

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

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

(a) Establishment.—There is established a Council, to be known as the “Next Generation Telecommunications Council” (referred to in this section as the “Council”), to advise Congress on 6G advancements and other 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 Undersecretary of the National Institute of Standards.

(iv) The Chairperson 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 Chairman 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 Chairman 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 (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 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, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives.

(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 quorum shall consist of a majority of the members of the Council as of such day.

(e) 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.—The duties of the Council are to review past actions of the processes and procedures used to advance wireless communication deployment, including 5G technology, and advise Congress on 6G advancements, existing gaps in the standardization and development of 6G, and other advanced wireless communications technologies.

(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 other advanced wireless communications technologies, including ensuring digital inclusion and equity in access to such technologies for communities of color, those underserved, and rural communities;

(B) assessment of roles and responsibilities within the Federal Government and how the Federal Government can better coordinate functions to ensure timely decisions and needed actions;

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

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

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

(A) Access to adequate spectrum resources to support 6G and other advanced wireless communications technologies.

(B) Assessment of the Federal Government's function as regulator of electromagnetic spectrum, including but not limited to, testing capabilities, proper access to timely and relevant information, the Interdepartment Radio Advisory Committee and interagency cooperation, and communication with Federal and commercial license holders.

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

(D) Assessment of the workforce needs in order to build, maintenance, and utilize 6G networks, including the necessary diversity within each of these areas.

(E) Ensure greater collaboration and information sharing to make certain advanced networks, including those utilized by first responders, remain secure and resilient in the face of cyber intrusions and natural disasters.

(F) Other issues identified as important to the successful development and deployment of 6G and other 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.

(2) CONTRACTING.—The Council may, to such extent and in such amounts as are provided in advance 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 secure directly from any executive department, agency, bureau, board, council, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this section.

(B) REQUIREMENT TO SHARE INFORMATION.—Each such department, agency, bureau, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, 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 Council 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 paragraphs (1) and (2), other departments and agencies of the 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 accordance 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 members and designated staff of the congressional commerce committees, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives, and such other officials of the executive branch as the President may designate, shall have access to information related to the national security of the United States that is received, considered, or used by the Council.

(k) Final Report; Termination.—

(1) FINAL REPORT.—Not later than 1 year after the date on which the Council is established, the Council shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of the House of Representatives a final report in compliance with the duties described in subsection (f) and containing the strategy described in subsection (g).

(2) 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 under paragraph (1) is submitted to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of the House of Representatives.

(B) CONCLUSION OF ACTIVITIES.—The Council may use the 120-day period referred to in paragraph (1) for the purposes of concluding its activities, including providing testimony 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 receipt of the final report under subsection (k)(1), the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of the House, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of

Representatives, as the case may be, an assessment of the final report. Each assessment shall include such comments on the findings and recommendations contained in the final report as the Director or Secretary, as the case may be, considers appropriate.

(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 2022 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.