



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

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:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Next Generation Telecommunications Act”.
5

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ADVANCED WIRELESS COMMUNICATIONS TECHNOLOGIES.**—The term “advanced wireless communications technologies” means advanced technologies that contribute to or rely on 6G or future
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10
11
12 generation networks, such as artificial intelligence

1 and machine learning, satellite and fixed wireless
2 broadband, open network architecture, precision ag-
3 riculture, advanced telemedicine and medical
4 diagnostics, and remote learning technologies.

5 (2) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

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

10 (B) the Committee on Appropriations of
11 the Senate;

12 (C) the Committee on Energy and Com-
13 merce of the House of Representatives; and

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

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

18 (A) the majority leader of the Senate;

19 (B) the minority leader of the Senate;

20 (C) the Speaker of the House of Rep-
21 resentatives; and

22 (D) the minority leader of the House of
23 Representatives.

1 (4) COUNCIL.—The term “Council” means the
2 Next Generation Telecommunications Council estab-
3 lished under section 3(a).

4 **SEC. 3. 6G AND ADVANCED WIRELESS TECHNOLOGIES**
5 **COUNCIL.**

6 (a) ESTABLISHMENT.—There is established a coun-
7 cil, to be known as the “Next Generation Telecommuni-
8 cations Council”, to advise Congress on 6G advancements
9 and advanced wireless communications technologies, in-
10 cluding the use of such technologies for smart cities or
11 communities.

12 (b) MEMBERSHIP.—

13 (1) COMPOSITION.—

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

17 (i) The Deputy Secretary of Com-
18 merce.

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

22 (iii) The Under Secretary of Com-
23 merce for Standards and Technology.

24 (iv) The Chair of the Federal Commu-
25 nications Commission.

1 (v) The Director of the National
2 Science Foundation.

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

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

16 (viii) Three members appointed by the
17 Speaker of the House of Representatives,
18 in consultation with the Chair of the Com-
19 mittee on Energy and Commerce of the
20 House of Representatives, 1 of whom shall
21 be a member of the House of Representa-
22 tives and 2 of whom shall not be.

23 (ix) Two members appointed by the
24 minority leader of the House of Represent-
25 atives, in consultation with the Ranking

1 Member of the Committee on Energy and
2 Commerce of the House of Representa-
3 tives, 1 of whom shall be a member of the
4 House of Representatives and 1 of whom
5 shall not be.

6 (B) REQUIREMENTS FOR CERTAIN MEM-
7 BERS.—

8 (i) IN GENERAL.—The members of
9 the Council who are not members of Con-
10 gress and who are appointed under clauses
11 (vi) through (ix) of subparagraph (A) shall
12 be individuals who are nationally recog-
13 nized for expertise, knowledge, or experi-
14 ence in—

15 (I) telecommunications, com-
16 puting, spectrum policy, and stand-
17 ards organizations;

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

20 (III) cybersecurity and security
21 innovations; or

22 (IV) national security oversight,
23 protection of information systems, and
24 coordination conducted between the

1 private sector and government institu-
2 tions.

3 (ii) LIMITATION ON APPOINTMENTS.—

4 An official who appoints members of the
5 Council may not appoint an individual as
6 a member of the Council if such individual
7 possesses any personal or financial interest
8 in the discharge of any of the duties of the
9 Council.

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

16 (2) CO-CHAIRS.—

17 (A) IN GENERAL.—The Council shall have
18 2 co-chairs selected from among the members
19 of the Council, of which—

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

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

24 (B) REQUIREMENT.—The individuals who
25 serve as the co-chairs of the Council shall be

1 jointly agreed upon by the President and the
2 congressional leaders.

3 (c) APPOINTMENT; INITIAL MEETING.—

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

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

10 (d) MEETINGS; QUORUM; VACANCIES.—

11 (1) IN GENERAL.—After its initial meeting, the
12 Council shall meet upon the call of the co-chairs of
13 the Council.

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

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

23 (4) QUORUM WITH VACANCIES.—If vacancies in
24 the Council occur on any day after 45 days after the
25 date of the enactment of this Act, a majority of sit-

1 ting members of the Council shall constitute a
2 quorum.

3 (e) ACTIONS OF COUNCIL.—

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

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

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

20 (f) DUTIES.—

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

23 (A) review past processes and procedures
24 used to advance wireless communication deploy-
25 ment, including 5G technology; and

- 1 (B) advise Congress on—
2 (i) 6G advancements;
3 (ii) existing gaps in the standardiza-
4 tion and development of 6G; and
5 (iii) advanced wireless communica-
6 tions technologies.

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

12 (g) STRATEGY.—

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

16 (A) the development and adoption of 6G
17 and advanced wireless communications tech-
18 nologies, including ensuring digital inclusion
19 and equity in access to such technologies for
20 communities of color, underserved communities,
21 individuals with disabilities, low-income commu-
22 nities, and rural and Tribal communities;

23 (B) the coordination of spectrum manage-
24 ment functions within the Federal Government
25 to ensure timely decisions and needed actions

1 for the development of 6G applications and ad-
2 vanced wireless communications technologies;

3 (C) research and development into, and
4 standards for, 6G and advanced wireless com-
5 munications technologies, including collabora-
6 tion federally funded research and development
7 centers, universities, the private sector, and
8 United States allies;

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

12 (E) the promotion of international coopera-
13 tion, including privacy and security cooperation,
14 with respect to 6G and advanced wireless com-
15 munications technologies.

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

19 (A) Access to adequate spectrum resources
20 to support 6G and advanced wireless commu-
21 nications technologies for Federal and non-Fed-
22 eral users.

23 (B) The Federal Government's function as
24 regulator of commercial and non-commercial

1 electromagnetic spectrum, including an assess-
2 ment of the Federal Government's—

- 3 (i) technical engineering capabilities;
4 (ii) transparent processes for the reso-
5 lution of non-routine policy disputes;
6 (iii) interagency cooperation; and
7 (iv) communication with Federal and
8 commercial license holders, including tak-
9 ing into consideration relevant expert re-
10 ports from Federal advisory councils and
11 other academic organizations.

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

15 (D) Securing the network for 6G and ad-
16 vanced wireless communications technologies.

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

20 (F) The workforce needs that must be met
21 in order to build, maintain, and utilize 6G ap-
22 plications and advanced wireless communica-
23 tions technologies and networks, along with
24 strategies to conduct the necessary workforce
25 training, which consideration may include con-

1 sulting the report submitted to Congress by the
2 telecommunications interagency working group
3 established under section 344 of the Commu-
4 nications Act of 1934 (47 U.S.C. 344).

5 (G) The need for greater collaboration and
6 information sharing between the Federal Gov-
7 ernment and the communications industry to
8 make certain that 6G and advanced wireless
9 communications networks, including those uti-
10 lized by first responders, remain secure and re-
11 silient in the face of cyber intrusions and nat-
12 ural disasters.

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

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

22 (h) POWERS OF COUNCIL.—

23 (1) IN GENERAL.—The Council or, on the au-
24 thorization of the Council, any subcommittee or
25 member thereof, may, for the purpose of carrying

1 out the provisions of this section hold such hearings
2 and sit and act at such times and places, take such
3 testimony, receive such evidence, and administer
4 such oaths, as the Council may determine necessary
5 or beneficial to the development of the strategy re-
6 quired under subsection (g).

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

12 (3) INFORMATION FROM FEDERAL AGENCIES.—

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

20 (B) REQUIREMENT TO SHARE INFORMA-
21 TION.—Each such department, agency, bureau,
22 board, commission, office, establishment, or in-
23 strumentality shall, to the extent authorized by
24 law, furnish such information, suggestions, esti-

1 mates, and statistics directly to the Council,
2 upon request of the co-chairs of the Council.

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

8 (4) ASSISTANCE FROM FEDERAL AGENCIES.—

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

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

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

1 Federal Government may provide the Council
2 such services, funds, facilities, staff, and other
3 support as such departments and agencies con-
4 sider advisable and as may be authorized by
5 law.

6 (D) COOPERATION AMONG AGENCIES.—

7 The Council shall receive the full and timely co-
8 operation of any official, department, or agency
9 of the Federal Government, including from the
10 Department of State, Department of Defense,
11 and the Office of the United States Trade Rep-
12 resentative, whose assistance is necessary, as
13 jointly determined by the co-chairs selected
14 under subsection (b)(2), for the fulfillment of
15 the duties of the Council, including the provi-
16 sion of full and current briefings and analyses.

17 (5) POSTAL SERVICES.—The Council may use
18 the United States Postal Service in the same man-
19 ner and under the same conditions as the depart-
20 ments and agencies of the Federal Government.

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

24 (i) STAFF OF COUNCIL.—

25 (1) IN GENERAL.—

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

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

24 (C) REQUIREMENT.—All staff of the Coun-
25 cil shall possess a security clearance in accord-

1 ance with applicable laws and regulations con-
2 cerning the handling of classified information.

3 (2) CONSULTANT SERVICES.—

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

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

16 (j) COMPENSATION AND TRAVEL EXPENSES.—

17 (1) COMPENSATION.—

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

1 member is engaged in the actual performance of
2 the duties of the Council under this section.

3 (B) LIMITATION.—Members of the Council
4 who are officers or employees of the Federal
5 Government or Members of Congress shall re-
6 ceive no additional pay by reason of their serv-
7 ice on the Council.

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

16 (3) ACCESS AFTER TERMINATION OF COUN-
17 CIL.—Notwithstanding any other provision of law,
18 after the termination of the Council under sub-
19 section (k)(2), only the following individuals shall
20 have access to information related to the national se-
21 curity of the United States that is received, consid-
22 ered, or used by the Council:

23 (A) The members of the Committee on
24 Commerce, Science, and Transportation of the
25 Senate and the Committee on Energy and Com-

1 merce of the House of Representatives, the con-
2 gressional leaders, and the designated staff of
3 those members and leaders.

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

6 (k) FINAL REPORT; TERMINATION.—

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

14 (2) PUBLIC COMMENT.—The Council shall—

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

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

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

23 (3) TERMINATION.—

24 (A) IN GENERAL.—The Council, and all
25 the authorities of this section, shall terminate

1 at the end of the 120-day period beginning on
2 the date on which the final report is submitted
3 to the congressional leaders and the appropriate
4 congressional committees under paragraph (1).

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

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

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

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

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

6 (n) FUNDING.—

7 (1) AUTHORIZATION OF APPROPRIATIONS.—
8 There are authorized to be appropriated
9 \$10,000,000 for fiscal year 2023 to carry out this
10 section.

11 (2) AVAILABILITY IN GENERAL.—Subject to
12 paragraph (1), the Secretary of Commerce shall
13 make available to the Council such amounts as the
14 Council may require for purposes of the activities of
15 the Council under this section.

16 (3) DURATION OF AVAILABILITY.—Amounts
17 made available to the Council under paragraph (2)
18 shall remain available until expended.