

117TH CONGRESS
1ST SESSION

S. 3014

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2021

Ms. CORTEZ MASTO (for herself, Mr. WICKER, Mr. SCHUMER, Mr. THUNE, and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Next Generation Tele-
5 communications Act”.

6 **SEC. 2. 6G AND ADVANCED WIRELESS TECHNOLOGIES**
7 **COUNCIL.**

8 (a) ESTABLISHMENT.—There is established a Coun-
9 cil, to be known as the “Next Generation Telecommuni-
10 cations Council” (referred to in this section as the “Coun-

1 cil”), to advise Congress on 6G advancements and other
2 advanced wireless communications technologies, including
3 the use of such technologies for smart cities or commu-
4 nities.

5 (b) MEMBERSHIP.—

6 (1) COMPOSITION.—

7 (A) IN GENERAL.—Subject to subpara-
8 graph (B), the Council shall be composed of the
9 following members:

10 (i) The Deputy Secretary of Com-
11 merce.

12 (ii) The Assistant Secretary of Com-
13 merce for Communications and Informa-
14 tion.

15 (iii) The Undersecretary of the Na-
16 tional Institute of Standards.

17 (iv) The Chairperson of the Federal
18 Communications Commission.

19 (v) The Director of the National
20 Science Foundation.

21 (vi) Three members appointed by the
22 majority leader of the Senate, in consulta-
23 tion with the Chairman of the Committee
24 on Commerce, Science, and Transportation
25 of the Senate, 1 of whom shall be a mem-

1 ber of the Senate and 2 of whom shall not
2 be.

3 (vii) Two members appointed by the
4 minority leader of the Senate, in consulta-
5 tion with the Ranking Member of the Com-
6 mittee on Commerce, Science, and Trans-
7 portation of the Senate, 1 of whom shall be
8 a member of the Senate and 1 of whom
9 shall not be.

10 (viii) Three members appointed by the
11 Speaker of the House of Representatives,
12 in consultation with the Chairman of the
13 Committee on Energy and Commerce of
14 the House of Representatives, 1 of whom
15 shall be a member of the House of Rep-
16 resentatives and 2 of whom shall not be.

17 (ix) Two members appointed by the
18 minority leader of the House of Represent-
19 atives, in consultation with the Ranking
20 Member of the Committee on Energy and
21 Commerce of the House of Representa-
22 tives, 1 of whom shall be a member of the
23 House of Representatives and 1 of whom
24 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 (iv) through (vii) of subparagraph (A) shall be individuals who are nationally recognized for expertise, knowledge, or experience in—

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

(II) cybersecurity and innovation;

or

(III) the implementation, funding, or oversight of national security and information sharing.

(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

1 possess an appropriate security clearance
2 in accordance with applicable provisions of
3 law concerning the handling of classified
4 information.

5 (2) CO-CHAIRS.—

6 (A) IN GENERAL.—The Council shall have
7 2 co-chairs selected from among the members
8 of the Council, of which—

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

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

13 (B) REQUIREMENT.—The individuals who
14 serve as the co-chairs of the Council shall be
15 jointly agreed upon by the President, the major-
16 ity leader of the Senate, the minority leader of
17 the Senate, the Speaker of the House of Rep-
18 resentatives, and the minority leader of the
19 House of Representatives.

20 (c) APPOINTMENT; INITIAL MEETING.—

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

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

4 (d) MEETINGS; QUORUM; VACANCIES.—

5 (1) IN GENERAL.—After its initial meeting, the
6 Council shall meet upon the call of the co-chairs of
7 the Council.

8 (2) QUORUM.—Seven members of the Council
9 shall constitute a quorum for purposes of conducting
10 business, except that 2 members of the Council shall
11 constitute a quorum for purposes of receiving testi-
12 mony.

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

17 (4) QUORUM WITH VACANCIES.—If vacancies in
18 the Council occur on any day after 45 days after the
19 date of the enactment of this Act, a quorum shall
20 consist of a majority of the members of the Council
21 as of such day.

22 (e) ACTIONS OF COUNCIL.—

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

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

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

14 (f) DUTIES.—The duties of the Council are to review
15 past actions of the processes and procedures used to ad-
16 vance wireless communication deployment, including 5G
17 technology, and advise Congress on 6G advancements, ex-
18 isting gaps in the standardization and development of 6G,
19 and other advanced wireless communications technologies.

20 (g) STRATEGY.—

21 (1) IN GENERAL.—The Council shall develop
22 and submit to Congress recommendations for how
23 the Federal Government can support—

24 (A) the development and adoption of 6G
25 and other advanced wireless communications

1 technologies, including ensuring digital inclu-
2 sion and equity in access to such technologies
3 for communities of color, those underserved,
4 and rural communities;

5 (B) assessment of roles and responsibilities
6 within the Federal Government and how the
7 Federal Government can better coordinate func-
8 tions to ensure timely decisions and needed ac-
9 tions;

10 (C) research and development into, and
11 standards for, 6G and other advanced wireless
12 communications technologies, including collabo-
13 ration with the private sector and United States
14 allies; and

15 (D) the promotion of international co-
16 operation, including security cooperation, with
17 respect to 6G and other wireless communica-
18 tions technologies.

19 (2) CONSIDERATIONS.—In developing the strat-
20 egy under this subsection, the Council shall consider
21 the following issues:

22 (A) Access to adequate spectrum resources
23 to support 6G and other advanced wireless com-
24 munications technologies.

1 (B) Assessment of the Federal Govern-
2 ment's function as regulator of electromagnetic
3 spectrum, including but not limited to, testing
4 capabilities, proper access to timely and rel-
5 evant information, the Interdepartment Radio
6 Advisory Committee and interagency coopera-
7 tion, and communication with Federal and com-
8 mercial license holders.

9 (C) Supply chain resiliency and security,
10 including vendor diversity, for 6G and other ad-
11 vanced wireless communications technologies.

12 (D) Assessment of the workforce needs in
13 order to build, maintenance, and utilize 6G net-
14 works, including the necessary diversity within
15 each of these areas.

16 (E) Ensure greater collaboration and infor-
17 mation sharing to make certain advanced net-
18 works, including those utilized by first respond-
19 ers, remain secure and resilient in the face of
20 cyber intrusions and natural disasters.

21 (F) Other issues identified as important to
22 the successful development and deployment of
23 6G and other advanced wireless communica-
24 tions technologies, such as artificial intelligence

1 and machine learning, satellite and fixed wire-
2 less broadband, and open RAN technologies.

3 (h) POWERS OF COUNCIL.—

4 (1) IN GENERAL.—The Council or, on the au-
5 thorization of the Council, any subcommittee or
6 member thereof, may, for the purpose of carrying
7 out the provisions of this section hold such hearings
8 and sit and act at such times and places, take such
9 testimony, receive such evidence, and administer
10 such oaths.

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

16 (3) INFORMATION FROM FEDERAL AGENCIES.—

17 (A) IN GENERAL.—The Council may se-
18 cure directly from any executive department,
19 agency, bureau, board, council, office, inde-
20 pendent establishment, or instrumentality of the
21 Government information, suggestions, esti-
22 mates, and statistics for the purposes of this
23 section.

24 (B) REQUIREMENT TO SHARE INFORMA-
25 TION.—Each such department, agency, bureau,

1 board, commission, office, establishment, or in-
2 strumentality shall, to the extent authorized by
3 law, furnish such information, suggestions, esti-
4 mates, and statistics directly to the Council,
5 upon request of the co-chairs of the Council.

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

11 (4) ASSISTANCE FROM FEDERAL AGENCIES.—

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

20 (B) ADMINISTRATIVE SUPPORT.—The
21 Chairperson of the Federal Communications
22 Council may provide the Council, on a reim-
23 bursable basis, with such administrative serv-
24 ices, staff, and other support services as the
25 Council may request.

1 (C) ADDITIONAL SUPPORT.—In addition to
2 the assistance set forth in paragraphs (1) and
3 (2), other departments and agencies of the Fed-
4 eral Government may provide the Council such
5 services, funds, facilities, staff, and other sup-
6 port as such departments and agencies consider
7 advisable and as may be authorized by law.

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

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

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

1 (i) STAFF OF COUNCIL.—

2 (1) IN GENERAL.—

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

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

1 (C) REQUIREMENT.—All staff of the Coun-
2 cil shall possess a security clearance in accord-
3 ance with applicable laws and regulations con-
4 cerning the handling of classified information.

5 (2) CONSULTANT SERVICES.—

6 (A) IN GENERAL.—The Council may pro-
7 cure the services of experts and consultants in
8 accordance with section 3109 of title 5, United
9 States Code, but at rates not to exceed the
10 daily rate paid a person occupying a position at
11 level IV of the Executive Schedule under section
12 5315 of such title 5.

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

18 (j) COMPENSATION AND TRAVEL EXPENSES.—

19 (1) COMPENSATION.—

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

1 States Code, for each day during which that
2 member is engaged in the actual performance of
3 the duties of the Council under this section.

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

9 (2) TRAVEL EXPENSES.—While away from
10 their homes or regular places of business in the per-
11 formance of services for the Council, members of the
12 Council may be allowed travel expenses, including
13 per diem in lieu of subsistence, in the same manner
14 as persons employed intermittently in the Federal
15 Government are allowed expenses under section
16 5703 of title 5, United States Code.

17 (3) ACCESS AFTER TERMINATION OF COUN-
18 CIL.—Notwithstanding any other provision of law,
19 after the termination of the Council under sub-
20 section (k)(2), only the members and designated
21 staff of the congressional commerce committees, the
22 majority leader of the Senate, the minority leader of
23 the Senate, the Speaker of the House of Representa-
24 tives, and the minority leader of the House of Rep-
25 resentatives, and such other officials of the executive

1 branch as the President may designate, shall have
2 access to information related to the national security
3 of the United States that is received, considered, or
4 used by the Council.

5 (k) FINAL REPORT; TERMINATION.—

6 (1) FINAL REPORT.—Not later than 1 year
7 after the date on which the Council is established,
8 the Council shall submit to the majority leader of
9 the Senate, the minority leader of the Senate, the
10 Speaker of the House of Representatives, and the
11 minority leader of the House of Representatives, and
12 the Committee on Commerce, Science, and Trans-
13 portation of the Senate, the Committee on Appro-
14 priations of the Senate, the Committee on Energy
15 and Commerce of the House of Representatives, and
16 the Committee on Appropriations of the House of
17 Representatives a final report in compliance with the
18 duties described in subsection (f) and containing the
19 strategy described in subsection (g).

20 (2) TERMINATION.—

21 (A) IN GENERAL.—The Council, and all
22 the authorities of this section, shall terminate
23 at the end of the 120-day period beginning on
24 the date on which the final report under para-
25 graph (1) is submitted to the Committee on

1 Commerce, Science, and Transportation of the
2 Senate, the Committee on Appropriations of the
3 Senate, the Committee on Energy and Com-
4 merce of the House of Representatives, and the
5 Committee on Appropriations of the House of
6 Representatives.

7 (B) CONCLUSION OF ACTIVITIES.—The
8 Council may use the 120-day period referred to
9 in paragraph (1) for the purposes of concluding
10 its activities, including providing testimony to
11 Congress concerning the final report referred to
12 in that paragraph and disseminating the report.

13 (I) ASSESSMENTS OF FINAL REPORT.—Not later
14 than 60 days after receipt of the final report under sub-
15 section (k)(1), the Secretary of Commerce shall submit to
16 the Committee on Commerce, Science, and Transportation
17 of the Senate, the Committee on Appropriations of the
18 Senate, the Committee on Energy and Commerce of the
19 House of Representatives, the Committee on Appropria-
20 tions of the House of Representatives, the majority leader
21 of the Senate, the minority leader of the Senate, the
22 Speaker of the House of Representatives, and the minority
23 leader of the House of Representatives, as the case may
24 be, an assessment of the final report. Each assessment
25 shall include such comments on the findings and rec-

1 ommendations contained in the final report as the Direc-
2 tor or Secretary, as the case may be, considers appro-
3 priate.

4 (m) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE
5 PROVISIONS.—

6 (1) FEDERAL ADVISORY COMMITTEE ACT.—The
7 provisions of the Federal Advisory Committee Act (5
8 U.S.C. App.) shall not apply to the activities of the
9 Council under this section.

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

15 (n) FUNDING.—

16 (1) AUTHORIZATION OF APPROPRIATIONS.—
17 There are authorized to be appropriated
18 \$10,000,000 for fiscal year 2022 to carry out this
19 section.

20 (2) AVAILABILITY IN GENERAL.—Subject to
21 paragraph (1), the Secretary of Commerce shall
22 make available to the Council such amounts as the
23 Council may require for purposes of the activities of
24 the Council under this section.

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

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