

Wicker-1

OLL19A71

S.L.C.

AMENDMENT NO. _____

Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

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:

1 lished pursuant to the Alaska Native
2 Claims Settlement Act, as amended (85
3 Stat. 688)” and inserting “State or taxing
4 jurisdiction”; and

5 (ii) by striking “as specified in the
6 provision of State or local law adopting the
7 fee or charge” and inserting “in accord-
8 ance with the regulations promulgated
9 under paragraph (3)”;

10 (B) in paragraph (2), by striking “State or
11 political subdivision thereof” and inserting
12 “State or taxing jurisdiction”; and

13 (C) by adding at the end the following:

14 “(3) ACCEPTABLE OBLIGATION OR EXPENDI-
15 TURE.—

16 “(A) REGULATIONS REQUIRED.—Not later
17 than 180 days after the date of the enactment
18 of this paragraph, in order to prevent diversion
19 of 9-1-1 fees or charges, the Commission shall
20 promulgate regulations designating acceptable
21 purposes for an obligation or expenditure by
22 any State or taxing jurisdiction authorized to
23 impose a fee or charge.

1 “(B) PURPOSES.—The acceptable purposes
2 of an obligation or expenditure described in
3 subparagraph (A) are only—

4 “(i) the support and implementation
5 of 9–1–1 services of a State or taxing ju-
6 risdiction; or

7 “(ii) operational expenses of a public
8 safety answering point within a State or
9 taxing jurisdiction.

10 “(C) CONSULTATION REQUIRED.—The
11 Commission shall consult with public safety or-
12 ganizations and State, local, and Tribal govern-
13 ments as part of any proceeding under this
14 paragraph.

15 “(4) PARTICIPATION.—Each State or taxing ju-
16 risdiction shall provide any information requested by
17 the Commission to fulfill the reporting report under
18 paragraph (2).

19 “(5) DEFINITIONS.—In this subsection:

20 “(A) 9–1–1 SERVICES; E9–1–1 SERVICES;
21 NEXT GENERATION 9–1–1 SERVICES.—The
22 terms ‘9–1–1 services’, ‘E9–1–1 services’, and
23 ‘Next Generation 9–1–1 services’ have the
24 meanings given those terms in section 158 of
25 the National Telecommunications and Informa-

1 tion Administration Organization Act (47
2 U.S.C. 942).

3 “(B) STATE OR TAXING JURISDICTION.—
4 The term ‘State or taxing jurisdiction’ means a
5 State, political subdivision thereof, Indian tribe,
6 or village or regional corporation serving a re-
7 gion established pursuant to the Alaska Native
8 Claims Settlement Act (43 U.S.C. 1601 et
9 seq.).”.

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

16 (b) PROHIBITION ON 9-1-1 FEE OR CHARGE DIVER-
17 SION.—

18 (1) DEFINITIONS.—In this subsection—

19 (A) the terms “9-1-1 services”, “E9-1-1
20 services”, and “Next Generation 9-1-1 serv-
21 ices” have the meanings given those terms in
22 section 158 of the National Telecommunications
23 and Information Administration Organization
24 Act (47 U.S.C. 942);

1 (B) the term “State” has the meaning
2 given the term in section 7 of the Wireless
3 Communications and Public Safety Act of 1999
4 (47 U.S.C. 615b); and

5 (C) the term “State or taxing jurisdiction”
6 means a State, political subdivision thereof, In-
7 dian tribe, or village or regional corporation
8 serving a region established pursuant to the
9 Alaska Native Claims Settlement Act (43
10 U.S.C. 1601 et seq.).

11 (2) EVIDENCE OF DIVERSION.—If the Chief of
12 the Enforcement Bureau of the Commission obtains
13 evidence that suggests a willful and knowing use of
14 9–1–1 fees or charges for a purpose other than the
15 purposes authorized under the regulations promul-
16 gated under paragraph (3) of section 6(f) of the
17 Wireless Communications and Public Safety Act of
18 1999 (47 U.S.C. 615a–1(f)), as added by subsection
19 (a), the Chief of the Enforcement Bureau shall pro-
20 vide such evidence to the Attorney General.

21 (3) REPORT TO CONGRESS.—Not later than 1
22 year after the date of enactment of this Act, and an-
23 nually thereafter, the Commission shall publish on
24 its website and submit to the Committee on Com-
25 merce, Science, and Transportation of the Senate

1 and the Committee on Energy and Commerce of the
2 House of Representatives a report that—

3 (A) identifies any State or taxing jurisdic-
4 tion that is diverting is 9-1-1 fees or charges,
5 as described in paragraph (2); and

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

8 (4) WORKING GROUP.—

9 (A) CONVENING.—The Attorney General,
10 in consultation with the Chairman of the Com-
11 mission, shall convene an interagency working
12 group to study Government prosecution of vio-
13 lations by States or taxing jurisdictions of the
14 regulations promulgated under paragraph (3) of
15 section 6(f) of the Wireless Communications
16 and Public Safety Act of 1999 (47 U.S.C.
17 615a-1(f)), as added by subsection (a).

18 (B) DUTIES.—In carrying out the study
19 under subparagraph (A), the interagency work-
20 ing group shall—

21 (i) determine the effectiveness of any
22 Federal laws, including regulations, poli-
23 cies, and practices, or budgetary or juris-
24 dictional constraints regarding the prohibi-
25 tion under the regulations described in

1 that subparagraph on diverting 9-1-1 fees
2 or charges away from the operational ex-
3 penses of public safety answering points
4 within a State or taxing jurisdiction; and

5 (ii) consider—

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

12 (II) whether increased forfeiture
13 and imprisonment penalties are ap-
14 propriate, such as increasing the max-
15 imum term of imprisonment for such
16 a violation to more than 2 years.

17 (C) MEMBERS.—The interagency working
18 group convened under subparagraph (A) shall
19 be composed of such representatives of Federal
20 departments and agencies as the Attorney Gen-
21 eral considers appropriate, such as—

22 (i) the enforcement bureau of the
23 Commission;

24 (ii) the Criminal Division of the De-
25 partment of Justice;

1 (iii) a State or taxing jurisdiction
2 found not to be diverting 9-1-1 fees or
3 charges;

4 (iv) a State 9-1-1 administrator; and

5 (v) public safety organizations.

6 (D) REPORT TO CONGRESS.—Not later
7 than 270 days after the date of enactment of
8 this Act, the interagency working group con-
9 vened under subparagraph (A) shall submit to
10 the Committee on Commerce, Science, and
11 Transportation of the Senate and the Com-
12 mittee on Energy and Commerce of the House
13 of Representatives a report on the findings of
14 the study carried out under that subparagraph,
15 including—

16 (i) any recommendations regarding
17 the prevention and prosecution of the vio-
18 lations described in that subparagraph;
19 and

20 (ii) a description of the progress, if
21 any, that relevant Federal departments
22 and agencies have made in implementing
23 the recommendations described in clause
24 (i).

1 (5) FAILURE TO COMPLY.—Notwithstanding
2 any other provision of law, any State or taxing juris-
3 diction identified by the Commission under para-
4 graph (3) shall be—

5 (A) ineligible for any Federal grant award
6 that is related to the support or implementation
7 of 9–1–1, E9–1–1, or Next Generation 9–1–1
8 services, including a grant made under section
9 158 of the National Telecommunications and
10 Information Administration Organization Act
11 (47 U.S.C. 942); and

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

18 (6) CONDITION OF GRANTS.—Consistent with
19 section 158 of the National Telecommunications and
20 Information Administration Organization Act (47
21 U.S.C. 942), the 9–1–1 Implementation Coordina-
22 tion Office shall make as a condition of receipt by
23 a State or taxing jurisdiction of any Federal grant
24 award that is related to the support or implementa-
25 tion of 9–1–1 services, E9–1–1 services, or Next

1 Generation 9-1-1 services, that if the State or tax-
2 ing jurisdiction is identified under paragraph (3)
3 during the period beginning 180 days before the
4 date on which the grant application is submitted and
5 ending on the last day on which the grant funds are
6 available to the State or taxing jurisdiction, the
7 State or taxing jurisdiction shall be ineligible for the
8 grant and the grant funds shall be returned to the
9 Federal Government.

T
10 **SEC. 7. STUDY ON USE OF 4.9GHZ SPECTRUM BAND.**

11 ~~(a) DEFINITION. In this section, the term "4.9 GHz~~
12 ~~band" means the band of electromagnetic spectrum be-~~
13 ~~tween the frequencies of 4940 megahertz and 4990 mega-~~
14 ~~hertz, inclusive.~~

15 ~~(b) EVALUATION. Not later than 1 year after the~~
16 ~~date of enactment of this Act, the Commission shall com-~~
17 ~~plete an evaluation of the 4.9 GHz band to determine the~~
18 following:

19 ~~(1) The number of licenses for the use of such~~
20 ~~band and the number of licensees who hold such li-~~
21 censes.

22 ~~(2) The size of the geographic area covered by~~
23 each such license, and the overlap, if any, between
24 the geographic areas covered by such licenses.

- 1 2020, \$100,000,000 for spectrum management systems,
- 2 which shall remain available until expended.