AMENDMENT NO._______ Calendar No._______

Purpose: In the nature of a substitute.


S. 3014

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

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. Luján (for himself and Mr. Wicker)

Viz:

1 Strike all after the enacting clause and insert the following:

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3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Next Generation Telecommunications Act”.

5 SEC. 2. DEFINITIONS.

6 In this Act:

7 (1) ADVANCED WIRELESS COMMUNICATIONS TECHNOLOGIES.—The term “advanced wireless communications technologies” means advanced technologies that contribute to or rely on 6G or future generation networks, such as artificial intelligence
and machine learning, satellite and fixed wireless broadband, open network architecture, precision agriculture, advanced telemedicine and medical diagnostics, and remote learning technologies.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

(B) the Committee on Appropriations of the Senate;

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

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

(3) CONGRESSIONAL LEADERS.—The term “congressional leaders” means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.
(4) COUNCIL.—The term “Council” means the Next Generation Telecommunications Council established under section 3(a).

SEC. 3. 6G AND ADVANCED WIRELESS TECHNOLOGIES COUNCIL.

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

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Council shall be composed of the following members:

(i) The Deputy Secretary of Commerce.

(ii) The Assistant Secretary of Commerce for Communications and Information.

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

(iv) The Chair of the Federal Communications Commission.
(v) The Director of the National Science Foundation.

(vi) Three members appointed by the majority leader of the Senate, in consultation with the Chair of the Committee on Commerce, Science, and Transportation of the Senate, 1 of whom shall be a member of the Senate and 2 of whom shall not be.

(vii) Two members appointed by the minority leader of the Senate, in consultation with the Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate, 1 of whom shall be a member of the Senate and 1 of whom shall not be.

(viii) Three members appointed by the Speaker of the House of Representatives, in consultation with the Chair of the Committee on Energy and Commerce of the House of Representatives, 1 of whom shall be a member of the House of Representatives and 2 of whom shall not be.

(ix) Two members appointed by the minority leader of the House of Representatives, in consultation with the Ranking
Member of the Committee on Energy and Commerce of the House of Representatives, 1 of whom shall be a member of the House of Representatives and 1 of whom shall not be.

(B) REQUIREMENTS FOR CERTAIN MEMBERS.—

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

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

(II) cloud services and artificial intelligence and machine learning;

(III) cybersecurity and security innovations; or

(IV) national security oversight, protection of information systems, and coordination conducted between the
private sector and government institutions.

(ii) LIMITATION ON APPOINTMENTS.—
An official who appoints members of the Council may not appoint an individual as a member of the Council if such individual possesses any personal or financial interest in the discharge of any of the duties of the Council.

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

(2) CO-CHAIRS.—

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

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

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

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

(c) Appointment; Initial Meeting.—

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

(2) Initial Meeting.—The Council shall hold its initial meeting on or before the date that is 60 days after the date of the enactment of this Act.

(d) Meetings; Quorum; Vacancies.—

(1) In general.—After its initial meeting, the Council shall meet upon the call of the co-chairs of the Council.

(2) Quorum.—Seven members of the Council shall constitute a quorum for purposes of conducting business, except that 2 members of the Council shall constitute a quorum for purposes of receiving testimony.

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

(4) Quorum with Vacancies.—If vacancies in the Council occur on any day after 45 days after the date of the enactment of this Act, a majority of sit-
ting members of the Council shall constitute a quorum.

(c) ACTIONS OF COUNCIL.—

(1) IN GENERAL.—The Council shall act by resolution agreed to by a majority of the members of the Council voting and present.

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

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

(f) DUTIES.—

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

(A) review past processes and procedures used to advance wireless communication deployment, including 5G technology; and
(B) advise Congress on—

(i) 6G advancements;

(ii) existing gaps in the standardization and development of 6G; and

(iii) advanced wireless communications technologies.

(2) Solicitation of stakeholder comment.—In carrying out the review required under paragraph (1), the Council shall solicit input and information from non-Federal stakeholders, including new market entrants.

(g) Strategy.—

(1) In general.—The Council shall develop and submit to Congress recommendations for how the Federal Government can support—

(A) the development and adoption of 6G and advanced wireless communications technologies, including ensuring digital inclusion and equity in access to such technologies for communities of color, underserved communities, individuals with disabilities, low-income communities, and rural and Tribal communities;

(B) the coordination of spectrum management functions within the Federal Government to ensure timely decisions and needed actions
for the development of 6G applications and advanced wireless communications technologies;

(C) research and development into, and standards for, 6G and advanced wireless communications technologies, including collaboration federally funded research and development centers, universities, the private sector, and United States allies;

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

(E) the promotion of international cooperation, including privacy and security cooperation, with respect to 6G and advanced wireless communications technologies.

(2) CONSIDERATIONS.—In developing the strategy under this subsection, the Council shall consider the following:

(A) Access to adequate spectrum resources to support 6G and advanced wireless communications technologies for Federal and non-Federal users.

(B) The Federal Government’s function as regulator of commercial and non-commercial
11 electromagnetic spectrum, including an assessment of the Federal Government’s—
(i) technical engineering capabilities;
(ii) transparent processes for the resolution of non-routine policy disputes;
(iii) interagency cooperation; and
(iv) communication with Federal and commercial license holders, including taking into consideration relevant expert reports from Federal advisory councils and other academic organizations.
(C) Supply chain resiliency and security, including vendor diversity, for 6G and advanced wireless communications technologies.
(D) Securing the network for 6G and advanced wireless communications technologies.
(E) The role of cloud computing in the development of 6G applications and advanced wireless communications technologies.
(F) The workforce needs that must be met in order to build, maintain, and utilize 6G applications and advanced wireless communications technologies and networks, along with strategies to conduct the necessary workforce training, which consideration may include con-
sulting the report submitted to Congress by the telecommunications interagency working group established under section 344 of the Communications Act of 1934 (47 U.S.C. 344).

(G) The need for greater collaboration and information sharing between the Federal Government and the communications industry to make certain that 6G and advanced wireless communications networks, including those utilized by first responders, remain secure and resilient in the face of cyber intrusions and natural disasters.

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

(I) Other factors relevant to the successful development and deployment of 6G and advanced wireless communications technologies, such as artificial intelligence and machine learning, satellite and fixed wireless broadband, and open RAN technologies.

(h) POWERS OF COUNCIL.—

(1) IN GENERAL.—The Council or, on the authorization of the Council, any subcommittee or member thereof, may, for the purpose of carrying
out the provisions of this section hold such hearings
and sit and act at such times and places, take such
testimony, receive such evidence, and administer
such oaths, as the Council may determine necessary
or beneficial to the development of the strategy re-
quired under subsection (g).

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

(3) INFORMATION FROM FEDERAL AGENCIES.—

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

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

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

(4) ASSISTANCE FROM FEDERAL AGENCIES.—

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

(B) ADMINISTRATIVE SUPPORT.—The Chairperson of the Federal Communications Commission may provide the Council, on a reimbursable basis, with such administrative services, staff, and other support services as the Council may request.

(C) ADDITIONAL SUPPORT.—In addition to the assistance set forth in subparagraphs (A) and (B), other departments and agencies of the
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Federal Government may provide the Council such services, funds, facilities, staff, and other support as such departments and agencies consider advisable and as may be authorized by law.

(D) COOPERATION AMONG AGENCIES.—

The Council shall receive the full and timely cooperation of any official, department, or agency of the Federal Government, including from the Department of State, Department of Defense, and the Office of the United States Trade Representative, whose assistance is necessary, as jointly determined by the co-chairs selected under subsection (b)(2), for the fulfillment of the duties of the Council, including the provision of full and current briefings and analyses.

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

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

(i) STAFF OF COUNCIL.—

(1) IN GENERAL.—
(A) Appointment of Staff Director and Other Personnel.—The co-chairs of the Council, in accordance with rules agreed upon by the Council, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Council to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title 5.

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

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

(2) CONSULTANT SERVICES.—

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

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

(j) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

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

(B) LIMITATION.—Members of the Council who are officers or employees of the Federal Government or Members of Congress shall receive no additional pay by reason of their service on the Council.

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

(3) ACCESS AFTER TERMINATION OF COUNCIL.—Notwithstanding any other provision of law, after the termination of the Council under subsection (k)(2), only the following individuals shall have access to information related to the national security of the United States that is received, considered, or used by the Council:

(A) The members of the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Com-
merce of the House of Representatives, the congressional leaders, and the designated staff of those members and leaders.

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

(k) Final Report; Termination.—

(1) Final report.—Not later than 2 years after the date on which the Council is established, the Council shall submit to the congressional leaders and the appropriate congressional committees a final report in compliance with the duties described in subsection (f) and containing the strategy described in subsection (g).

(2) Public comment.—The Council shall—

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

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

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

(3) Termination.—

(A) In general.—The Council, and all the authorities of this section, shall terminate
at the end of the 120-day period beginning on
the date on which the final report is submitted
to the congressional leaders and the appropriate
congressional committees under paragraph (1).

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

(l) ASSESSMENTS OF FINAL REPORT.—Not later
than 60 days after submission of the final report under
subsection (k)(1), the Secretary of Commerce shall submit
to the congressional leaders and the appropriate congres-
sional committees an assessment of the final report that
includes comments on the findings and recommendations
contained in the final report.

(m) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE
PROVISIONS.—

(1) FEDERAL ADVISORY COMMITTEE ACT.—The
provisions of the Federal Advisory Committee Act (5
U.S.C. App.) shall not apply to the activities of the
Council under this section.
(2) **Freedom of Information Act.**—The provisions of section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act"), shall not apply to the activities, records, and proceedings of the Council under this section.

(n) **Funding.**—

(1) **Authorization of Appropriations.**—There are authorized to be appropriated $10,000,000 for fiscal year 2023 to carry out this section.

(2) **Availability in General.**—Subject to paragraph (1), the Secretary of Commerce shall make available to the Council such amounts as the Council may require for purposes of the activities of the Council under this section.

(3) **Duration of Availability.**—Amounts made available to the Council under paragraph (2) shall remain available until expended.