(1) IN GENERAL.—The Council or, on the au-*
25 *thorization of the Council, any subcommittee or mem-*

ber thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Council may determine necessary or beneficial to the development of the strategy required under subsection (g).

(2) *CONTRACTING.*—The Council may, to such extent and in such amounts as are provided in advance in appropriation Acts, enter into contracts to enable the Council to discharge its duties under this section.

(3) *INFORMATION FROM FEDERAL AGENCIES.*—

(A) *IN GENERAL.*—The Council may secure directly from any executive department, agency, bureau, board, council, office, independent establishment, or instrumentality of the Federal Government information, suggestions, estimates, and statistics for the purposes of this section.

(B) *REQUIREMENT TO SHARE INFORMATION.*—Each such department, agency, bureau, board, council, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates,

1 *and statistics directly to the Council, upon re-*
 2 *quest of the co-chairs of the Council.*

3 (C) *TREATMENT OF CLASSIFIED INFORMA-*
 4 *TION.—The Council shall handle and protect all*
 5 *classified information provided to it under this*
 6 *section in accordance with applicable statutes*
 7 *and regulations.*

8 (4) *ASSISTANCE FROM FEDERAL AGENCIES.—*

9 (A) *IN GENERAL.—The Secretary of Com-*
 10 *merce, acting through the Assistant Secretary of*
 11 *Commerce for Communications and Information,*
 12 *shall provide to the Council, on a reimbursable*
 13 *basis, such administrative services, funds, staff,*
 14 *facilities, and other support services as are nec-*
 15 *essary for the performance of the Council's duties*
 16 *under this section.*

17 (B) *ADMINISTRATIVE SUPPORT.—The*
 18 *Chairperson of the Federal Communications*
 19 *Commission may provide the Council, on a re-*
 20 *imbursable basis, with such administrative serv-*
 21 *ices, staff, and other support services as the*
 22 *Council may request.*

23 (C) *ADDITIONAL SUPPORT.—In addition to*
 24 *the assistance set forth in subparagraphs (A) and*
 25 *(B), other departments and agencies of the Fed-*

1 *eral Government may provide the Council such*
 2 *services, funds, facilities, staff, and other support*
 3 *as such departments and agencies consider advis-*
 4 *able and as may be authorized by law.*

5 *(D) COOPERATION AMONG AGENCIES.—The*
 6 *Council shall receive the full and timely coopera-*
 7 *tion of any official, department, or agency of the*
 8 *Federal Government, including from the Depart-*
 9 *ment of State, the Department of Defense, and*
 10 *the Office of the United States Trade Representa-*
 11 *tive, whose assistance is necessary, as jointly de-*
 12 *termined by the co-chairs selected under sub-*
 13 *section (b)(2), for the fulfillment of the duties of*
 14 *the Council, including the provision of full and*
 15 *current briefings and analyses.*

16 *(5) POSTAL SERVICES.—The Council may use*
 17 *the United States Postal Service in the same manner*
 18 *and under the same conditions as the departments*
 19 *and agencies of the Federal Government.*

20 *(6) GIFTS.—No member or staff of the Council*
 21 *may receive a gift or benefit by reason of the service*
 22 *of such member or staff to the Council.*

23 *(i) STAFF OF COUNCIL.—*

24 *(1) IN GENERAL.—*

1 (A) *APPOINTMENT OF STAFF DIRECTOR AND*
2 *OTHER PERSONNEL.*—*The co-chairs of the Coun-*
3 *cil, in accordance with rules agreed upon by the*
4 *Council, shall appoint and fix the compensation*
5 *of a staff director and such other personnel as*
6 *may be necessary to enable the Council to carry*
7 *out its duties, without regard to the provisions*
8 *of title 5, United States Code, governing ap-*
9 *pointments in the competitive service, and with-*
10 *out regard to the provisions of chapter 51 and*
11 *subchapter III of chapter 53 of such title relating*
12 *to classification and General Schedule pay rates,*
13 *except that no rate of pay fixed under this sub-*
14 *section may exceed the equivalent of that payable*
15 *to a person occupying a position at level V of the*
16 *Executive Schedule under section 5316 of such*
17 *title.*

18 (B) *DETAILEES.*—*Any Federal Government*
19 *employee may be detailed to the Council without*
20 *reimbursement from the Council, and such*
21 *detailee shall retain the rights, status, and privi-*
22 *leges of his or her regular employment without*
23 *interruption.*

24 (C) *REQUIREMENT.*—*All staff of the Council*
25 *shall possess a security clearance in accordance*

1 *with applicable laws and regulations concerning*
 2 *the handling of classified information.*

3 (2) *CONSULTANT SERVICES.*—

4 (A) *IN GENERAL.*—*The Council may pro-*
 5 *cure the services of experts and consultants in*
 6 *accordance with section 3109 of title 5, United*
 7 *States Code, but at rates not to exceed the daily*
 8 *rate paid a person occupying a position at level*
 9 *IV of the Executive Schedule under section 5315*
 10 *of such title.*

11 (B) *REQUIREMENT.*—*All experts and con-*
 12 *sultants employed by the Council shall possess a*
 13 *security clearance in accordance with applicable*
 14 *laws and regulations concerning the handling of*
 15 *classified information.*

16 (j) *COMPENSATION AND TRAVEL EXPENSES.*—

17 (1) *COMPENSATION.*—

18 (A) *IN GENERAL.*—*Except as provided in*
 19 *paragraph (2), each member of the Council may*
 20 *be compensated at not to exceed the daily equiva-*
 21 *lent of the annual rate of basic pay in effect for*
 22 *a position at level IV of the Executive Schedule*
 23 *under section 5315 of title 5, United States Code,*
 24 *for each day during which that member is en-*

1 gaged in the actual performance of the duties of
2 the Council under this section.

3 (B) *LIMITATION.*—Members of the Council
4 who are officers or employees of the Federal Gov-
5 ernment or Members of Congress shall receive no
6 additional pay by reason of their service on the
7 Council.

8 (2) *TRAVEL EXPENSES.*—While away from their
9 homes or regular places of business in the perform-
10 ance of services for the Council, members of the Coun-
11 cil may be allowed travel expenses, including per
12 diem in lieu of subsistence, in the same manner as
13 persons employed intermittently in the Federal Gov-
14 ernment are allowed expenses under section 5703 of
15 title 5, United States Code.

16 (3) *ACCESS AFTER TERMINATION OF COUNCIL.*—
17 Notwithstanding any other provision of law, after the
18 termination of the Council under subsection (k)(3),
19 only the following individuals shall have access to in-
20 formation related to the national security of the
21 United States that is received, considered, or used by
22 the Council:

23 (A) Any member of Congress, and the des-
24 ignated staff of any member of Congress.

1 (B) *Such other officials of the executive*
 2 *branch as the President may designate.*

3 (k) *FINAL REPORT; TERMINATION.—*

4 (1) *FINAL REPORT.—Not later than 2 years after*
 5 *the date on which the Council is established, the*
 6 *Council shall submit to the congressional leaders and*
 7 *the appropriate congressional committees, and to any*
 8 *member of Congress upon request, a final report in*
 9 *compliance with the duties described in subsection (f)*
 10 *and containing the strategy described in subsection*
 11 *(g).*

12 (2) *PUBLIC COMMENT.—The Council shall—*

13 (A) *publish in the Federal Register a draft*
 14 *of the report required under paragraph (1);*

15 (B) *accept public comments on the draft*
 16 *published under subparagraph (A); and*

17 (C) *take into consideration the comments*
 18 *accepted under subparagraph (B) in preparing*
 19 *the final version of the report required under*
 20 *paragraph (1).*

21 (3) *TERMINATION.—*

22 (A) *IN GENERAL.—The Council, and all the*
 23 *authorities of this section, shall terminate at the*
 24 *end of the 120-day period beginning on the date*
 25 *on which the final report is submitted to the con-*

1 gressional leaders and the appropriate congres-
2 sional committees under paragraph (1).

3 (B) CONCLUSION OF ACTIVITIES.—The
4 Council may use the 120-day period referred to
5 in subparagraph (A) for the purposes of con-
6 cluding its activities, including providing testi-
7 mony to Congress concerning the final report re-
8 ferred to in that paragraph and disseminating
9 the report.

10 (l) ASSESSMENTS OF FINAL REPORT.—Not later than
11 60 days after submission of the final report under sub-
12 section (k)(1), the Secretary of Commerce shall submit to
13 the congressional leaders and the appropriate congressional
14 committees, and to any member of Congress upon request,
15 an assessment of the final report that includes comments
16 on the findings and recommendations contained in the final
17 report.

18 (m) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE
19 PROVISIONS.—

20 (1) FEDERAL ADVISORY COMMITTEE ACT.—The
21 provisions of the Federal Advisory Committee Act (5
22 U.S.C. App.) shall not apply to the activities of the
23 Council under this section.

24 (2) FREEDOM OF INFORMATION ACT.—The provi-
25 sions of section 552 of title 5, United States Code

1 *(commonly referred to as the “Freedom of Informa-*
2 *tion Act”), shall not apply to the activities, records,*
3 *and proceedings of the Council under this section.*

4 *(n) FUNDING.—*

5 *(1) AUTHORIZATION OF APPROPRIATIONS.—*

6 *There are authorized to be appropriated \$10,000,000*
7 *for fiscal year 2023 to carry out this section.*

8 *(2) AVAILABILITY IN GENERAL.—Subject to*
9 *paragraph (1), the Secretary of Commerce shall make*
10 *available to the Council such amounts as the Council*
11 *may require for purposes of the activities of the Coun-*
12 *cil under this section.*

13 *(3) DURATION OF AVAILABILITY.—Amounts*
14 *made available to the Council under paragraph (2)*
15 *shall remain available until expended until the date*
16 *that the Council terminates under subsection (k)(3).*

Calendar No. 595

117TH CONGRESS
2^D Session

S. 3014

A BILL

To establish the Next Generation Telecommuni-
cations Council, and for other purposes.

DECEMBER 7, 2022

Reported with an amendment