H.J. Res. 90: Mr. WELCH and Mr. LARSEN of Washington.
H. Con. Res. 84: Mr. KUCINICH.
H. Con. Res. 87: Mr. MILLER of Florida.
H. Con. Res. 89: Mr. PASCRELL and Mr. GONZALEZ.
H. Res. 111: Mr. DENT and Mr. CONNOLLY of Virginia.
H. Res. 220: Mr. DANIEL E. LUNGREN of California.
H. Res. 291: Mr. GOHMERT.
H. Res. 341: Mr. CICILLINE.
H. Res. 356: Mr. TURNER of New York, Mr. RIVERA, Mr. POE of Texas, and Mrs. ELLMERS.
H. Res. 367: Mrs. MCCARTHY of New York.
H. Res. 376: Mr. LEWIS of Georgia and Mr. HINOJOSA.
H. Res. 489: Mr. ALEXANDER, Mr. LANKFORD, Mr. CANSECO, Mr. BISHOP of Utah, Mr. ADERHOLT, Mrs. HARTZLER, Mrs. CAPITO, Mr. GRIFFIN of Arkansas, Mr. PITTS, Mr. NEUGEBAUER, Mr. RAHALL, Mr. GINGREY of Georgia, Mr. NUNNELEE, Mr. OLSON, Mr. SAM JOHNSON of Texas, Mr. CRENSHAW, Mr. BURTON of Indiana, Mr. SCOTT of South Carolina, and Mr. PEARCE.
H. Res. 490: Mr. WILSON of South Carolina, Mr. BOUSTANY, and Mr. HALL.
H. Res. 492: Mrs. MCMORRIS RODGERS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3521: Mr. HONDA.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3630

OFFERED BY: MR. LEVIN

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

SEC. 2. PAYGO SCORECARD ESTIMATES.

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

(b) DEFICIT.—The increase or decrease in the deficit in the estimate submitted for printing referred to in subsection (a) shall be determined on the basis of—

(1) the change in total outlays and total revenue of the Federal Government, including off-budget effects, that would result from this Act; and

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

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

TITLE I—TAX PROVISIONS

SEC. 101. TEMPORARY EXTENSION AND EXPANSION OF EMPLOYEE PAYROLL TAX RELIEF.

(a) EXTENSION.—Section 601(c) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended by striking ''year 2011'' and inserting ''years 2011 and 2012''.

(b) INCREASED RELIEF.—

(1) IN GENERAL.—Subsection (a) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended—

(A) by inserting ''(9.3 percent for calendar year 2012)'' after ''10.40 percent'' in paragraph (1), and

(B) in paragraph (2)—

(i) by striking ''(including'' and inserting ''(3.1 percent in the case of calendar year 2012), including'' after ''4.2 percent'', and

(ii) by striking ''Code)'' and inserting ''Code''.

(2) COORDINATION WITH INDIVIDUAL DEDUCTION FOR EMPLOYMENT TAXES.—Subparagraph (A) of section 601(b)(2) of such Act is amended by inserting ''(66.67 percent for taxable years which begin in 2012)'' after ''59.6 percent''.

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

(1) by inserting ''of such Code'' after ''164(f)'',

(2) by inserting ''of such Code'' after ''1401(a)'' in subparagraph (A), and

(3) by inserting ''of such Code'' after ''1401(b)'' in subparagraph (B).

SEC. 102. EXTENSION OF ALLOWANCE FOR BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.

(a) EXTENSION OF 100 PERCENT BONUS DEPRECIATION.—

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

(A) by striking ''January 1, 2012'' each place it appears and inserting ''January 1, 2013'', and

(B) by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for paragraph (5) of section 168(k) of such Code is amended by striking ''PRE-2012 PERIODS'' and inserting ''PRE-2013 PERIODS''.

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

''(ii) is placed in service—

''(I) after December 31, 2009, and before January 1, 2011 (January 1, 2012, in the case of property described in section 168(k)(2)(B)), or

''(II) after December 31, 2011, and before January 1, 2013 (January 1, 2014, in the case of property described in section 168(k)(2)(B)).''.

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

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

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

''(4) ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.—

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

''(i) paragraph (1) shall not apply to any eligible qualified property placed in service by the taxpayer in such taxable year,

''(ii) the applicable depreciation method used under this section with respect to such property shall be the straight line method, and

''(iii) the limitation imposed by section 53(c) for such taxable year shall be increased by the bonus depreciation amount which is determined for such taxable year under subparagraph (B).

''(B) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The bonus depreciation amount for any taxable year is an amount equal to 20 percent of the excess (if any) of—

''(I) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) applied to all such property, over

''(II) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) did not apply to any such property.

The aggregate amounts determined under subclauses (I) and (II) shall be determined without regard to any election made under subsection (b)(2)(D), (b)(3)(D), or (g)(7) and without regard to subparagraph (A)(ii).

''(ii) LIMITATION.—The bonus depreciation amount for any taxable year shall not exceed the lesser of—

''(I) the minimum tax credit under section 53(b) for such taxable year determined by taking into account only the adjusted minimum tax for taxable years ending before January 1, 2012 (determined by treating credits as allowed on a first-in, first-out basis), or

''(II) 50 percent of the minimum tax credit under section 53(b) for the first taxable year ending after December 31, 2011.

''(iii) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated—

''(I) as 1 taxpayer for purposes of this paragraph, and

''(II) as having elected the application of this paragraph if any such corporation so elects.

''(C) ELIGIBLE QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this paragraph—

''(i) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

''(ii) 'April 1, 2008' shall be substituted for 'January 1, 2008' in subparagraph (A)(iii)(I) thereof, and

''(iii) only adjusted basis attributable to manufacture, construction, or production—

''(I) after March 31, 2008, and before January 1, 2010, and

''(II) after December 31, 2010, and before January 1, 2013, shall be taken into account under subparagraph (B)(ii) thereof.

''(D) CREDIT REFUNDABLE.—For purposes of section 6401(b), the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this paragraph shall be treated as allowed under subpart C of such part (and not any other subpart).

''(E) OTHER RULES.—

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

''(ii) PARTNERSHIPS WITH ELECTING PARTNERS.—In the case of a corporation making an election under subparagraph (A) and which is a partner in a partnership, for purposes of determining such corporation's distributive share of partnership items under section 702—

''(I) paragraph (1) shall not apply to any eligible qualified property, and

''(II) the applicable depreciation method used under this section with respect to such property shall be the straight line method.

''(iii) CERTAIN PARTNERSHIPS.—In the case of a partnership in which more than 50 percent of the capital and profits interests are owned (directly or indirectly) at all times during the taxable year by one corporation (or by corporations treated as 1 taxpayer under subparagraph (B)(iii)), each partner shall be treated as having an amount equal to such partner's allocable share of the eligible property for such taxable year (as determined under regulations prescribed by the Secretary).

''(iv) SPECIAL RULE FOR PASSENGER AIRCRAFT.—In the case of any passenger aircraft, the written binding contract limitation under paragraph (2)(A)(iii)(I) shall not apply for purposes of subparagraphs (B)(i)(I) and (C).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after December 31, 2011.

(3) TRANSITIONAL RULE.—In the case of a taxable year beginning before January 1, 2012, and ending after December 31, 2011, the bonus depreciation amount determined under paragraph (4) of section 168(k) of Internal Revenue Code of 1986 for such year shall be the sum of—

(A) such amount determined under such paragraph as in effect on the date before the date of enactment of this Act taking into account only property placed in service before January 1, 2012, and

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

SEC. 103. SURTAX ON MILLIONAIRES.

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

''PART VIII—SURTAX ON MILLIONAIRES

''Sec. 59B. Surtax on millionaires.

''SEC. 59B. SURTAX ON MILLIONAIRES.

''(a) GENERAL RULE.—In the case of a taxpayer other than a corporation for any taxable year beginning after 2012 and before 2022, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 2.4 percent of so much of the modified adjusted gross income of the taxpayer for such taxable year as exceeds the threshold amount.

''(b) THRESHOLD AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The threshold amount is $1,000,000.

''(2) INFLATION ADJUSTMENT.—

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

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $10,000, such amount shall be rounded to the next highest multiple of $10,000.

''(3) MARRIED FILING SEPARATELY.—In the case of a married individual filing separately for any taxable year, the threshold amount shall be one-half of the amount otherwise in effect under this subsection for the taxable year.

''(c) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction (not taken into account in determining adjusted gross income) allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).

''(d) SPECIAL RULES.—

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

''(2) CITIZENS AND RESIDENTS LIVING ABROAD.—The dollar amount in effect under subsection (a) shall be decreased by the excess of—

''(A) the amounts excluded from the taxpayer's gross income under section 911, over

''(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

''(3) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

''(4) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.''.

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

''PART VIII. SURTAX ON MILLIONAIRES.''.

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

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

TITLE II—HEALTH AND TANF PROVISIONS

Subtitle A—Health

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

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

(1) in paragraph (1)(B), by inserting ''(ending with 2011)'' after ''each succeeding year''; and

(2) in paragraph (2), by inserting ''and ending with 2011'' after ''beginning with 2000'' in the matter preceding subparagraph (A).

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

''(13) UPDATES FOR 2012 THROUGH 2021.—In lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for a year beginning with 2012 and ending with 2021, the update to the single conversion factor shall be zero percent.''.

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

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

SEC. 202. EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111–148), and section 102(a) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking ''September 30, 2011'' and inserting ''September 30, 2013''.

(b) SPECIAL RULE FOR FISCAL YEAR 2012.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including for purposes of the implementation of paragraph (2) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), during fiscal year 2012, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 18, 2011 (76 Fed. Reg. 51476), and any subsequent corrections.

(2) EXCEPTION.—Beginning on April 1, 2012, in determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) ADJUSTMENT FOR CERTAIN HOSPITALS IN FISCAL YEAR 2012.—

(1) IN GENERAL.—In the case of a subsection (d) hospital (as defined in subsection (d)(1)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

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

(B) the wage index applicable for such hospital for the period beginning on October 1, 2011, and ending on March 31, 2012, was lower than for the period beginning on April 1, 2012, and ending on September 30, 2012, by reason of the application of subsection (b)(2);

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

(2) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under paragraph (1) by not later than December 31, 2012.

SEC. 203. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''before January 1, 2012'' and inserting ''before January 1, 2014''.

SEC. 204. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

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

(1) by inserting ''(A)'' after ''(5)'';

(2) by striking ''December 31, 2011'' and inserting ''December 31, 2013'';

(3) in the first sentence, by inserting ''and if the requirement of subparagraph (B) is met'' after ''medically necessary'';

(4) in the second sentence, by inserting ''made in accordance with such requirement'' after ''receipt of the request''; and

(5) by adding at the end the following new subparagraphs:

''(B) In the case of outpatient therapy services for which an exception is requested under the first sentence of subparagraph (A), the claim for such services contains an appropriate modifier (such as the KX modifier used as of the date of the enactment of this subparagraph) indicating that such services are medically necessary as justified by appropriate documentation in the medical record involved.

''(C)(i) In applying this paragraph with respect to a request for an exception with respect to expenses that would be incurred for outpatient therapy services that would exceed the threshold described in clause (ii) for a year, the request for such an exception, for services furnished on or after July 1, 2012, shall be subject to a manual medical review process that is similar to the manual medical review process used for certain exceptions under this paragraph in 2006.

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

''(I) for physical therapy services and speech-language pathology services; and

''(II) for occupational therapy services.''.

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

(1) by inserting ''(1)'' after ''(t)''; and

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

''(2) Each request for payment, or bill submitted, for therapy services described in paragraph (1) or (3) of section 1833(g) furnished on or after July 1, 2012, for which payment may be made under this part shall include the national provider identifier of the physician who periodically reviews the plan for such services under section 1861(p)(2).''.

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

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

(e) COLLECTION OF ADDITIONAL DATA.—

(1) STRATEGY.—The Secretary of Health and Human Services shall implement, beginning on January 1, 2013, a claims-based data collection strategy that is designed to assist in reforming the Medicare payment system for outpatient therapy services subject to the limitations of section 1833(g) of the Social Security Act. Such strategy shall be designed to provide for the collection of data on patient function during the course of therapy services in order to better understand patient condition and outcomes.

(2) CONSULTATION.—In proposing and implementing such strategy, the Secretary shall consult with relevant stakeholders.

SEC. 205. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), section 3104 of the Patient Protection and Affordable Care Act (Public Law 111–148), and section 105 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking ''and 2011'' and inserting ''2011, 2012, and 2013''.

SEC. 206. EXTENSION OF AMBULANCE ADD-ONS.

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

(1) in the matter preceding clause (i), by striking ''2012'' and inserting ''2014''; and

(2) in each of clauses (i) and (ii), by striking ''January 1, 2012'' and inserting ''January 1, 2014'' each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by sections 3105(b) and 10311(b) of

Public Law 111–148 and section 106(b) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking ''December 31, 2011'' and inserting ''December 31, 2013''.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking ''2012'' and inserting ''2014''.

SEC. 207. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111–148) and section 107 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking ''December 31, 2011'' and inserting ''December 31, 2013''.

SEC. 208. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

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

(1) in subclause (II)—

(A) in the first sentence, by striking ''2012'' and inserting ''2014''; and

(B) in the second sentence, by striking ''or 2011'' and inserting ''2011, 2012, or 2013''; and

(2) in subclause (III)—

(A) in the first sentence, by striking ''2009, and'' and all that follows through ''for which'' and inserting ''2009, and before January 1, 2014, for which''; and

(B) in the second sentence, by striking ''2010, and'' and all that follows through ''the preceding'' and inserting ''2010, and before January 1, 2014, the preceding''.

SEC. 209. EXTENDING MINIMUM PAYMENT FOR BONE MASS MEASUREMENT.

(a) IN GENERAL.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (b)—

(A) in paragraph (4)(B), by striking ''for 2010 and 2011'' and inserting ''for each of 2010 through 2013''; and

(B) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking ''and 2011'' and inserting '', 2011, 2012, and 2013''; and

(ii) in subparagraph (C), by striking ''and 2011'' and inserting '', 2011, 2012, and 2013''; and

(2) in subsection (c)(2)(B)(iv)(IV), by striking ''or 2011'' and inserting '', 2011, 2012, or 2013''.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the amendments made by subsection (a) by program instruction or otherwise.

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

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''December 2011'' and inserting ''December 2013''.

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

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (O);

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

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

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

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

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

''(T) for the period that begins on October 1, 2013, and ends on December 31, 2013, the total allocation amount is $300,000,000.''; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking ''or (P)'' and inserting ''(P), (R), or (T)''.

SEC. 211. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)) are each amended by striking ''December 31, 2011'' and inserting ''December 31, 2013''.

Subtitle B—Extension of TANF Program Through Fiscal Year 2012

SEC. 221. SHORT TITLE.

This subtitle may be cited as the ''TANF Continuation Act of 2011''.

SEC. 222. EXTENSION OF PROGRAM.

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

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

(2) in subparagraph (B)—

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

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

(3) in subparagraph (C), by striking ''2003'' and inserting ''2012''.

(b) HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.—Section 403(a)(2)(D) of such Act (42 U.S.C. 603(a)(2)(D)) is amended by striking ''2011'' and inserting ''2012''.

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

(1) in clause (i), by striking ''each of fiscal years 2002 and 2003'' and inserting ''fiscal year 2012'';

(2) by striking clause (ii) and inserting the following:

''(ii) subparagraph (G) shall be applied as if 'fiscal year 2012' were substituted for 'fiscal year 2001'; and''; and

(3) in clause (iii), by striking ''each of'' and all that follows and inserting ''fiscal year 2012 such sums as are necessary for grants under this subparagraph in a total amount not to exceed $319,000,000.''.

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

(1) in subparagraph (A), by striking ''fiscal year'' and all that follows through ''2013'' and inserting ''a fiscal year''; and

(2) in subparagraph (B)(ii)—

(A) by striking ''for fiscal years 1997 through 2012,''; and

(B) by striking ''407(a) for the fiscal year,'' and inserting ''407(a),''.

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

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

(g) CENSUS BUREAU STUDY.—Section 414(b) of such Act (42 U.S.C. 614(b)) is amended by striking ''each of fiscal years 1996'' and all that follows through ''2003'' and inserting ''fiscal year 2012''.

(h) CHILD CARE ENTITLEMENT.—Section 418(a)(3) of such Act (42 U.S.C. 618(a)(3)) is amended by striking ''appropriated'' and all that follows and inserting ''appropriated $2,917,000,000 for fiscal year 2012.''.

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

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

(k) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE III—EXTENSION OF UNEMPLOYMENT PROGRAMS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Emergency Unemployment Compensation Extension Act of 2011''.

SEC. 302. TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

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

(A) by striking ''January 3, 2012'' each place it appears and inserting ''January 3, 2013'';

(B) in the heading for subsection (b)(2), by striking ''JANUARY 3, 2012'' and inserting ''JANUARY 3, 2013''; and

(C) in subsection (b)(3), by striking ''June 9, 2012'' and inserting ''June 8, 2013''.

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

(A) by striking ''January 4, 2012'' each place it appears and inserting ''January 4, 2013''; and

(B) in subsection (c), by striking ''June 11, 2012'' and inserting ''June 11, 2013''.

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

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

(1) in subparagraph (F), by striking ''and'' at the end; and

(2) by inserting after subparagraph (G) the following:

''(H) the amendments made by section 302(a)(1) of the Emergency Unemployment Compensation Extension Act of 2011; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312).

SEC. 303. MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

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

(1) in subsection (d), by striking ''December 31, 2011'' and inserting ''December 31, 2012''; and

(2) in subsection (f)(2), by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

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

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

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) Effective with respect to compensation for weeks of unemployment beginning on or after January 1, 2012 (or, if later, the date established pursuant to State law) and ending on or before December 31, 2012, the State may by statute, regulation, or other issuance with the force and effect of law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection, disregarding clause (ii) of paragraph (1)(A) and as if paragraph (1)(B) had been amended by striking 'either the requirements of clause (i) or (ii)' and inserting 'the requirements of clause (i)'.''.

SEC. 304. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), is amended—

(1) by striking ''June 30, 2011'' and inserting ''June 30, 2012''; and

(2) by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

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

SEC. 305. EMERGENCY DESIGNATIONS.

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

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

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

TITLE IV—SAVINGS FROM OVERSEAS CONTINGENCY OPERATIONS

SEC. 401. OVERSEAS CONTINGENCY AND RELATED ACTIVITIES.

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

''(E) OVERSEAS CONTINGENCY AND RELATED ACTIVITIES.—

''(i) CAP ADJUSTMENT.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies an amount for overseas contingency and related activities for that fiscal year after taking into account any other bills or joint resolutions enacted for that fiscal year that specify an amount for overseas contingency and related activities, but do not exceed in the aggregate the amounts specified in clause (ii), then the adjustments for that fiscal year shall be the additional new budget authority provided in that Act for such activities for that fiscal year.

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

''(I) For fiscal year 2013, $83,000,000,000 in budget authority.

''(II) For fiscal year 2014, $50,000,000,000 in budget authority.

''(III) For fiscal year 2015, $50,000,000,000 in budget authority.

''(IV) For fiscal year 2016, $50,000,000,000 in budget authority.

''(V) For fiscal year 2017, $50,000,000,000 in budget authority.

''(VI) For fiscal year 2018, $50,000,000,000 in budget authority.

''(VII) For fiscal year 2019, $50,000,000,000 in budget authority.

''(VIII) For fiscal year 2020, $50,000,000,000 in budget authority.

''(IX) For fiscal year 2021, $50,000,000,000 in budget authority.''.

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

''(2) ELIMINATING A BREACH.—

''(A) IN GENERAL.—Each non-exempt account within a category shall be reduced by a dollar amount calculated by multiplying the enacted level of sequestrable budgetary resources in that account by the uniform percentage necessary to eliminate a breach within that category.

''(B) OVERSEAS CONTINGENCIES.—Any amount of budget authority for overseas contingency operations and related activities for fiscal years 2013 through 2021 in excess of the levels set in subsection 251(b)(2)(E) shall be counted in determining whether a breach has occurred in the security category and the nonsecurity category on a proportional basis to the total spending for overseas contingency operations in the security category and the nonsecurity category.''.

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

''(A) EMERGENCY APPROPRIATIONS.—If, for any fiscal year, appropriations for discretionary accounts are enacted that the Congress designates as emergency requirements in statute on an account by account basis and the President subsequently so designates, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements.''.

DIVISION B—WIRELESS INNOVATION AND PUBLIC SAFETY ACT OF 2011

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Wireless Innovation and Public Safety Act of 2011''.

SEC. 1002. DEFINITIONS.

In this division:

(1) 700 MHZ D BLOCK SPECTRUM.—The term ''700 MHz D block spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 758 megahertz to 763 megahertz and between the frequencies from 788 megahertz to 793 megahertz.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise specifically provided, the term ''appropriate committees of Congress'' means—

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

(B) the Committee on Energy and Commerce of the House of Representatives.

(3) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(4) COMMERCIAL MOBILE DATA SERVICE.—The term ''commercial mobile data service'' means any mobile service (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) that is—

(A) a data service, which may include mobile broadband Internet access service and Internet Protocol-based applications;

(B) provided for profit; and

(C) available to the public or to such classes of eligible users as to be effectively available to the public.

(5) COMMERCIAL MOBILE SERVICE.—The term ''commercial mobile service'' has the meaning given such term in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)).

(6) COMMERCIAL STANDARDS.—The term ''commercial standards'' means the technical standards followed by the commercial mobile service and commercial mobile data service industries for network, device, and Internet Protocol connectivity. Such term includes standards developed by the Third Generation Partnership Project (3GPP), the Institute of Electrical and Electronics Engineers (IEEE), the Alliance for Telecommunications Industry Solutions (ATIS), and the Internet Engineering Task Force (IETF).

(7) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(8) CORE NETWORK.—The term ''core network'' means the core network described in section 1202(b)(1).

(9) FEDERAL ENTITY.—The term ''Federal entity'' has the meaning given such term in section 113(i) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(i)).

(10) GOVERNOR.—The term ''Governor'' means the Governor or other chief executive officer of a State.

(11) GUARD BAND SPECTRUM.—The term ''guard band spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 768 megahertz to 769 megahertz and between the frequencies from 798 megahertz to 799 megahertz.

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

(13) NARROWBAND SPECTRUM.—The term ''narrowband spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

(14) NIST.—The term ''NIST'' means the National Institute of Standards and Technology.

(15) NTIA.—The term ''NTIA'' means the National Telecommunications and Information Administration.

(16) PROGRAM MANAGEMENT OFFICE.—The term ''Program Management Office'' means the office established under section 1203(a).

(17) PUBLIC SAFETY ANSWERING POINT.—The term ''public safety answering point'' has the meaning given such term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

(18) PUBLIC SAFETY BROADBAND NETWORK.—The term ''public safety broadband network'' means the network described in section 1202.

(19) PUBLIC SAFETY BROADBAND CORPORATION.—The term ''Public Safety Broadband Corporation'' or ''Corporation'' means the corporation established under section 1201(a)(1).

(20) PUBLIC SAFETY BROADBAND SPECTRUM.—The term ''public safety broadband spectrum'' means—

(A) the portion of the electromagnetic spectrum between the frequencies from 763 megahertz to 768 megahertz and between the frequencies from 793 megahertz to 798 megahertz; and

(B) the 700 MHz D block spectrum.

(21) PUBLIC SAFETY COMMUNICATIONS RESEARCH PROGRAM.—The term ''Public Safety Communications Research Program'' means the program that is housed within the Department of Commerce Labs in Boulder, Colorado, and that is a joint effort between the Office of Law Enforcement Standards of NIST and the Institute for Telecommunication Sciences of the NTIA.

(22) PUBLIC SAFETY ENTITY.—The term ''public safety entity'' means an entity that provides public safety services.

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

(24) RADIO ACCESS NETWORK.—The term ''radio access network'' means the radio access network described in section 1202(b)(2).

(25) STATE.—The term ''State'' means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(26) STATE PUBLIC SAFETY BROADBAND OFFICE.—The term ''State Public Safety Broadband Office'' means an office established under section 1212(d).

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

SEC. 1003. RULE OF CONSTRUCTION.

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

SEC. 1004. ENFORCEMENT.

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

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

TITLE I—ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY BROADBAND SPECTRUM

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

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

(b) QUANTITY OF SPECTRUM ALLOCATED FOR PUBLIC SAFETY USE.—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(1) by striking ''Not later than January 1, 1998, the'' and inserting ''The'';

(2) in paragraph (1), by striking ''24'' and inserting ''34''; and

(3) in paragraph (2), by striking ''36'' and inserting ''26''.

SEC. 1102. ASSIGNMENT OF LICENSE TO CORPORATION.

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

(b) TERM.—

(1) INITIAL LICENSE.—The initial license assigned under subsection (a) shall be for a term of 10 years.

(2) RENEWAL OF LICENSE.—Prior to the expiration of the term of the initial license assigned under subsection (a) or the expiration of any renewal of such license, the Corporation shall submit to the Commission an application for the renewal of such license in accordance with the Communications Act of 1934 (47 U.S.C. 151 et seq.) and any applicable Commission regulations. Such renewal application shall demonstrate that, during the term of the license that the Corporation is seeking to renew, the Corporation has fulfilled its duties and obligations under this division and the Communications Act of 1934 and has complied with all applicable Commission regulations. A renewal of the initial license granted under subsection (a) or any renewal of such license shall be for a term not to exceed 10 years.

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

(1) in subparagraph (A), by striking ''to protect the safety of life, health, or property'' and inserting ''to provide law enforcement, fire and rescue response, or emergency medical assistance (including such assistance provided by ambulance services, hospitals, and urgent care facilities)''; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting ''or tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b))'' before the semicolon; and

(B) in clause (ii), by inserting ''or a tribal organization'' after ''a governmental entity''.

SEC. 1103. ENSURING EFFICIENT AND FLEXIBLE USE OF 700 MHZ PUBLIC SAFETY NARROWBAND SPECTRUM.

(a) LICENSE REQUIREMENTS.—The Commission may not renew a license to use the narrowband spectrum after the date of the enactment of this Act, or grant an application for an initial license to use such spectrum after the date that is 3 years after such date of enactment, unless the licensee or applicant demonstrates that failure of the Commission to renew such license or grant such application will—

(1) cause considerable economic hardship; or

(2) adversely impact the ability of the licensee or applicant to provide public safety services.

(b) INVENTORY.—Not later than 6 months after the date of the enactment of this Act, the Commission shall complete and submit to the appropriate committees of Congress a State-by-State inventory of the use of the narrowband spectrum, current as of such date of enactment, including the numbers of base stations that are deployed and in day-to-day operation, the approximate number of users, the extent of interoperability among the deployed stations, and the approximate per-unit costs of mobile equipment.

(c) FLEXIBLE USE.—In order to promote efficient spectrum use, the Commission may allow the narrowband spectrum and the guard band spectrum to be used in a flexible manner, including for public safety broadband communications, subject to such technical and interference protection measures as the Commission may require.

SEC. 1104. SHARING OF PUBLIC SAFETY BROADBAND SPECTRUM AND NETWORK.

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

(1) IN GENERAL.—Notwithstanding any limitation in section 337 of the Communications Act of 1934 (47 U.S.C. 337), upon the request of a State Public Safety Broadband Office, the Corporation may enter into agreements with entities in such State that are not public safety entities to permit such entities to obtain access on a secondary, preemptible basis to the public safety broadband spectrum in order to facilitate interoperability between such entities and public safety entities in protecting the safety of life, health, and property during emergencies and during preparation for and recovery from emergencies, including during emergency drills, exercises, and tests.

(2) PREEMPTION.—The Corporation shall ensure that, under any agreements entered into under paragraph (1), public safety entities may preempt use of the public safety broadband spectrum by the entities with which the Corporation has entered into such agreements.

(b) PUBLIC-PRIVATE PARTNERSHIPS.—Notwithstanding any limitation in section 337 of the Communications Act of 1934 (47 U.S.C. 337), the Corporation may permit a private entity with which the Corporation contracts on behalf of public safety entities to construct, manage, maintain, or operate the core network or the radio access network, upon the request of such private entity, to—

(1) obtain access to the public safety broadband spectrum for services that are not public safety services; or

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

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

(d) REINVESTMENT.—The Corporation shall use any funds the Corporation receives under the agreements entered into under subsections (a) and (b) to cover the administrative expenses of the Corporation for the fiscal year in which such funds are received and shall use any excess for the construction, management, maintenance, and operation of the public safety broadband network.

(e) ACCESS BY FEDERAL DEPARTMENTS AND AGENCIES.—Notwithstanding any limitation in section 337 of the Communications Act of 1934 (47 U.S.C. 337), the Corporation shall enter into such written agreements as are necessary to permit Federal departments and agencies to have shared access to the public safety broadband spectrum on an equivalent basis in order to protect the safety of life, health, and property.

(f) PROHIBITION ON OFFERING COMMERCIAL SERVICES.—The Corporation may not offer, provide, or market commercial telecommunications services or information services directly to the public.

SEC. 1105. COMMISSION RULES.

(a) IN GENERAL.—In order to carry out the provisions of this division, the Commission shall—

(1) adopt technical rules necessary to sufficiently manage spectrum use in bands adjacent to the public safety broadband spectrum;

(2) adopt rules requiring commercial mobile service providers and commercial mobile data service providers to offer roaming and priority access services to public safety entities at commercially reasonable terms and conditions if—

(A) the equipment of the public safety entity is technically compatible with the network of the commercial provider;

(B) the commercial provider is reasonably compensated; and

(C) such access does not unreasonably preempt or otherwise terminate or degrade existing voice conversations or data sessions;

(3) adopt technical rules governing the operation of the public safety broadband network in areas near the international borders of the United States;

(4) adopt rules ensuring the commercial availability of devices capable of operating in the public safety broadband spectrum, known as Band Class 14, at costs comparable to those of similar devices that are designed to operate in spectrum allocated for commercial use; and

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

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

(c) CONSULTATION.—In adopting rules under subsection (a) (or considering the adoption of rules under paragraph (5) of such subsection), the Commission shall consult with the Director of the Office of Emergency Communications in the Department of Homeland Security, the Assistant Secretary, the Director of NIST, and the Public Safety Communications Research Program.

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

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and every 2 years thereafter, the Commission shall, in consultation with the Assistant Secretary and the Director of NIST, conduct a study and submit to the appropriate committees of Congress a report on the spectrum allocated for public safety use.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an examination of how such spectrum is being used;

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

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

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

TITLE II—ADVANCED PUBLIC SAFETY COMMUNICATIONS

Subtitle A—Public Safety Broadband Network

SEC. 1201. ESTABLISHMENT AND OPERATION OF PUBLIC SAFETY BROADBAND CORPORATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation to be known as the Public Safety Broadband Corporation, which will not be an agency or establishment of the United States Government or the District of Columbia government.

(2) GOVERNING LAW.—The Corporation shall be subject to the provisions of this division and, to the extent consistent with this division, the District of Columbia Nonprofit Corporation Act (sec. 29–301.01 et seq., D.C. Official Code). The Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

(3) INCORPORATION.—The members of the initial Board of Directors of the Corporation shall serve as the incorporators of the Corporation and shall take the necessary steps to establish the Corporation under the District of Columbia Nonprofit Corporation Act. The Corporation shall notify the Commission of the date of its incorporation as soon as possible after such incorporation.

(4) INITIAL BYLAWS.—The members of the initial Board of Directors of the Corporation shall establish the initial bylaws of the Corporation.

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(b) BOARD OF DIRECTORS.—

(1) MEMBERSHIP AND APPOINTMENT.—The management of the Corporation shall be vested in a Board of Directors, which shall consist of 15 members, as follows:

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

(i) The Secretary of Commerce.

(ii) The Secretary of Homeland Security.

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

(iv) The Attorney General of the United States.

(B) NON-FEDERAL PUBLIC-SECTOR MEMBERS.—Seven non-Federal public-sector members, representing both urban and rural interests, appointed by the Secretary of Commerce, as follows:

(i) STATE GOVERNORS.—Two members, each of whom is the Governor of a State, or their designees.

(ii) LOCAL AND TRIBAL GOVERNMENT MEMBERS.—Two members, each of whom is the chief executive officer of a political subdivision of a State or an Indian tribe, or their designees.

(iii) PUBLIC SAFETY ENTITY EMPLOYEES.—Three members, each of whom is employed by a public safety entity and possesses one or more of the following qualifications:

(I) Experience with emergency preparedness and response.

(II) Technical expertise with public safety radio communications.

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

(IV) Training in hospital or urgent medical care.

(C) PRIVATE-SECTOR MEMBERS.—Four private-sector members, appointed by the Secretary of Commerce, each of whom has extensive experience implementing commercial standards in the design, development, and operation of commercial mobile data service networks.

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

(A) IN GENERAL.—Each non-Federal public-sector member and each private-sector member of the Board of Directors appointed under paragraph (1) shall be independent and neutral.

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

(i) may not, other than in the capacity of such member as a member of the Board or a committee thereof, accept any consulting, advisory, or other compensatory fee from the Corporation; and

(ii) shall be disqualified from any deliberation involving any transaction of the Corporation in which such member has a financial interest in the outcome.

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

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

(5) TERMS OF APPOINTMENT.—

(A) INITIAL APPOINTMENT DEADLINE.—The initial non-Federal public-sector members and the initial private-sector members of the Board of Directors shall be appointed not later than 180 days after the date of the enactment of this Act.

(B) TERMS.—

(i) LENGTH.—

(I) FEDERAL MEMBERS.—Each Federal member of the Board of Directors shall serve as a member of the Board for the life of the Corporation.

(II) NON-FEDERAL PUBLIC-SECTOR AND PRIVATE-SECTOR MEMBERS.—The term of office of each non-Federal public-sector member and each private-sector member of the Board of Directors shall be 3 years. Such a member may not serve more than 2 full terms consecutively.

(ii) EXPIRATION OF TERM.—Any non-Federal public-sector member or private-sector member of the Board of Directors whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(iii) APPOINTMENT TO FILL VACANCY.—A non-Federal public-sector member or private-sector member of the Board of Directors appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term.

(iv) STAGGERED TERMS.—With respect to the initial non-Federal public-sector members and the initial private-sector members of the Board of Directors—

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

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

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

(C) EFFECT OF VACANCIES.—A vacancy in the membership of the Board of Directors shall not affect the Board's powers and shall be filled in the same manner as the original member was appointed.

(6) CHAIR.—

(A) SELECTION.—The Chair of the Board of Directors shall be selected by the Secretary of Commerce from among the non-Federal public-sector members and the private-sector members of the Board.

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

(7) REMOVAL.—

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

(i) the Chair of the Board of Directors; or

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

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

(i) remove any non-Federal public-sector member or private-sector member of the Board for conduct determined by the Board to be detrimental to the Board or to the Corporation; or

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

(8) MEETINGS.—

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

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

(ii) not less frequently than once each quarter.

(B) TRANSPARENCY.—Meetings of the Board of Directors, and meetings of any committees of the Board, shall be open to the public. The Board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

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

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

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

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

(c) CHIEF EXECUTIVE OFFICER AND EMPLOYEES.—

(1) IN GENERAL.—The Corporation shall have 1 officer, a Chief Executive Officer, and such employees as may be necessary to carry out the duties and responsibilities of the Corporation under this title and title I, for such terms, and at such rates of compensation in accordance with paragraph (5), as the Board of Directors of the Corporation considers appropriate. The Chief Executive Officer and the employees shall serve at the pleasure of the Board of Directors.

(2) QUALIFICATIONS OF CEO.—The Chief Executive Officer shall have extensive experience in the deployment, management, or design of commercial mobile data service networks.

(3) CITIZENSHIP.—The Chief Executive Officer and the employees of the Corporation shall be citizens of the United States.

(4) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to the Chief Executive Officer or the agents or employees of the Corporation.

(5) COMPENSATION.—

(A) IN GENERAL.—The Board of Directors may fix the compensation of the Chief Executive Officer and the employees hired under this subsection, as necessary to carry out the duties and responsibilities of the Corporation under this title and title I, except that—

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

(ii) notwithstanding any other provision of law except clause (i), or any bylaw of the Corporation, all rates of compensation, including benefit plans and salary ranges, for the Chief Executive Officer and the employees shall be jointly approved by a majority of the Federal members of the Board.

(B) LIMITATION ON OTHER COMPENSATION.—Neither the Chief Executive Officer nor any employee of the Corporation may receive any salary or other compensation (except for compensation for service on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of the employment of the Chief Executive Officer or employee, respectively, by the Corporation.

(C) SERVICE ON OTHER BOARDS.—Service by the Chief Executive Officer or any employee of the Corporation on a board of directors of another organization, on a committee of such a board, or in a similar activity for such an organization shall be subject to annual advance approval by the Board of Directors.

(D) FEDERAL EMPLOYMENT STATUS.—Neither the Chief Executive Officer nor any employee of the Corporation shall be considered to be an officer or employee of the United States Government or the District of Columbia government.

(d) SELECTION OF AGENTS, CONSULTANTS, AND EXPERTS.—

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

(2) FINAL AND BINDING.—If the selection of an agent, consultant, or expert satisfies the requirements of paragraph (1), the selection of such agent, consultant, or expert shall be final and binding.

(e) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—

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

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

(3) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(4) PROHIBITION ON LOBBYING ACTIVITIES.—The Corporation may not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(7))).

(f) GENERAL POWERS.—In addition to the powers granted to the Corporation by any other provision of law, the Corporation shall have the authority to do the following:

(1) To adopt and use a corporate seal.

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

(3) To prescribe, through the actions of the Board of Directors, bylaws not inconsistent with Federal law and the laws of the District of Columbia, regulating the manner in which the Corporation's general business may be conducted and the manner in which the privileges granted to the Corporation by law may be exercised.

(4) To exercise, through the actions of the Board of Directors, all powers specifically granted to the Corporation by the provisions of this title and title I, and such incidental powers as shall be necessary.

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

(6) To obtain grants and funds from and make contracts with individuals, private companies, organizations, institutions, and Federal, State, regional, and local agencies.

(7) To accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Corporation.

(8) To spend amounts obtained under paragraph (6) in a manner authorized by the Board, but only for purposes that will advance or enhance public safety communications consistent with this division.

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

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

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

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

(11) To take such other actions as the Corporation, through the Board of Directors, may from time to time determine necessary, appropriate, or advisable to accomplish the purposes of this title and title I.

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

(1) to hold the single license for the public safety broadband spectrum and the guard band spectrum assigned by the Commission under section 1102(a);

(2) to take all actions necessary to ensure the construction, management, maintenance, and operation of the public safety broadband network, in consultation with Federal users of the network, public safety entities, the Commission, and the Technical and Operations Advisory Body established under subsection (h), including by—

(A) ensuring the use of commercial standards;

(B) issuing open, transparent, and competitive requests for proposals to private-sector entities for the purpose of constructing, managing, maintaining, and operating the public safety broadband network;

(C) entering into and overseeing the performance of contracts or agreements with private-sector entities to construct, manage, maintain, and operate the public safety broadband network;

(D) leveraging, to the maximum extent possible, existing commercial, private, and public infrastructure to reduce costs, supplement network capacity, and speed deployment of the network;

(E) entering into roaming and priority access agreements with providers of commercial mobile service and commercial mobile data service to allow users of the public safety broadband network to obtain such services across the networks of such providers;

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

(G) exercising discretion in using and disbursing the funds received under section 1401(b)(4); and

(3) to establish the Program Management Office and delegate functions to such Office, in accordance with section 1203.

(h) TECHNICAL AND OPERATIONS ADVISORY BODY.—

(1) ESTABLISHMENT.—In addition to such other standing or ad hoc committees, panels, or councils as the Board of Directors considers necessary, the Corporation shall establish a Technical and Operations Advisory Body, which shall provide advice to the Corporation with respect to operational and technical matters related to public safety communications and commercial mobile data service.

(2) MEMBERSHIP.—The Technical and Operations Advisory Body shall be composed of such representatives as the Board of Directors considers appropriate, including representatives of the following:

(A) Public safety entities.

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

(C) Public safety answering points.

(D) One or more of the 10 regional organizational units of the Federal Emergency Management Agency.

(E) The Bureau of Indian Affairs.

(F) The Office of Science and Technology Policy.

(G) The Public Safety Communications Research Program.

(H) Providers of commercial mobile data service and vendors of equipment, devices, and software used to provide and access such service.

(i) AUDITS AND REPORTS BY GAO.—

(1) AUDITS.—

(A) IN GENERAL.—The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations shall be audited annually by the Comptroller General of the United States in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General.

(B) LOCATION.—Any audit conducted under subparagraph (A) shall be conducted at the place or places where accounts of the Corporation are normally kept.

(C) ACCESS TO CORPORATION BOOKS AND DOCUMENTS.—

(i) IN GENERAL.—For purposes of an audit conducted under subparagraph (A), the representatives of the Comptroller General shall—

(I) have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation that pertain to the financial transactions of the Corporation and are necessary to facilitate the audit; and

(II) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(ii) REQUIREMENT.—All books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

(2) REPORTS.—

(A) IN GENERAL.—The Comptroller General of the United States shall submit a report of each audit conducted under paragraph (1)(A) to—

(i) the appropriate committees of Congress;

(ii) the President; and

(iii) the Corporation.

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

(i) such comments and information as the Comptroller General determines necessary to inform Congress of the financial operations and condition of the Corporation;

(ii) any recommendations of the Comptroller General relating to the financial operations and condition of the Corporation; and

(iii) a description of any program, expenditure, or other financial transaction or undertaking of the Corporation that was observed during the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without the authority of law.

(j) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and each year thereafter, the Corporation shall submit an annual report covering the preceding fiscal year to the appropriate committees of Congress.

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

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

(B) an analysis of the continued need for the Program Management Office and opportunities for reductions in staffing levels or scope of work in light of progress made in network deployment, including the requests for proposals process; and

(C) such recommendations or proposals for legislative or administrative action as the Corporation considers appropriate.

(3) AVAILABILITY TO TESTIFY.—The directors, employees, and agents and the Chief Executive Officer of the Corporation shall be available to testify before the appropriate committees of the Congress with respect to—

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

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

(C) any other matter which such committees may consider appropriate.

(k) PROHIBITION AGAINST NEGOTIATION WITH FOREIGN GOVERNMENTS.—The Corporation may not negotiate or enter into any agreements with a foreign government on behalf of the United States.

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

SEC. 1202. PUBLIC SAFETY BROADBAND NETWORK.

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

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

(1) A core network that—

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

(B) provides the connectivity between—

(i) the radio access network; and

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

(2) A radio access network that—

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

(B) consists of all cell site equipment, antennas, and backhaul equipment, based on commercial standards, that are required to enable wireless communications with devices using the public safety broadband spectrum; and

(C) shall be developed, constructed, managed, maintained, and operated taking into account the plans developed in the State, local, and tribal planning and implementation grant program under section 1212.

(c) DEPLOYMENT STANDARDS.—The Corporation shall, through the administration of the requests-for-proposals process and oversight of contracts delegated to the Program Management Office—

(1) ensure that the core network and the radio access network are deployed as networks are typically deployed by commercial mobile data service providers;

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

(A) built to open, nonproprietary, commercial standards;

(B) capable of being used by any public safety entity and accessed by devices manufactured by multiple vendors; and

(C) backward-compatible with prior generations of commercial mobile service and commercial mobile data service networks to the extent typically deployed by providers of commercial mobile service and commercial mobile data service; and

(3) ensure that the public safety broadband network is integrated with public safety answering points, or the equivalent of public safety answering points, and with networks for the provision of Next Generation 9–1–1 services (as defined in section 1231).

(d) PROCUREMENT.—In all procurement related to the core network and the radio access network, the Corporation shall use an open, competitive bidding process that—

(1) details the required framework and architecture of such networks, the general specifications of the work requested, and the service-delivery responsibilities of successful bidders;

(2) provides for the award of subcontracts; and

(3) prohibits, except in the case of minor upgrades—

(A) sole-source contracts; and

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

(e) NETWORK INFRASTRUCTURE AND DEVICE CRITERIA.—The Director of NIST, in consultation with the Corporation and the Commission, shall develop and periodically update a list of approved devices and components meeting appropriate protocols and standards. A device or component may not be used on the public safety broadband network unless it appears on such list.

SEC. 1203. PROGRAM MANAGEMENT OFFICE.

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

(b) ACCOUNTABILITY.—The actions of the Program Management Office shall be subject to review by the Corporation.

(c) INDEPENDENCE.—For the duration of any contract between the Program Management Office and the Corporation, the Program Management Office may not have a material financial interest in the outcome of any request for proposals of the Corporation or a material financial interest in any contract or agreement entered into by the Corporation.

(d) DUTIES.—Subject to the determination of the Corporation of the continuing need and appropriate scale of the Program Management Office, the Program Management Office shall—

(1) be responsible for carrying out the day-to-day activities of the Corporation, including ensuring uniformity of deployments of and upgrades to the public safety broadband network to preserve nationwide interoperability and economies of scale in network equipment and device costs;

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

(3) create a template for use by a State Public Safety Broadband Office receiving a grant under section 1212(a) in transmitting the plans developed under such section to the Program Management Office;

(4) create, for approval by the Corporation—

(A) baseline criteria for a request for proposals for the construction, management, maintenance, and operation of the core network; and

(B) baseline criteria for requests for proposals for the construction, management, maintenance, and operation of the radio access network;

(5) in consultation with State Public Safety Broadband Offices, evaluate responses to the requests for proposals described in paragraph (4);

(6) administer and oversee, and verify and validate the performance of, contracts entered into by the Corporation with entities the proposals of which the Corporation accepts;

(7) in consultation with State Public Safety Broadband Offices, the Office of Emergency Communications in the Department of Homeland Security, and the Commission, implement an awareness campaign in order to stimulate nationwide adoption of the public safety broadband network by public safety entities;

(8) in consultation with State Public Safety Broadband Offices, assess the progress of the construction and adoption of the public safety broadband network and report to the Corporation regarding such progress at such intervals as the Corporation requests, but no less frequently than biannually; and

(9) in consultation with State Public Safety Broadband Offices, develop a strategy for the Corporation on the distribution of public funding provided under section 1401(b)(4) for the construction, management, maintenance, and operation of the public safety broadband network.

(e) DEVELOPMENT AND EVALUATION OF REQUESTS FOR PROPOSALS.—In developing requests for proposals with respect to the core network and the radio access network, the Program Management Office shall, on a State-by-State or multi-State basis, seek proposals and recommend for acceptance by the Corporation proposals that—

(1) are based on commercial standards and are backward-compatible with existing commercial mobile service and commercial mobile data service networks;

(2) maximize use of existing infrastructure of commercial entities and of Federal, State, and tribal entities, including existing public safety infrastructure;

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

(4) incorporate deployable network assets, vehicular repeaters, and other equipment as a means to provide additional coverage and capacity as may be required;

(5) ensure a nationwide level of interoperability;

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

(7) promote competition in the network equipment and device markets;

(8) ensure coverage of rural and underserved areas;

(9) take into account the need for the relocation of any incumbent public safety narrowband operations from the public safety broadband spectrum;

(10) enable technology upgrades at a pace comparable to that occurring in the commercial mobile service and commercial mobile data service marketplaces;

(11) ensure the reliability, security, and resiliency of the network, including through measures for—

(A) protecting and monitoring the cybersecurity of the network; and

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

(12) incorporate results from the 700 MHz demonstration network managed by the Public Safety Communications Research Program.

(f) CONSULTATION WITH TECHNICAL AND OPERATIONS ADVISORY BODY.—In carrying out its responsibilities, the Program Management Office shall regularly meet and consult with the Technical and Operations Advisory Body established under section 1201(h).

SEC. 1204. REPRESENTATION BEFORE STANDARDS SETTING ENTITIES.

The Corporation, in consultation with the Director of NIST, the Commission, and the Technical and Operations Advisory Body established under section 1201(h), shall represent the interests of Federal departments and agencies and public safety entities using the public safety broadband network before any appropriate standards development organizations that address issues that in the judgment of the Corporation are relevant and important to the public safety broadband network.

SEC. 1205. GAO REPORT ON SATELLITE BROADBAND.

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

SEC. 1206. ACCESS TO FEDERAL SUPPLY SCHEDULES.

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

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) USE OF SUPPLY SCHEDULES BY PUBLIC SAFETY BROADBAND CORPORATION FOR CERTAIN GOODS AND SERVICES.—

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

''(A) Roaming and priority access services offered by providers of commercial mobile service and commercial mobile data service.

''(B) Broadband network equipment, devices, and applications that are suitable for use on the public safety broadband network.

''(2) DEFINITIONS.—In this subsection—

''(A) the terms 'commercial mobile data service' and 'public safety broadband network' have the meanings given such terms in section 1002 of the Wireless Innovation and Public Safety Act of 2011;

''(B) the term 'commercial mobile service' has the meaning given such term in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)); and

''(C) the term 'Public Safety Broadband Corporation' means the corporation established under section 1201(a)(1) of the Wireless Innovation and Public Safety Act of 2011.''.

SEC. 1207. FEDERAL INFRASTRUCTURE SHARING.

The Administrator of General Services shall establish rules to allow the Corporation, on behalf of public safety entities, to have access to such components of Federal infrastructure as are appropriate for the construction and maintenance of the public safety broadband network.

SEC. 1208. INITIAL FUNDING FOR CORPORATION.

(a) IN GENERAL.—There is appropriated to the Assistant Secretary $50,000,000 for use in accordance with subsection (b), to remain available until the commencement of incentive auctions to be carried out under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 1302(a), or the auction of spectrum pursuant to subsection (a)(1) or (b)(1) of section 1301.

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

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

(2) subject to subsection (c), for transfer to the Corporation of an amount the Assistant Secretary considers necessary for the Corporation to carry out its duties and responsibilities under this title and title I prior to the 1st fiscal year for which the Corporation projects that the fees collected under section 1209 will be sufficient to cover the total expenses of the Corporation for such fiscal year.

(c) CONDITIONS.—The Assistant Secretary may not transfer any funds under subsection (b)(2) unless the Corporation files with the Assistant Secretary—

(1) an estimated budget for the period between the filing and the beginning of the 1st fiscal year for which the Corporation projects that the fees collected under section 1209 will be sufficient to cover the total expenses of the Corporation for such fiscal year; and

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

(d) REINVESTMENT OF EXCESS FUNDS.—Beginning with the 1st fiscal year in which the Corporation collects fees under section 1209 in excess of the total expenses of the Corporation in carrying out its duties and responsibilities under this title and title I for such fiscal year, the Corporation shall use any remaining amount of the funds transferred under subsection (b)(2) only to ensure the construction, management, maintenance, and operation of the public safety broadband network.

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

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

(1) NETWORK USER FEES.—A user or subscription fee from each public safety entity and Federal department or agency that seeks access to or use of the public safety broadband network.

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

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

(c) REQUIRED REINVESTMENT OF EXCESS FUNDS.—If, in a fiscal year, the Corporation collects fees under this section in excess of the total expenses of the Corporation in carrying out its duties and responsibilities under this title and title I for such fiscal year, the Corporation shall use the excess only to ensure the construction, management, maintenance, and operation of the public safety broadband network.

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

SEC. 1211. STATE, LOCAL, AND TRIBAL PLANNING AND IMPLEMENTATION FUND.

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

(b) PURPOSE.—The Assistant Secretary shall establish and administer the grant program under section 1212 using the funds deposited in the State, Local, and Tribal Planning and Implementation Fund.

(c) CREDITING OF RECEIPTS.—There shall be deposited into or credited to the State, Local, and Tribal Planning and Implementation Fund—

(1) any amounts specified in section 1401; and

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

(d) BORROWING AUTHORITY.—

(1) IN GENERAL.—The Assistant Secretary may borrow from the general fund of the Treasury beginning on October 1, 2011, such sums as may be necessary, but not to exceed $250,000,000, to implement section 1212.

(2) REIMBURSEMENT.—The Assistant Secretary shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under paragraph (1) as funds are deposited into the State, Local, and Tribal Planning and Implementation Fund.

SEC. 1212. STATE, LOCAL, AND TRIBAL PLANNING AND IMPLEMENTATION GRANT PROGRAM.

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

(1) Identifying and planning the most efficient and effective use and integration by such entities of the spectrum and the infrastructure, equipment, and other architecture associated with the public safety broadband network to satisfy the wireless communications and data services needs of such entities.

(2) Identifying opportunities for creating a consortium with one or more other States to assist the Program Management Office in developing a single request for proposals to serve the common network requirements of the States in the consortium.

(3) Identifying the particular assets and specialized needs of the public safety entities located within such State for inclusion in requests for proposals with respect to the radio access network. Such assets may include available towers and infrastructure. Such needs may include the projected number of users, preferred buildout timeframes, special coverage needs, special hardening, reliability, security, and resiliency needs, local user priority assignments, and integration needs of public safety answering points and emergency operations centers.

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

(b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

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

(2) WAIVER.—The Assistant Secretary may waive, in whole or in part, the requirements of paragraph (1) for good cause shown if the Assistant Secretary determines that such a waiver is in the public interest.

(c) PROGRAMMATIC REQUIREMENTS.—Not later than 6 months after the date of the incorporation of the Corporation under section 1201(a), the Assistant Secretary, in consultation with the Corporation, shall establish requirements relating to the grant program to be carried out under this section, including the following:

(1) Defining eligible costs for purposes of subsection (b)(1).

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

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

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

SEC. 1213. PUBLIC SAFETY WIRELESS FACILITIES DEPLOYMENT.

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

(b) ELIGIBLE FACILITIES REQUEST.—In this section, the term ''eligible facilities request'' means a request that—

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

(A) collocation of new transmission equipment;

(B) removal of transmission equipment; or

(C) replacement of transmission equipment; and

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

Subtitle C—Public Safety Communications Research and Development

SEC. 1221. NIST-DIRECTED PUBLIC SAFETY WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

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

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

(1) document public safety wireless communications requirements;

(2) accelerate the development of the capability for communications between currently deployed public safety narrowband systems and the public safety broadband network;

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

(4) accelerate the development of mission critical voice communications, including device-to-device talkaround capability over broadband networks, public safety prioritization, authentication capabilities, and standard application programming interfaces, if necessary and practical;

(5) accelerate the development of communications technology and equipment that can facilitate the eventual migration of public safety narrowband communications to the public safety broadband network;

(6) ensure the development and testing of new, interoperable, nonproprietary broadband technologies (including applications, devices, and device components) that are designed to open standards to meet the needs of public safety entities;

(7) seek to develop technologies, standards, processes, and architectures that provide a significant improvement in network security, resiliency, and trustworthiness; and

(8) convene working groups of relevant government and commercial parties in carrying out paragraphs (1) through (7).

Subtitle D—Next Generation 9–1–1 Services

SEC. 1231. DEFINITIONS.

In this subtitle:

(1) 9–1–1 SERVICES, E9–1–1 SERVICES, NEXT GENERATION 9–1–1 SERVICES.—The terms ''9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services'' shall have the meaning given those terms in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this division.

(2) EMERGENCY CALL.—The term ''emergency call'' has the meaning given such term in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this division.

(3) MULTI-LINE TELEPHONE SYSTEM.—The term ''multi-line telephone system'' or ''MLTS'' means a system comprised of common control units, telephone sets, control hardware and software and adjunct systems, including network and premises based systems, such as Centrex and VoIP, as well as PBX, Hybrid, and Key Telephone Systems (as classified by the Commission under part 68 of title 47, Code of Federal Regulations) and includes systems owned or leased by governmental agencies and non-profit entities, as well as for profit businesses.

(4) OFFICE.—The term ''Office'' means the 9–1–1 Implementation Coordination Office established under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this division.

(5) PUBLIC SAFETY ANSWERING POINT.—The term ''public safety answering point'' has the meaning given the term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

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

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

''SEC. 158. COORDINATION OF 9–1–1, E9–1–1 AND NEXT GENERATION 9–1–1 IMPLEMENTATION.

''(a) 9–1–1 IMPLEMENTATION COORDINATION OFFICE.—

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

''(A) establish and further a program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of 9–1–1 services; and

''(B) establish a 9–1–1 Implementation Coordination Office to implement the provisions of this section.

''(2) MANAGEMENT PLAN.—

''(A) DEVELOPMENT.—The Assistant Secretary and the Administrator shall develop a management plan for the grant program established under this section, including by developing—

''(i) plans related to the organizational structure of such program; and

''(ii) funding profiles for each fiscal year of the 5-year duration of such program.

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

''(i) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

''(ii) the Committees on Energy and Commerce and Appropriations of the House of Representatives.

''(3) PURPOSE OF OFFICE.—The Office shall—

''(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

''(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

''(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

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

''(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

''(4) REPORTS.—The Assistant Secretary and the Administrator shall provide an annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services.

''(b) 9–1–1, E9–1–1 AND NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—

''(1) MATCHING GRANTS.—The Assistant Secretary and the Administrator, acting through the Office, shall provide grants to eligible entities for—

''(A) the implementation and operation of 9–1–1 services, E9–1–1 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 9–1–1 services and applications;

''(B) the implementation of IP-enabled emergency services and applications enabled by Next Generation 9–1–1 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

''(C) training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 9–1–1 services.

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

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

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

''(i) has coordinated its application with the public safety answering points located within the jurisdiction of such entity;

''(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of 9–1–1 services, except that such designation need not vest such coordinator with direct legal authority to implement 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services or to manage emergency communications operations;

''(iii) has established a plan for the coordination and implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services; and

''(iv) has integrated telecommunications services involved in the implementation and delivery of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services; or

''(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

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

''(c) DIVERSION OF 9–1–1 CHARGES.—

''(1) DESIGNATED 9–1–1 CHARGES.—For the purposes of this subsection, the term 'designated 9–1–1 charges' means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

''(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated 9–1–1 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

''(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated 9–1–1 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or re-designates such charges for purposes other than the implementation or operation of 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services, all of the funds from such grant shall be returned to the Office.

''(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (1) knowing that the information provided in the certification was false shall—

''(A) not be eligible to receive the grant under subsection (b);

''(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

''(C) not be eligible to receive any subsequent grants under subsection (b).

''(d) AUTHORIZATION AND TERMINATION.—

''(1) AUTHORIZATION.—

''(A) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, for the purposes of carrying out grants under this section, $250,000,000 total for the 5-year period described in subparagraph (C).

''(B) LIMITATION.—Of the amounts made available to the Secretary of Commerce under this paragraph in a fiscal year, not more than 5 percent of such amounts may be obligated or expended to cover the administrative costs of carrying out this section.

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

''(2) TERMINATION.—Effective on the day after the end of the 5-year period described in paragraph (1)(C), the authority provided by this section terminates and this section shall have no effect.

''(e) DEFINITIONS.—In this section:

''(1) 9–1–1 SERVICES.—The term '9–1–1 services' includes both E9–1–1 services and Next Generation 9–1–1 services.

''(2) E9–1–1 SERVICES.—The term 'E9–1–1 services' means both phase I and phase II enhanced 9–1–1 services, as described in section 20.18 of the Commission's regulations (47 C.F.R. 20.18), as in effect on the date of enactment of the Wireless Innovation and Public Safety Act of 2011, or as subsequently revised by the Commission.

''(3) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—The term 'eligible entity' means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))).

''(B) INSTRUMENTALITIES.—The term 'eligible entity' includes public authorities, boards, commissions, and similar bodies created by 1 or more eligible entities described in subparagraph (A) to provide 9–1–1 service, E9–1–1 services, or Next Generation 9–1–1 services.

''(C) EXCEPTION.—The term 'eligible entity' does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

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

''(A) through voice, text, or video and related data; and

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

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

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

''(B) processes all types of emergency calls, including voice, text, data, and multimedia information;

''(C) acquires and integrates additional emergency call data useful to call routing and handling;

''(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

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

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

''(6) OFFICE.—The term 'Office' means the 9–1–1 Implementation Coordination Office.

''(7) PUBLIC SAFETY ANSWERING POINT.—The term 'public safety answering point' has the meaning given the term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

''(8) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.''.

SEC. 1233. REQUIREMENTS FOR MULTI-LINE TELEPHONE SYSTEMS.

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

(b) COMMISSION ACTION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commission shall issue a public notice seeking comment on the feasibility of requiring MLTS manufacturers to include within all such systems manufactured or sold after a date certain, to be determined by the Commission, one or more mechanisms to provide a sufficiently precise indication of a 9–1–1 caller's location, while avoiding the imposition of undue burdens on MLTS manufacturers, providers, and operators.

(2) SPECIFIC REQUIREMENT.—The public notice under paragraph (1) shall seek comment on the National Emergency Number Association's ''Technical Requirements Document On Model Legislation E9–1–1 for Multi-Line Telephone Systems'' (NENA 06–750, Version 2).

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

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

(1) the imposition of taxes, fees, or other charges imposed by States or political subdivisions of States that are designated or presented as dedicated to improve emergency communications services, including 9–1–1 services or enhanced 9–1–1 services, or related to emergency communications services operations or improvements; and

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

(b) REPORT.—Not later than 18 months after initiating the study required by subsection (a), the Comptroller General shall prepare and submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives setting forth the findings, conclusions, and recommendations, if any, of the study, including—

(1) the identity of each State or political subdivision that imposes such taxes, fees, or other charges; and

(2) the amount of revenues obligated or expended by that State or political subdivision for any purpose other than the purposes for which such taxes, fees, or charges were designated or presented.

SEC. 1235. PARITY OF PROTECTION FOR PROVISION OR USE OF NEXT GENERATION 9–1–1 SERVICE.

(a) IMMUNITY.—A provider or user of Next Generation 9–1–1 services, a public safety answering point, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or public safety answering point, shall have immunity and protection from liability under Federal and State law to the extent provided in subsection (b) with respect to—

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

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

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

(b) SCOPE OF IMMUNITY AND PROTECTION FROM LIABILITY.—The scope and extent of the immunity and protection from liability afforded under subsection (a) shall be the same as that provided under section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) to wireless carriers, public safety answering points, and users of wireless 9–1–1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

SEC. 1236. COMMISSION PROCEEDING ON AUTODIALING.

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

(b) FEATURES OF THE REGISTRY.—The Commission shall issue regulations, after providing the public with notice and an opportunity to comment, that—

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

(2) provide a process for verifying, no less frequently than once every 7 years, that registered numbers should continue to appear upon the registry;

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

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

(5) prohibit the use of automatic dialing or ''robocall'' equipment to establish contact with registered numbers.

(c) ENFORCEMENT.—The Commission shall—

(1) establish monetary penalties for violations of the protective regulations established pursuant to subsection (b)(4) of not less than $100,000 per incident nor more than $1,000,000 per incident;

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

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

SEC. 1237. NHTSA REPORT ON COSTS FOR REQUIREMENTS AND SPECIFICATIONS OF NEXT GENERATION 9–1–1 SERVICES.

(a) IN GENERAL.—Using amounts made available from the Public Safety Trust Fund under section 1401, not later than 1 year after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration, in consultation with the Commission, the Secretary of Homeland Security, and the Office, shall prepare and submit to Congress a report that analyzes and determines detailed costs for specific Next Generation 9–1–1 service requirements and specifications.

(b) CONTENTS.—The report required under subsection (a) shall include the following:

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

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

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

(4) A technical analysis and cost study of different delivery platforms, such as wireline, wireless, and satellite.

(5) An assessment of the architectural characteristics, feasibility, and limitations of Next Generation 9–1–1 service delivery.

(6) An analysis of the needs for Next Generation 9–1–1 service of persons with disabilities.

(7) Standards and protocols for Next Generation 9–1–1 service and for incorporating Voice over Internet Protocol and real-time text standards.

SEC. 1238. FCC RECOMMENDATIONS FOR LEGAL AND STATUTORY FRAMEWORK FOR NEXT GENERATION 9–1–1 SERVICES.

Not later than 1 year after the date of the enactment of this Act, the Commission, in coordination with the Secretary of Homeland Security, the Administrator of the National Highway Traffic Safety Administration, and the Office, shall prepare and submit a report to Congress that contains recommendations for the legal and statutory framework for Next Generation 9–1–1 services, consistent with recommendations in the National Broadband Plan developed by the Commission pursuant to the American Recovery and Reinvestment Act of 2009, including the following:

(1) A legal and regulatory framework for the development of Next Generation 9–1–1 services and the transition from legacy 9–1–1 to Next Generation 9–1–1 services.

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

(3) Recommendations for removing jurisdictional barriers and inconsistent legacy regulations, including—

(A) proposals that would require States to remove regulatory impediments to Next Generation 9–1–1 services development, while recognizing the appropriate role of the States;

(B) eliminating outdated 9–1–1 regulations at the Federal level; and

(C) preempting inconsistent State regulations.

TITLE III—SPECTRUM AUCTION AUTHORITY

SEC. 1301. DEADLINES FOR AUCTION OF CERTAIN SPECTRUM.

(a) IN GENERAL.—

(1) AUCTION.—The Commission shall, through competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), assign licenses for the use of

the electromagnetic spectrum described in paragraph (2) in accordance with the timetable set forth in paragraph (3).

(2) SPECTRUM DESCRIBED.—The spectrum described in this paragraph is the following:

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

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

(i) the President determines that such frequencies cannot be reallocated for non-Federal use due to the need to protect incumbent Federal operations from interference; and

(ii) the President identifies other spectrum the reallocation for non-Federal use of which better serves the public interest, convenience, and necessity and that can reasonably be expected to produce comparable auction receipts;

the spectrum described in this subparagraph shall be the spectrum identified by the President under clause (ii).

(C) The frequencies from 1695 megahertz to 1710 megahertz, except for the geographic exclusion zones (as such zones may be amended) identified in the report of the NTIA published in October 2010 and entitled ''An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands''.

(D) Fifteen megahertz of contiguous spectrum identified by the Commission to be paired with the spectrum described in subparagraph (C).

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

(i) the President determines that such frequencies cannot be reallocated for non-Federal use due to the need to protect incumbent Federal operations from interference; and

(ii) the President identifies other spectrum the reallocation for non-Federal use of which better serves the public interest, convenience, and necessity and that can reasonably be expected to produce comparable auction receipts;

the spectrum described in this subparagraph shall be the spectrum identified by the President under clause (ii).

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

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

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

(ii) deposit the available proceeds in accordance with paragraph (8) of such section not later than June 30, 2014;

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

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

(ii) deposit the available proceeds in accordance with paragraph (8) of such section not later than June 30, 2018; and

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

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

(ii) deposit the available proceeds in accordance with paragraph (8) of such section not later than June 30, 2020.

(4) NOTIFICATION TO PRESIDENT.—Not later than 6 months before each auction of frequencies under paragraph (1) in which any frequency assigned to a Federal Government station will be auctioned, the Commission shall notify the President of the date when such auction will begin and the frequencies to be auctioned.

(5) WITHDRAWAL FROM FEDERAL USE.—Notwithstanding section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 47 U.S.C. 921 note), upon receipt of a notification from the Commission under paragraph (4) with respect to an auction of frequencies, the President shall withdraw the assignment to a Federal Government station of any such frequency.

(6) DELAYED OR PHASED REALLOCATION OF CERTAIN FEDERAL SPECTRUM.—If the President determines that reallocation for non-Federal use of the spectrum described in subparagraph (E) of paragraph (2) must be delayed or conducted in phases to ensure protection from interference of or continuity of incumbent Federal operations, the President may delay the withdrawal under paragraph (5) of the assignment of such spectrum to a Federal Government station until such time as the President considers necessary to ensure such protection, but in no case later than January 31, 2020.

(b) AUCTION OF CERTAIN OTHER SPECTRUM.—

(1) AUCTION.—In accordance with the timetable set forth in paragraph (2), the Commission shall assign through competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), or reallocate for unlicensed use, the electromagnetic spectrum between the frequencies from 3550 megahertz to 3650 megahertz, except for the geographic exclusion zones (as such zones may be amended) identified in the report of the NTIA published in October 2010 and entitled ''An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands''.

(2) TIMETABLE.—Notwithstanding paragraph (15)(A) of such section, the Commission shall complete all actions necessary in order to—

(A) commence the bidding process, or commence reallocation for unlicensed use, not later than 3 years after the date of the enactment of this Act; and

(B) deposit the available proceeds in accordance with paragraph (8) of such section not later than 6 months thereafter.

(3) NOTIFICATION TO PRESIDENT.—Not later than 6 months before each auction of frequencies under paragraph (1), or the reallocation for unlicensed use of any frequency described in such paragraph, the Commission shall notify the President of the date when such auction will begin or such reallocation will occur and the frequencies to be auctioned or reallocated.

(4) WITHDRAWAL FROM FEDERAL USE.—Upon receipt of a notification from the Commission under paragraph (3) with respect to an auction or reallocation of frequencies, the President shall withdraw the assignment to a Federal Government station of any such frequency.

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

(1) in subparagraph (A), by striking ''(B), (D), and (E),'' and inserting ''(B), (D), (E), (F), and (G),'';

(2) in subparagraph (C)—

(A) in clause (i), by striking ''subparagraph (E)(ii)'' and inserting ''subparagraphs (D)(ii), (E)(ii), (F), and (G)(iv)''; and

(B) in clause (iii)—

(i) by striking the period at the end and inserting a semicolon;

(ii) by striking ''shall be'' and inserting the following:

''(I) before the date of the enactment of the Wireless Innovation and Public Safety Act of 2011, shall be''; and

(iii) by adding at the end the following:

''(II) during the 10-year period beginning on the date of the enactment of the Wireless Innovation and Public Safety Act of 2011, shall be transferred to the Public Safety Broadband Corporation established under section 1201(a)(1) of such Act for use by the Corporation to carry out its duties and responsibilities under titles I and II of such Act; and

''(III) after such period, shall be transferred to the general fund of the Treasury for the sole purpose of deficit reduction.'';

(3) in subparagraph (D)—

(A) by striking the heading and inserting ''PROCEEDS FROM REALLOCATED FEDERAL SPECTRUM'';

(B) by striking ''Cash'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), cash''; and

(C) by adding at the end the following:

''(ii) CERTAIN OTHER PROCEEDS.—Except as provided in subparagraph (B), in the case of proceeds (including deposits and upfront payments from successful bidders) attributable to the auction of eligible frequencies described in paragraph (2) of section 113(g) of the National Telecommunications and Information Administration Organization Act that are required to be auctioned by subsection (a)(1) or (b)(1) of section 1301 of the Wireless Innovation and Public Safety Act of 2011, such portion of such proceeds as is necessary to cover the relocation costs and sharing costs (as defined in paragraph (3) of such section 113(g)) of Federal entities relocated from or sharing such eligible frequencies shall be deposited in the Spectrum Relocation Fund. The remainder of such proceeds shall be deposited in the Public Safety Trust Fund established by section 1401(a)(1) of such Act.''; and

(4) by adding at the end the following new subparagraph:

''(F) CERTAIN PROCEEDS DESIGNATED FOR PUBLIC SAFETY TRUST FUND.—Except as provided in subparagraphs (B) and (D), the proceeds (including deposits and upfront payments from successful bidders) from the use of a system of competitive bidding under this subsection pursuant to subsections (a)(1) and (b)(1) of section 1301 of the Wireless Innovation and Public Safety Act of 2011 shall be deposited in the Public Safety Trust Fund established by section 1401(a)(1) of such Act.''.

(d) EXTENSION OF AUCTION AUTHORITY.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking ''2012'' and inserting ''2021''.

SEC. 1302. INCENTIVE AUCTION AUTHORITY.

(a) IN GENERAL.—Section 309(j)(8) of the Communications Act of 1934, as amended by section 1301(c), is further amended by adding at the end the following new subparagraph:

''(G) INCENTIVE AUCTION AUTHORITY.—

''(i) IN GENERAL.—If the Commission determines that it is consistent with the public interest in utilization of the spectrum for a licensee to voluntarily relinquish some or all of its licensed rights for the use of spectrum in order to permit—

''(I) through competitive bidding under this subsection, the assignment of initial licenses subject to new service rules, on a flexible-use basis to the extent technologically feasible; or

''(II) the allocation of spectrum for unlicensed use;

the Commission may disburse to such licensee, from the proceeds from competitive bidding for any spectrum usage rights made available by reason of relinquishments under this subparagraph, an amount that the Commission considers appropriate, based on the value of the rights relinquished by such licensee.

''(ii) FACTORS FOR CONSIDERATION.—In considering whether to accept the voluntary relinquishment of licensed spectrum usage rights of a licensee and share proceeds with such licensee under clause (i), the Commission shall consider the following factors:

''(I) The conditions under which such licensee could maintain the license and whether such licensee is in compliance with the license terms.

''(II) The extent to which such relinquishment would serve the public interest, convenience, and necessity.

''(iii) COVERAGE AREA REQUIREMENTS.—In assigning licenses under this subparagraph, the Commission shall make all reasonable efforts to ensure that there is an adequate opportunity for applicants to submit bids for licenses covering both large and small geographic areas, as such areas are determined by the Commission.

''(iv) TREATMENT OF REVENUES.—Except as provided in subparagraph (B), all proceeds (including deposits and upfront payments from successful bidders) from the auction of spectrum usage rights made available by relinquishments under this subparagraph shall be deposited in the Public Safety Trust Fund established by section 1401(a)(1) of the Wireless Innovation and Public Safety Act of 2011.''.

(b) SPECIAL RULES FOR TELEVISION BROADCAST SPECTRUM.—

(1) GENERAL AUTHORITY TO REORGANIZE.—In order to create a geographically contiguous band of spectrum across the United States, the Commission shall—

(A) create a framework to make available such portions of the television broadcast spectrum as the Commission considers appropriate; and

(B) require television broadcast station licensees and other licensees to relocate, as the Commission considers appropriate.

(2) VOLUNTARY NATURE OF INCENTIVE AUCTIONS.—Except as provided in paragraphs (3) and (4), reclamation or modification of spectrum usage rights of a television broadcast station licensee for the purpose of providing spectrum usage rights to carry out an incentive auction under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by subsection (a), shall be on a voluntary basis.

(3) RECLAMATION IN EXCHANGE FOR RIGHTS TO SUBSTANTIALLY EQUIVALENT SPECTRUM.—

(A) IN GENERAL.—The Commission may reclaim the spectrum usage rights of a television broadcast station licensee for the purpose of providing spectrum usage rights to carry out an incentive auction under section 309(j)(8)(G) of the Communications Act of 1934 if the Commission assigns to such licensee the rights to use an identical amount of contiguous spectrum, in the same geographic market.

(B) SUBSTANTIAL EQUIVALENCE.—The Commission shall ensure, to the extent technically feasible, in the public interest, and consistent with the goals of the auction, that spectrum usage rights assigned under subparagraph (A) enable a licensee to offer service that is substantially similar in service contour, population covered, and amount of harmful interference to the service offered by such licensee on the spectrum the rights to which are reclaimed by the Commission under such subparagraph.

(C) RELOCATION COSTS.—The costs incurred by a licensee in relocating to an identical amount of spectrum under subparagraph (A) shall be paid from the Incentive Auction Relocation Fund established by paragraph (6).

(4) MODIFICATION OF RIGHTS AND COMPENSATION.—

(A) MODIFICATION.—If the Commission determines that it is in the public interest to modify the spectrum usage rights of a television broadcast station licensee for the purpose of providing spectrum usage rights to carry out an incentive auction under section 309(j)(8)(G) of the Communications Act of 1934, the Commission may make the modification and compensate such licensee for the reduction in spectrum usage rights from the Incentive Auction Relocation Fund established by paragraph (6).

(B) LEAST MODIFICATION TECHNICALLY FEASIBLE.—To the extent technically feasible and in the public interest, in making a modification of the spectrum usage rights of a television broadcast station licensee under subparagraph (A), the Commission shall make reasonable efforts to—

(i) preserve the amount of population covered by the signal of such licensee within the service area of such licensee; and

(ii) avoid any substantial increase in harmful interference to the signal of such licensee as a result of the modification.

(5) LIMITATIONS.—

(A) CO-LOCATION.—In the reorganization of the television broadcast spectrum under this subsection—

(i) the Commission may not involuntarily co-locate multiple television broadcast station licensees on the same channel; and

(ii) each television broadcast station licensee voluntarily electing to be co-located shall have the carriage rights under sections 338, 614, and 615 of the Communications Act of 1934 (47 U.S.C. 338; 534; 535) that it would have had if it had been the sole television broadcast station licensee located at the shared location on November 30, 2010.

(B) NO INVOLUNTARY RELOCATION FROM UHF TO VHF.—In the reorganization of the television broadcast spectrum under this subsection, the Commission may not involuntarily reassign a licensee from a television channel located between 470 megahertz and 608 megahertz to a television channel located between 54 megahertz and 216 megahertz.

(6) ESTABLISHMENT OF INCENTIVE AUCTION RELOCATION FUND.—

(A) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Incentive Auction Relocation Fund.

(B) DEPOSITS.—There shall be deposited in the Incentive Auction Relocation Fund the amounts specified in section 1401(b)(2).

(C) AVAILABILITY.—Amounts in the Incentive Auction Relocation Fund shall be available to the Assistant Secretary for use—

(i) without fiscal year limitation;

(ii) without further appropriation;

(iii) in the case of availability for payment of the costs of a particular television broadcast station licensee described in subparagraph (D)(i)(I), for a period not to exceed 18 months following the latest of—

(I) completion of the auction under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) from which such amounts were derived;

(II) the issuance by the Commission to such licensee of a construction permit to allow such licensee to change channels or geographic locations; or

(III) notification by such licensee to the Assistant Secretary that such licensee has incurred or will incur costs as a result of such a change;

(iv) in the case of availability for payment of costs of a particular multichannel video programming distributor described in subparagraph (D)(i)(II), for a period not to exceed 18 months following the later of—

(I) completion of the auction under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) from which such amounts were derived; or

(II) notification by such multichannel video programming distributor to the Assistant Secretary that such multichannel video programming distributor has incurred or will incur such costs; and

(v) before January 1, 2018.

(D) USE OF FUNDS.—

(i) IN GENERAL.—Amounts in the Incentive Auction Relocation Fund may only be used by the Assistant Secretary, in consultation with the Commission, to cover—

(I) the costs, including the costs of new equipment, installation, and construction (including the costs of tower, antenna, transmitter, and transmission line upgrades), incurred by television broadcast station licensees as a result of—

(aa) relocation to an identical amount of contiguous spectrum under paragraph (3); or

(bb) modification of spectrum usage rights under paragraph (4);

(II) the costs of multichannel video programming distributors (as defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13))) to continue complying with any carriage obligations under sections 338, 614, and 615 of such Act (47 U.S.C. 338; 534; 535), if such costs were incurred as a result of—

(aa) voluntary relinquishment by television broadcast station licensees of spectrum usage rights under section 309(j)(8)(G) of such Act;

(bb) relocation of television broadcast station licensees to an identical amount of contiguous spectrum under paragraph (3); or

(cc) modification of the spectrum usage rights of television broadcast station licensees under paragraph (4); and

(III) the expenses incurred by the Assistant Secretary in administering the Fund.

(ii) PROHIBITION.—Amounts in the Incentive Auction Relocation Fund may not be used to cover—

(I) lost revenues; or

(II) costs incurred by a television broadcast station licensee as a result of a voluntary relinquishment of rights.

(iii) REASONABLENESS.—The Assistant Secretary may only make payments under clause (i) to cover costs that were reasonably incurred, as determined by the Assistant Secretary, in consultation with the Commission.

(7) CONFIDENTIALITY.—The Commission shall protect the confidentiality of the identity of a television broadcast station licensee offering to relinquish spectrum usage rights under section 309(j)(8)(G) of the Communications Act of 1934 until the relinquishment becomes effective.

(8) DEADLINES FOR REORGANIZATION OF TELEVISION BROADCAST SPECTRUM.—

(A) RULEMAKING.—Not later than 18 months after the date of the enactment of this Act, the Commission shall complete a rulemaking proceeding to establish a process for carrying out the reorganization of the television broadcast spectrum under this subsection.

(B) AUCTIONS.—The Commission shall take all actions necessary in order to, with respect to the portions of the television broadcast spectrum made available through the reorganization under this subsection—

(i) not later than January 31, 2016—

(I) commence the bidding process under section 309(j)(8)(G) of the Communications Act of 1934 to assign initial licenses subject to new service rules, on a flexible-use basis to the extent technologically feasible; or

(II) allocate such spectrum for unlicensed use; and

(ii) not later than June 30, 2016, deposit the available proceeds in accordance with such section.

(9) LIMITATION.—During the period beginning on the date of the enactment of this Act and ending on June 30, 2016, the Commission

may conduct only 1 process involving reorganization of the television broadcast spectrum under this subsection.

(10) CERTAIN PROVISIONS INAPPLICABLE.—The following provisions of the Communications Act of 1934 shall not apply in the case of the reorganization of television broadcast spectrum under this subsection or the auction under section 309(j)(8)(G) of such Act of the spectrum made available through such reorganization: section 307(b), the 2nd and 3rd sentences and subparagraphs (A) and (F) of section 309(j)(3), subparagraphs (A), (C), and (D) of section 309(j)(4), section 309(j)(15)(A), section 316, and section 331.

(11) DEFINITIONS.—In this subsection:

(A) TELEVISION BROADCAST SPECTRUM.—The term ''television broadcast spectrum'' means the portions of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, from 174 megahertz to 216 megahertz, from 470 megahertz to 608 megahertz, and from 614 megahertz to 698 megahertz.

(B) TELEVISION BROADCAST STATION LICENSEE.—The term ''television broadcast station licensee'' means the licensee of—

(i) a full-power television station; or

(ii) low-power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.

(12) EXPIRATION.—The preceding paragraphs of this subsection, except paragraphs (6) and (11), shall not apply after June 30, 2016.

(c) INCENTIVE AUCTIONS TO REPURPOSE CERTAIN MOBILE SATELLITE SERVICE SPECTRUM FOR TERRESTRIAL BROADBAND USE.—

(1) IN GENERAL.—To the extent that the Commission makes available, after the date of the enactment of this Act, initial spectrum licenses for the use of some or all of the spectrum described in paragraph (2) for terrestrial broadband use, such licenses shall be assigned through a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), including, as appropriate, paragraph (8)(G) of such section.

(2) SPECTRUM DESCRIBED.—The spectrum described in this paragraph is the following:

(A) The frequencies from 1525 megahertz to 1544 megahertz, from 1545 megahertz to 1559 megahertz, from 1626.5 megahertz to 1645.5 megahertz, and from 1646.5 megahertz to 1660.5 megahertz (the L band).

(B) The frequencies from 1610 megahertz to 1626.5 megahertz and from 2483.5 megahertz to 2500 megahertz (the Big LEO band).

(C) The frequencies from 2000 megahertz to 2020 megahertz and from 2180 megahertz to 2200 megahertz (the S band).

(3) RETENTION OF COMMISSION AUTHORITY.—Nothing in this subsection shall modify or restrict the authority of the Commission to grant a waiver under section 316 of the Communications Act of 1934 (47 U.S.C. 316) to an existing mobile satellite service licensee to afford such licensee additional flexibility to provide terrestrial broadband services.

TITLE IV—PUBLIC SAFETY TRUST FUND

SEC. 1401. PUBLIC SAFETY TRUST FUND.

(a) ESTABLISHMENT OF PUBLIC SAFETY TRUST FUND.—

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

(2) DEPOSIT OF RECEIPTS.—

(A) IN GENERAL.—There shall be deposited in the Public Safety Trust Fund the proceeds from the auction of spectrum required to be deposited in the Fund by subparagraphs (D)(ii), (F), and (G) of section 309(j)(8) of the Communications Act of 1934, as added by sections 1301(c)(3)(C), 1301(c)(4), and 1302(a), respectively.

(B) AVAILABILITY.—Amounts deposited in the Public Safety Trust Fund in accordance with subparagraph (A) shall remain available through fiscal year 2021. After the end of such fiscal year, such amounts shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) USE OF FUND.—Amounts deposited in the Public Safety Trust Fund shall be used in the following manner:

(1) PAYMENT OF INCENTIVE AMOUNTS.—

(A) DISBURSALS.—Amounts in the Public Safety Trust Fund shall be used to make the disbursals permitted by section 309(j)(8)(G)(i) of the Communications Act of 1934 to licensees who voluntarily relinquished licensed spectrum usage rights under such section.

(B) NOTIFICATION TO CONGRESS.—

(i) IN GENERAL.—At least 3 months before any incentive auction conducted under section 309(j)(8)(G) of the Communications Act of 1934, the Chairman of the Commission, in consultation with the Director of the Office of Management and Budget, shall notify the appropriate committees of Congress—

(I) of the methodology for calculating any disbursals described in subparagraph (A) that will be made from the proceeds of such auction; and

(II) that such methodology considers the value of the spectrum voluntarily relinquished in its current use and the timeliness with which the licensee cleared its use of such spectrum.

(ii) DEFINITION.—In this subparagraph, the term ''appropriate committees of Congress'' means—

(I) the Committee on Commerce, Science, and Transportation of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Energy and Commerce of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(2) INCENTIVE AUCTION RELOCATION FUND.—Not less than 5 percent but not more than $1,000,000,000 of the amounts in the Public Safety Trust Fund shall be deposited in the Incentive Auction Relocation Fund established by section 1302(b)(6)(A).

(3) STATE, LOCAL, AND TRIBAL PLANNING AND IMPLEMENTATION FUND.—$250,000,000 shall be deposited in the State, Local, and Tribal Planning and Implementation Fund established by section 1211(a).

(4) PUBLIC SAFETY BROADBAND CORPORATION.—$11,000,000,000 shall be deposited with the Public Safety Broadband Corporation established under section 1201(a) for ensuring the construction, management, maintenance, and operation of the public safety broadband network.

(5) PUBLIC SAFETY RESEARCH AND DEVELOPMENT.—$40,000,000 per year for each of the fiscal years 2012 through 2016 shall be made available for use by the Director of NIST to carry out the research program established under section 1221.

(6) NHTSA REPORT ON NEXT GENERATION 9–1–1 SERVICES.—$2,000,000 shall be made available for fiscal years 2012 and 2013 for use by the Administrator of the National Highway Traffic Safety Administration to prepare the report on Next Generation 9–1–1 services required by section 1237.

(7) DEFICIT REDUCTION.—Any amounts remaining in the Public Safety Trust Fund after the deduction of the amounts required by paragraphs (1) through (6) shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

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

TITLE V—SPECTRUM POLICY

SEC. 1501. SPECTRUM INVENTORY.

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

''SEC. 119. SPECTRUM INVENTORY.

''(a) RADIO SPECTRUM INVENTORY.—In order to promote the efficient use of the electromagnetic spectrum, the Assistant Secretary and the Commission shall coordinate and carry out each of the following activities not later than 1 year after the date of enactment of this section:

''(1) Except as provided in subsection (e), create an inventory of each radio spectrum band of frequencies listed in the United States Table of Frequency Allocations, from 225 megahertz to, at a minimum, 3.7 gigahertz, and to 10 gigahertz unless the Assistant Secretary and the Commission determine that the burden of expanding the inventory outweighs the benefit, that includes—

''(A) the radio services authorized to operate in each band of frequencies;

''(B) the identity of each Federal or non-Federal user within each such radio service authorized to operate in each band of frequencies;

''(C) the activities, capabilities, functions, or missions (including whether such activities, capabilities, functions, or missions are space-based, air-based, or ground-based) supported by the transmitters, end-user terminals or receivers, or other radio frequency devices authorized to operate in each band of frequencies;

''(D) the total amount of spectrum, by band of frequencies, assigned or licensed to each Federal or non-Federal user (in percentage terms and in sum) and the geographic areas covered by their respective assignments or licenses; and

''(E) to the greatest extent possible—

''(i) the approximate number of transmitters, end-user terminals or receivers, or other radio frequency devices authorized to operate, as appropriate to characterize the extent of use of each radio service in each band of frequencies;

''(ii) an approximation of the extent to which each Federal or non-Federal user is using, by geography, each band of frequencies, such as the amount and percentage of time of use, number of end users, or other measures as appropriate to the particular band and radio service;

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

''(iv) for each band or range of frequencies, the identity of each entity offering unlicensed services and the types and approximate number of unlicensed intentional radiators verified or certified by the Commission that are authorized to operate; and

''(v) for non-Federal users, any commercial names under which facilities-based service is offered to the public using the spectrum of the non-Federal user, including the commercial names under which the spectrum is being offered through resale.

''(2) Except as provided in subsection (e), create a centralized portal or Web site to make the inventory of the bands of frequencies required under paragraph (1) available to the public.

''(b) USE OF AGENCY RESOURCES.—In creating the inventory described in subsection (a)(1), the Assistant Secretary and the Commission shall first use agency resources, including existing databases, field testing, and

recordkeeping systems, and only request information from Federal and non-Federal users if such information cannot be obtained using such agency resources.

''(c) REPORTS.—

''(1) IN GENERAL.—Except as provided in subsection (e), not later than 2 years after the date of enactment of this section and biennially thereafter, the Assistant Secretary and the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives containing—

''(A) the results of the inventory created under subsection (a)(1), including any update to the information in the inventory pursuant to subsection (d);

''(B) a description of any information the Assistant Secretary or the Commission determines is necessary for such inventory but that is unavailable; and

''(C) a description of any information not provided by any Federal or non-Federal user in accordance with subsections (e)(1)(B)(ii) and (e)(2)(C)(ii).

''(2) RELOCATION REPORT.—

''(A) IN GENERAL.—Except as provided in subsection (e), the Assistant Secretary and the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives containing a recommendation of which spectrum, if any, should be reallocated or otherwise made available for shared access and an explanation of the basis for that recommendation.

''(B) DEADLINES.—The report required under subparagraph (A) shall be submitted not later than 2 years after the date of enactment of this section and every 2 years thereafter.

''(3) INVENTORY REPORT.—If the Assistant Secretary and the Commission have not conducted an inventory under subsection (a) to 10 gigahertz at least 90 days before the third report required under paragraph (1) is submitted, the Assistant Secretary and the Commission shall include an evaluation in such report and in every report thereafter of whether the burden of expanding the inventory to 10 gigahertz outweighs the benefit until such time as the Assistant Secretary and the Commission have conducted the inventory to 10 gigahertz.

''(d) MAINTENANCE AND UPDATING OF INFORMATION.—After the creation of the inventory required by subsection (a)(1), the Assistant Secretary and the Commission shall make all reasonable efforts to maintain and update the information required under such subsection on a quarterly basis, including when there is a transfer or auction of a license or a change in a permanent assignment or license.

''(e) NATIONAL SECURITY AND PUBLIC SAFETY INFORMATION.—

''(1) NONDISCLOSURE.—

''(A) IN GENERAL.—If the head of an executive agency of the Federal Government determines that public disclosure of certain information held by that agency or a licensee of non-Federal spectrum and required by subsection (a), (c), or (d) would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, or public safety, the agency head shall notify the Assistant Secretary of that determination and shall include descriptions of the activities, capabilities, functions, or missions (including whether they are space-based, air-based, or ground-based) supported by the information being withheld.

''(B) INFORMATION PROVIDED.—The agency head shall provide to the Assistant Secretary—

''(i) the publicly releasable information required by subsection (a)(1);

''(ii) to the maximum extent practicable, a summary description, suitable for public release, of the classified national security information or other information for which there is a legal basis for nondisclosure; and

''(iii) a classified annex, under appropriate cover, containing the classified national security information or other information for which there is a legal basis for nondisclosure that the agency head has determined must be withheld from public disclosure.

''(2) PUBLIC SAFETY NONDISCLOSURE.—

''(A) IN GENERAL.—If a licensee of non-Federal spectrum determines that public disclosure of certain information held by that licensee and required to be submitted by subsection (a), (c), or (d) would reveal information for which public disclosure would be detrimental to public safety, or the licensee is otherwise prohibited by law from disclosing the information, the licensee may petition the Commission for a partial or total exemption from inclusion on the centralized portal or Web site under subsection (a)(2) and in the report required by subsection (c).

''(B) BURDEN.—The licensee seeking an exemption under this paragraph bears the burden of justifying the exemption and shall provide clear and convincing evidence to support such an exemption.

''(C) INFORMATION REQUIRED.—If an exemption is granted under this paragraph, the licensee shall provide to the Commission—

''(i) the publicly releasable information required by subsection (a)(1) for the inventory;

''(ii) to the maximum extent practicable, a summary description, suitable for public release, of the information for which public disclosure would be detrimental to public safety or the licensee is otherwise prohibited by law from disclosing; and

''(iii) an annex, under appropriate cover, containing the information that the Commission has determined should be withheld from public disclosure.

''(3) ADDITIONAL DISCLOSURE.—The annexes required under paragraphs (1)(B)(iii) and (2)(C)(iii) shall be provided to the congressional committees listed in subsection (c), but shall not be disclosed to the public under subsection (a) or subsection (d) or provided to any unauthorized person through any other means.

''(4) NATIONAL SECURITY COUNCIL CONSULTATION.—Prior to the release of the inventory under subsection (a), any updates to the inventory resulting from subsection (d), or the submission of a report under subsection (c)(1), the Assistant Secretary and the Commission shall consult with the National Security Council for a period not to exceed 30 days for the purposes of determining what additional information, if any, shall be withheld from the public.

''(f) PROPRIETARY INFORMATION.—In creating and maintaining the inventory, centralized portal or Web site, and reports under this section, the Assistant Secretary and the Commission shall follow their rules and practice regarding confidential and proprietary information. Nothing in this subsection shall be construed to compel the Commission to make publicly available any confidential or proprietary information.''.

SEC. 1502. FEDERAL SPECTRUM PLANNING.

(a) REVIEW OF EVALUATION PROCESS.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of the processes that Federal entities utilize to evaluate the spectrum needs of such entities;

(2) make recommendations on how to improve such processes; and

(3) submit to the appropriate committees of Congress a report on the review and recommendations made pursuant to paragraphs (1) and (2).

(b) REVISION OF EVALUATION PROCESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each Federal entity shall update or revise the process used by such entity to evaluate the proposed spectrum needs of such entity, or establish such a process, taking into account any applicable recommendations made in the report required by subsection (a).

(2) REQUIRED INCLUSIONS.—

(A) ANALYSIS OF OPTIONS.—Each process described in paragraph (1), whether newly established, updated, or revised, shall include an analysis and assessment of—

(i) the options available to the Federal entity to obtain communications services that are the most spectrum-efficient; and

(ii) the effective alternatives available to such entity that will permit the entity to continue to satisfy the mission requirements of the entity.

(B) ANALYSIS SUBMITTED TO NTIA.—The analysis and assessment carried out under subparagraph (A) shall be submitted by the Federal entity to the Assistant Secretary at the same time that the entity seeks certification or recertification, if applicable, of spectrum support from the NTIA pursuant to the requirements of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) and OMB Circular A–11.

(c) SPECTRUM PLANS OF FEDERAL ENTITIES.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and every 2 years thereafter, each Federal entity shall provide an entity-specific strategic spectrum plan to the Assistant Secretary and the Director of the Office of Management and Budget.

(2) REQUIRED INCLUSIONS.—Each strategic spectrum plan submitted under paragraph (1) shall include—

(A) the spectrum requirements of the entity;

(B) the planned uses of new technologies or expanded services requiring spectrum over a period of time to be determined by the entity;

(C) suggested spectrum-efficient approaches to meeting the spectrum requirements identified under subparagraph (A); and

(D) progress reports on the activities of the entity to improve its spectrum management.

(d) CLASSIFIED NATIONAL SECURITY INFORMATION AND CERTAIN OTHER INFORMATION.—

(1) IN GENERAL.—The head of a Federal entity shall take the actions described in paragraph (2) if such head determines that disclosure of information required by subsection (c) would reveal—

(A) information that is classified in accordance with Executive Order 13526 (75 Fed. Reg. 707) or any successor Executive order establishing or modifying the uniform system for classifying, safeguarding, and declassifying national security information; or

(B) other information for which there is a legal basis for nondisclosure and the public disclosure of which would be detrimental to national security, homeland security, or public safety.

(2) ACTIONS DESCRIBED.—The actions described in this paragraph are the following:

(A) Notification to the Assistant Secretary of the determination under paragraph (1).

(B) Provision to the Assistant Secretary of—

(i) the publicly releasable information required by subsection (c);

(ii) to the maximum extent practicable, a summary description, suitable for public release, of the classified information or other information for which there is a legal basis for nondisclosure; and

(iii) a classified annex, under appropriate cover, containing the classified information or other information for which there is a legal basis for nondisclosure that the head of the Federal entity has determined must be withheld from public disclosure.

(3) ANNEX RESTRICTION.—The Assistant Secretary shall make an annex described in paragraph (2)(B)(iii) available to the Secretary of Commerce and the Director of the Office of Management and Budget. Neither the Assistant Secretary, the Secretary of Commerce, nor the Director of the Office of Management and Budget may make any such annex available to the public or to any unauthorized person through any other means.

(e) FEDERAL STRATEGIC SPECTRUM PLAN.—

(1) DEVELOPMENT AND SUBMISSION.—

(A) IN GENERAL.—The Secretary of Commerce shall develop a Federal Strategic Spectrum Plan, in coordination with the Assistant Secretary and the Director of the Office of Management and Budget.

(B) SUBMISSION TO CONGRESS.—Not later than 6 months after the date by which the initial entity-specific strategic spectrum plans are required to be submitted to the Assistant Secretary under subsection (c)(1), the Secretary of Commerce shall, consistent with the requirements set forth in subsection (d)(3), submit the Federal Strategic Spectrum Plan developed under subparagraph (A) to the appropriate committees of Congress.

(C) NONDISCLOSURE OF ANNEXES.—The Federal Strategic Spectrum Plan required to be submitted under subparagraph (B) shall be submitted in unclassified form, but shall include, if appropriate, 1 or more annexes as provided for by subsection (d)(2)(B)(iii). No congressional committee may make any such annex available to the public or to any unauthorized person.

(D) CLASSIFIED ANNEXES.—If the Federal Strategic Spectrum Plan includes a classified annex as provided for by subsection (d)(2)(B)(iii), the Secretary of Commerce shall—

(i) submit the classified annex only to the appropriate committees of Congress with primary oversight jurisdiction for the user entities or licensees concerned; and

(ii) provide notice of the submission to the other appropriate committees of Congress.

(E) DEFINITION.—In this subsection, the term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and any other congressional committee with primary oversight jurisdiction for the user entity or licensees concerned.

(2) INCORPORATION OF ENTITY PLANS.—The Federal Strategic Spectrum Plan developed under paragraph (1)(A) shall incorporate, consistent with the requirements of subsection (d)(3), the initial entity-specific strategic spectrum plans submitted under subsection (c)(1).

(3) REQUIRED INCLUSIONS.—The Federal Strategic Spectrum Plan developed under paragraph (1)(A) shall include—

(A) information on how spectrum assigned to and used by Federal entities is being used;

(B) opportunities to increase efficient use of infrastructure and spectrum assigned to and used by Federal entities;

(C) an assessment of the future spectrum needs of the Federal Government; and

(D) plans to incorporate such needs in the frequency assignment, equipment certification, and review processes of the Assistant Secretary.

(4) UPDATES.—The Secretary of Commerce shall revise and update the Federal Strategic Spectrum Plan developed under paragraph (1)(A) to take into account the biennial submission of the entity-specific strategic spectrum plans submitted under subsection (c)(1).

(f) NATIONAL STRATEGIC SPECTRUM PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, and every 4 years thereafter, the Assistant Secretary and the Commission, in consultation with other Federal departments and agencies, State, local, and tribal entities, and commercial spectrum interests, shall develop a quadrennial National Strategic Spectrum Plan.

(2) REQUIRED INCLUSION.—A National Strategic Spectrum Plan developed under paragraph (1) shall include the following:

(A) The Federal Strategic Spectrum Plan developed under paragraph (1)(A) of subsection (e), as updated under paragraph (4) of such subsection.

(B) Long-range spectrum planning for both Federal and non-Federal users, including commercial users and State and local government users.

(C) An identification of new technologies or expanded services requiring spectrum.

(D) An identification and analysis of the nature and characteristics of the new radio communication systems required and the nature and characteristics of the spectrum required.

(E) An identification and analysis of efficient approaches to meeting the future spectrum requirements of all users, including—

(i) requiring certain standards-based technologies that improve spectrum efficiencies;

(ii) spectrum sharing and reuse opportunities;

(iii) possible reallocation; and

(iv) any other approaches that promote efficient use of spectrum.

(F) An evaluation of current spectrum auction processes to determine the effectiveness of such processes in—

(i) promoting competition;

(ii) improving the efficiency of spectrum use; and

(iii) maximizing the full economic value of the spectrum to consumers, industry, and taxpayers.

SEC. 1503. REALLOCATING FEDERAL SPECTRUM FOR COMMERCIAL PURPOSES AND FEDERAL SPECTRUM SHARING.

(a) ELIGIBLE FEDERAL ENTITIES.—Section 113(g)(1) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(1)) is amended to read as follows:

''(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station authorized to use a band of frequencies specified in paragraph (2) and that incurs relocation costs or sharing costs because of planning for a potential auction of spectrum frequencies, a planned auction of spectrum frequencies, or the reallocation of spectrum frequencies from Federal use to exclusive non-Federal use or to shared use shall receive payment for such relocation costs or sharing costs from the Spectrum Relocation Fund, in accordance with section 118. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a) are eligible to receive payment under this paragraph.''.

(b) ELIGIBLE FREQUENCIES.—Section 113(g)(2)(B) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)(B)) is amended to read as follows:

''(B) any other band of frequencies reallocated from Federal use to non-Federal or shared use, whether for licensed or unlicensed use, after January 1, 2003, that is assigned—

''(i) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)); or

''(ii) as a result of an Act of Congress or any other administrative or executive direction.''.

(c) RELOCATION COSTS AND SHARING COSTS DEFINED.—Section 113(g)(3) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)) is amended to read as follows:

''(3) RELOCATION COSTS AND SHARING COSTS DEFINED.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'relocation costs' or 'sharing costs' means the costs incurred by a Federal entity in connection with the auction (or a potential or planned auction) of spectrum frequencies previously assigned to such entity, or the sharing of spectrum frequencies assigned to such entity (including the auction or a potential or planned auction of the rights to use spectrum frequencies on a shared basis with such entity), respectively, in order to achieve comparable capability of systems as before the relocation or the sharing arrangement. Such term includes, with respect to relocation or sharing, as the case may be—

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

''(ii) the costs of all engineering, equipment, software, site acquisition, and construction, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary to carry out the relocation or sharing activities of an eligible Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs associated with the replacement of facilities;

''(iii) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with—

''(I) calculating the estimated relocation costs or sharing costs that are provided to the Commission pursuant to paragraph (4);

''(II) determining the technical or operational feasibility of relocation to 1 or more potential relocation bands; or

''(III) planning for or managing a relocation or sharing project (including spectrum coordination with auction winners) or potential relocation or sharing project;

''(iv) the one-time costs of any modification of equipment reasonably necessary—

''(I) to accommodate commercial use of shared frequencies; or

''(II) in the case of eligible frequencies reallocated for exclusive commercial use and assigned through a competitive bidding process under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) but with respect to which a Federal entity retains primary allocation or protected status for a period of time after the completion of the competitive bidding process, to accommodate shared Federal and non-Federal use of such frequencies for such period;

''(v) the costs associated with the accelerated replacement of systems and equipment if such acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies; and

''(vi) the costs of the use of commercial systems (including systems not utilizing spectrum) to replace Federal systems discontinued or relocated pursuant to this Act, including lease (including lease of land), subscription, and equipment costs over an appropriate period, such as the anticipated life of an equivalent Federal system or other period determined by the Director of the Office of Management and Budget.

''(B) COMPARABLE CAPABILITY OF SYSTEMS.—For purposes of subparagraph (A), comparable capability of systems—

''(i) may be achieved by relocating a Federal Government station to a new frequency assignment, by relocating a Federal Government station to a different geographic location, by modifying Federal Government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography, or time, and thereby permitting spectrum sharing (including sharing among relocated Federal entities and incumbents to make spectrum available for non-Federal use) or relocation, or by utilizing an alternative technology; and

''(ii) includes the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality.''.

(d) CERTAIN PROCEDURAL REQUIREMENTS.—Section 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)) is amended—

(1) in paragraph (4)(A)—

(A) by inserting ''or sharing costs'' after ''relocation costs''; and

(B) by inserting ''or sharing'' after ''such relocation'';

(2) in paragraph (5)—

(A) by inserting ''or sharing costs'' after ''relocation costs''; and

(B) by inserting ''or sharing'' after ''for relocation''; and

(3) in paragraph (6)—

(A) in the 1st sentence, by inserting ''and the timely implementation of arrangements for the sharing of such frequencies'' before the period at the end;

(B) in the 2nd sentence—

(i) by striking ''by relocating to a new frequency assignment or by utilizing an alternative technology'';

(ii) by inserting ''or limit'' after ''terminate''; and

(iii) by inserting ''or sharing arrangement has been implemented'' before the period at the end; and

(C) in the 3rd sentence, by inserting ''or sharing'' after ''relocation''.

(e) SPECTRUM SHARING AGREEMENTS.—Section 113(g) of the National Telecommunications and Information Administration Organization Act, as amended by subsection (d), is further amended by adding at the end the following:

''(7) SPECTRUM SHARING AGREEMENTS.—A Federal entity is permitted to allow access to its frequency assignments by a non-Federal entity upon approval of the NTIA, in consultation with the Director of the Office of Management and Budget. Such non-Federal entities shall comply with all applicable rules of the Commission and the NTIA, including any regulations promulgated pursuant to this section. Any remuneration associated with such access shall be deposited into the Spectrum Relocation Fund established under section 118. The costs incurred by a Federal entity as a result of allowing such access are sharing costs for which the entity is eligible for payment from the Fund for the purposes specified in paragraph (3). The revenue associated with such access shall be at least 110 percent of the estimated Federal costs.''.

(f) SPECTRUM RELOCATION FUND.—Section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) is amended—

(1) in subsection (b), by inserting before the period at the end the following: ''and any payments made by non-Federal entities for access to Federal spectrum pursuant to section 113(g)(7)'';

(2) by amending subsection (c) to read as follows:

''(c) USE OF FUNDS.—

''(1) FUNDS FROM AUCTIONS.—The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation costs or sharing costs, as defined in section 113(g)(3), of an eligible Federal entity incurring such costs with respect to relocation from any eligible frequency or the sharing of such frequency.

''(2) FUNDS FROM PAYMENTS BY NON-FEDERAL ENTITIES.—The amounts in the Fund from payments by non-Federal entities for access to Federal spectrum pursuant to section 113(g)(7) are authorized to be used to pay the sharing costs, as defined in section 113(g)(3), of an eligible Federal entity incurring such costs with respect to such access.

''(3) TRANSFER OF FUNDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Director of OMB may transfer at any time (including prior to any auction or contemplated auction or sharing initiative) such sums as may be available in the Fund to an eligible Federal entity to pay eligible relocation costs or sharing costs related to pre-auction estimates or research, as such costs are described in section 113(g)(3)(A)(iii).

''(B) NOTIFICATION.—No funds may be transferred pursuant to subparagraph (A) unless the notification provided under subsection (d)(2)(B) includes a certification from the Director of OMB that—

''(i) funds transferred before an auction will likely allow for timely implementation of relocation or sharing, thereby increasing net expected auction proceeds by an amount equal to or greater than the time value of the amount of funds transferred; and

''(ii) the auction is intended to occur not later than 5 years after transfer of funds.

''(C) APPLICABILITY.—

''(i) PRIOR COSTS INCURRED.—The Director of OMB may transfer up to $10,000,000 from the Fund to eligible Federal entities for eligible relocation costs or sharing costs related to pre-auction estimates or research, as such costs are described in section 113(g)(3)(A)(iii), for costs incurred prior to the date of the enactment of the Wireless Innovation and Public Safety Act of 2011, but after June 28, 2010.

''(ii) SUPPLEMENT NOT SUPPLANT.—Any amounts transferred by the Director of OMB pursuant to clause (i) shall be in addition to any amounts that the Director of OMB may transfer for costs incurred after the date of the enactment of the Wireless Innovation and Public Safety Act of 2011.'';

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''and sharing costs'' after ''relocation costs'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''or sharing'' before the semicolon; and

(ii) in subparagraph (B)—

(I) by inserting ''or sharing costs'' after ''relocation costs''; and

(II) by inserting ''or sharing'' before the period at the end; and

(C) by amending paragraph (3) to read as follows:

''(3) REVERSION OF UNUSED FUNDS.—

''(A) IN GENERAL.—Any amounts in the Fund that are remaining after the payment of the relocation costs and sharing costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury not later than 8 years after the date of the deposit of such proceeds to the Fund, unless within 60 days in advance of the reversion of such funds, the Director of OMB, in consultation with the NTIA, notifies the appropriate committees of Congress that such funds are needed to complete or to implement current or future relocations or sharing initiatives.

''(B) DEFINITION.—In this paragraph, the term 'appropriate committees of Congress' means—

''(i) the Committee on Appropriations of the Senate;

''(ii) the Committee on Commerce, Science, and Transportation of the Senate;

''(iii) the Committee on Appropriations of the House of Representatives; and

''(iv) the Committee on Energy and Commerce of the House of Representatives.'';

(4) in subsection (e)(2)—

(A) by inserting ''or sharing costs'' after ''relocation costs'';

(B) by striking ''entity's relocation'' and inserting ''relocation of the entity or implementation of the sharing arrangement by the entity''; and

(C) by inserting ''or the implementation of such arrangement'' after ''such relocation''; and

(5) by adding at the end the following:

''(f) ADDITIONAL PAYMENTS FROM THE FUND.—

''(1) AMOUNTS AVAILABLE.—Notwithstanding subsections (c) through (e), after the date of the enactment of the Wireless Innovation and Public Safety Act of 2011, and following the credit of any amounts specified in subsection (b), there are hereby appropriated from the Fund and available to the Director of OMB—

''(A) up to 10 percent of the amounts deposited in the Fund from the auction of licenses for frequencies of spectrum vacated by Federal entities; and

''(B) up to 10 percent of the amounts deposited in the Fund by non-Federal entities for sharing of Federal spectrum.

''(2) USE OF AMOUNTS.—The Director of OMB, in consultation with the NTIA, may use such amounts to make payments to eligible Federal entities for the purpose of encouraging timely access to such spectrum, provided that—

''(A) any such payment by the Director of OMB is based on the market value of the spectrum, the timeliness with which the Federal entity cleared its use of such spectrum, and the need for such spectrum in order for the Federal entity to conduct its essential missions;

''(B) any such payment by the Director of OMB is used to carry out—

''(i) the purposes specified in clauses (i) through (vi) of section 113(g)(3)(A) to achieve enhanced capability for those systems affected by reallocation of Federal spectrum for commercial use, or by sharing of Federal frequencies with non-Federal entities; and

''(ii) other communications, radar, and spectrum-using investments not directly affected by such reallocation or sharing but essential for the missions of the Federal entity that is relocating its systems or sharing frequencies;

''(C) the amount remaining in the Fund after any such payment by the Director of OMB is not less than 10 percent of the winning bids in the relevant auction, or is not less than 10 percent of the payments from non-Federal entities in the relevant sharing agreement;

''(D) any such payment by the Director of OMB shall not be made until 30 days after the Director has notified the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations and Energy and

Commerce of the House of Representatives; and

''(E) the Director of OMB shall make available from such amounts not more than $3,000,000 per year for each of the fiscal years 2012 through 2016 for use by the Assistant Secretary in carrying out the spectrum management activities of the Assistant Secretary under title V of the Wireless Innovation and Public Safety Act of 2011.''.

(g) PUBLIC DISCLOSURE AND NONDISCLOSURE.—If the head of an executive agency of the Federal Government determines that public disclosure of any information contained in a notification or report required by section 113 or 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923; 928) would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, public safety, or jeopardize law enforcement investigations, the head of the executive agency shall notify the Assistant Secretary of that determination prior to release of such classified information or other information. In that event, such classified information or other information shall be included in a separate annex, as needed. These annexes shall be provided to the subcommittee of primary jurisdiction of the congressional committee of primary jurisdiction in accordance with appropriate national security stipulations but shall not be disclosed to the public or provided to any unauthorized person through any other means.

SEC. 1504. STUDY ON SPECTRUM EFFICIENCY THROUGH RECEIVER STANDARDS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on efforts to ensure that each transmission system that employs radio spectrum is designed and operated so that reasonable use of adjacent spectrum does not excessively impair the functioning of such system.

(b) REQUIRED CONSIDERATIONS.—At a minimum, the study required by subsection (a) shall consider—

(1) the value of—

(A) improving receiver standards as it relates to increasing spectral efficiency;

(B) improving operation of services in adjacent frequencies;

(C) narrowing the guard bands between adjacent spectrum use; and

(D) improving overall receiver performance for the end user;

(2) the role of manufacturers, commercial licensees, and government users with respect to their transmission systems and use of adjacent spectrum described in subsection (a);

(3) the feasibility of industry self-compliance with respect to the design and operational requirements of transmission systems and the reasonable use of adjacent spectrum described in subsection (a); and

(4) the value of action by the Commission and the Assistant Secretary to establish, by rule, technical requirements or standards for non-Federal and Federal use, respectively, with respect to the reasonable use of adjacent spectrum described in subsection (a).

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate committees of Congress on the results of the study required by subsection (a).

(d) DEFINITION.—For purposes of this section, the term ''transmission system'' means any telecommunications, broadcast, satellite, commercial mobile service, or other communications system that employs radio spectrum.

SEC. 1505. STUDY ON UNLICENSED USE IN THE 5 GHZ BAND.

(a) IN GENERAL.—The Assistant Secretary and the Commission shall, in consultation with the Secretary of Transportation and other stakeholders, conduct a study evaluating known and proposed spectrum-sharing technologies and the risk to Federal and primary users if unlicensed U–NII devices were allowed to operate in the 5350–5470 MHz band and the 5850–5925 MHz band.

(b) SUBMISSION.—Not later than 8 months after the date of the enactment of this Act, the Assistant Secretary and the Commission, acting jointly or separately, shall report on their findings under subsection (a) to the appropriate committees of Congress.

(c) DEFINITIONS.—In this section:

(1) 5350–5470 MHZ BAND.—The term ''5350–5470 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 5350 megahertz to 5470 megahertz.

(2) 5850–5925 MHZ BAND.—The term ''5850–5925 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 5850 megahertz to 5925 megahertz.

(3) U–NII DEVICES.—The term ''U–NII devices'' has the meaning given such term in section 15.403(s) of title 47, Code of Federal Regulations, except for the frequency bands specified in such section.

SEC. 1506. REPORT ON AVAILABILITY OF WIRELESS EQUIPMENT FOR THE 700 MHZ BAND.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 6 months thereafter until January 1, 2016, the Commission shall prepare and submit to the appropriate committees of Congress a report on—

(1) the availability of wireless equipment capable of operating over all spectrum between the frequencies from 698 megahertz to 806 megahertz that is allocated by the Commission for paired commercial or public safety use; and

(2) the potential availability of wireless equipment capable of operating over spectrum made available through reorganization of the television broadcast spectrum under section 1302(b) and the auction of such spectrum under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 1302(a).

(b) CONTENTS.—The Commission shall seek input from the commercial mobile data service industry and include in the report required by subsection (a) an assessment of—

(1) the technical feasibility, and the potential impact on costs, size, battery consumption, and any other factor the Commission considers appropriate, of making equipment capable of operating over some or all of the spectrum described in paragraph (1) of such subsection;

(2) the timeframe for when wireless equipment capable of operating over some or all of such spectrum will be available; and

(3) the feasibility of and progress towards making available wireless equipment that is capable of operating over some or all of the spectrum described in paragraph (2) of such subsection.