AMENDMENT NO._______    Calendar No._______

Purpose: To improve the bill.


S. 2881

To require the Federal Communications Commission to make not less than 280 megahertz of spectrum available for terrestrial use, and for other purposes.

Referred to the Committee on _________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. WICKER

Viz:

1. On page 3, line 9, insert “subject to paragraph (2)
2. of this subsection,” after “(1)”.

3. On page 4, line 1, add at the end the following:
4. “which amount shall be deducted from the amounts re-
5. quired to be deposited in the Treasury under paragraph
6. (1) of this subsection,”.

7. On page 5, after line 7, insert the following:
SEC. 4. REPEAL OF T-BAND SPECTRUM REALLOCATION REQUIREMENT.

(a) IN GENERAL.—Section 6103 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1413) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections in section 1(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112–96; 126 Stat. 156) is amended by striking the item relating to section 6103.9–1–1

SEC. 5. NEXT GENERATION 9–1–1.

Section 6413(b)(6) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1457(b)(6)) is amended by striking "$115,000,000" and inserting "$1,000,000,000".

SEC. 6. CLARIFYING ACCEPTABLE 9–1–1 OBLIGATIONS OR EXPENDITURES.

(a) AMENDMENT TO WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1999.—

(1) IN GENERAL.—Section 6(f) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)) is amended—

(A) in paragraph (1)—

(i) by striking "State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region estab-
lished pursuant to the Alaska Native
Claims Settlement Act, as amended (85
Stat. 688)” and inserting “State or taxing
jurisdiction”; and
(ii) by striking “as specified in the
 provision of State or local law adopting the
fee or charge” and inserting “in accord-
ance with the regulations promulgated
under paragraph (3)”;
(B) in paragraph (2), by striking “State or
political subdivision thereof” and inserting
“State or taxing jurisdiction”; and
(C) by adding at the end the following:
“(3) ACCEPTABLE OBLIGATION OR EXPENDI-
TURE.—
“(A) REGULATIONS REQUIRED.—Not later
than 180 days after the date of the enactment
of this paragraph, in order to prevent diversion
of 9–1–1 fees or charges, the Commission shall
promulgate regulations designating acceptable
purposes for an obligation or expenditure by
any State or taxing jurisdiction authorized to
impose a fee or charge.
"(B) PURPOSES.—The acceptable purposes of an obligation or expenditure described in subparagraph (A) are only—

"(i) the support and implementation of 9–1–1 services of a State or taxing jurisdiction; or

"(ii) operational expenses of a public safety answering point within a State or taxing jurisdiction.

"(C) CONSULTATION REQUIRED.—The Commission shall consult with public safety organizations and State, local, and Tribal governments as part of any proceeding under this paragraph.

"(4) PARTICIPATION.—Each State or taxing jurisdiction shall provide any information requested by the Commission to fulfill the reporting report under paragraph (2).

"(5) DEFINITIONS.—In this subsection:

"(A) 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’ have the meanings given those terms in section 158 of the National Telecommunications and Informa-

"(B) STATE OR TAXING JURISDICTION.—

The term 'State or taxing jurisdiction' means a State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) shall take effect on the date on which the Commission promulgates regulations under paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)), as added by paragraph (1)(B).

(b) PROHIBITION ON 9–1–1 FEE OR CHARGE DIVER-

SION.—

(1) DEFINITIONS.—In this subsection—

(A) the terms "9–1–1 services", "E9–1–1 services", and "Next Generation 9–1–1 serv-

ices" have the meanings given those terms in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942);
(B) the term "State" has the meaning given the term in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b); and

(C) the term "State or taxing jurisdiction" means a State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) EVIDENCE OF DIVERSION.—If the Chief of the Enforcement Bureau of the Commission obtains evidence that suggests a willful and knowing use of 9–1–1 fees or charges for a purpose other than the purposes authorized under the regulations promulgated under paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)), as added by subsection (a), the Chief of the Enforcement Bureau shall provide such evidence to the Attorney General.

(3) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commission shall publish on its website and submit to the Committee on Commerce, Science, and Transportation of the Senate
and the Committee on Energy and Commerce of the House of Representatives a report that—

(A) identifies any State or taxing jurisdiction that is diverting is 9–1–1 fees or charges, as described in paragraph (2); and

(B) the purpose for which the fees or charges are being used.

(4) WORKING GROUP.—

(A) CONVENING.—The Attorney General, in consultation with the Chairman of the Commission, shall convene an interagency working group to study Government prosecution of violations by States or taxing jurisdictions of the regulations promulgated under paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)), as added by subsection (a).

(B) DUTIES.—In carrying out the study under subparagraph (A), the interagency working group shall—

(i) determine the effectiveness of any Federal laws, including regulations, policies, and practices, or budgetary or jurisdictional constraints regarding the prohibition under the regulations described in
that subparagraph on diverting 9–1–1 fees or charges away from the operational expenses of public safety answering points within a State or taxing jurisdiction; and

(ii) consider—

(I) whether criminal penalties would further prevent 9–1–1 fees or charges from being diverted from the operational expenses of public safety answering points within a State or taxing jurisdiction; and

(II) whether increased forfeiture and imprisonment penalties are appropriate, such as increasing the maximum term of imprisonment for such a violation to more than 2 years.

(C) MEMBERS.—The interagency working group convened under subparagraph (A) shall be composed of such representatives of Federal departments and agencies as the Attorney General considers appropriate, such as—

(i) the enforcement bureau of the Commission;

(ii) the Criminal Division of the Department of Justice;
(iii) a State or taxing jurisdiction found not to be diverting 9–1–1 fees or charges;
(iv) a State 9–1–1 administrator; and
(v) public safety organizations.
(D) REPORT TO CONGRESS.—Not later than 270 days after the date of enactment of this Act, the interagency working group convened under subparagraph (A) shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the findings of the study carried out under that subparagraph, including—

(i) any recommendations regarding the prevention and prosecution of the violations described in that subparagraph; and
(ii) a description of the progress, if any, that relevant Federal departments and agencies have made in implementing the recommendations described in clause (i).
(5) FAILURE TO COMPLY.—Notwithstanding any other provision of law, any State or taxing jurisdiction identified by the Commission under paragraph (3) shall be—

(A) ineligible for any Federal grant award that is related to the support or implementation of 9–1–1, E9–1–1, or Next Generation 9–1–1 services, including a grant made under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942); and

(B) ineligible to participate in or send a representative to serve on the advisory committee established under section 6205(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1425(a)) or any advisory committee established by the Commission.

(6) CONDITION OF GRANTS.—Consistent with section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), the 9–1–1 Implementation Coordination Office shall make as a condition of receipt by a State or taxing jurisdiction of any Federal grant award that is related to the support or implementation of 9–1–1 services, E9–1–1 services, or Next
Generation 9–1–1 services, that if the State or taxing jurisdiction is identified under paragraph (3) during the period beginning 180 days before the date on which the grant application is submitted and ending on the last day on which the grant funds are available to the State or taxing jurisdiction, the State or taxing jurisdiction shall be ineligible for the grant and the grant funds shall be returned to the Federal Government.

SEC. 7. STUDY ON USE OF 4.9GHZ SPECTRUM BAND.

(a) DEFINITION. In this section, the term “4.9 GHz band” means the band of electromagnetic spectrum between the frequencies of 4940 megahertz and 4990 megahertz, inclusive.

(b) EVALUATION. Not later than 1 year after the date of enactment of this Act, the Commission shall complete an evaluation of the 4.9 GHz band to determine the following:

(1) The number of licenses for the use of such band and the number of licensees who hold such licenses.

(2) The size of the geographic area covered by each such license, and the overlap, if any, between the geographic areas covered by such licenses.
(3) The amount of spectrum authorized to be used under each license.

(4) The purposes for which such spectrum is being used under each such license.

(c) MORATORIUM.—On or after the date of enactment of this Act, the Commission may not grant a license for the use of the 4.9 GHz band.

(d) MODIFICATION OF EXISTING LICENSES.

(1) AUTHORITY. After the completion of the evaluation required under subsection (b), the Commission may modify a license for the use of the 4.9 GHz band by—

(A) reducing the size of the geographic area covered by the license;

(B) reducing the amount of spectrum authorized to be used under the license; or

(C) taking both of the actions described in subparagraphs (A) and (B).

(2) LIMITATION.

(A) IN GENERAL. On or after the date of enactment of this Act, the Commission may not modify a license for the use of the 4.9 GHz band except as provided in paragraph (1).

(B) REVOCATION. Nothing in subparagraph (A) may be construed to limit the author
ity of the Commission to revoke a license de-
scribed in that subparagraph under section 312
of the Communications Act of 1934 (47 U.S.C.
312).

(3) PROTECT RIGHT INAPPLICABLE. The right
of a licensee to protest a proposed order of modifica-
tion of its license under section 316 of the Commu-
nications Act of 1934 (47 U.S.C. 316) shall not
apply in the case of a modification made under para-
graph (1).

(a) REPORT. Not later than 1 year after completing
the evaluation under subsection (b), the Chairman of 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 enumerating

(1) an exhaustive list of all purposes and applica-
tions for which spectrum in the 4.9 GHz band is
used, and

(2) how frequently such spectrum is used for
each such purpose or application.

SEC. 8. NTIA OFFICE OF SPECTRUM MANAGEMENT.

There is authorized to be appropriate to the Office
of Spectrum Management of the National Telecommuni-
cations and Information Administration for fiscal year
2020, $100,000,000 for spectrum management systems,
which shall remain available until expended.