

Suspend the Rules And Pass the Bill, H.R. 4986, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

115TH CONGRESS
2^D SESSION

H. R. 4986

To amend the Communications Act of 1934 to reauthorize appropriations for the Federal Communications Commission, to provide for certain procedural changes to the rules of the Commission to maximize opportunities for public participation and efficient decisionmaking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2018

Mrs. BLACKBURN introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Communications Act of 1934 to reauthorize appropriations for the Federal Communications Commission, to provide for certain procedural changes to the rules of the Commission to maximize opportunities for public participation and efficient decisionmaking, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Repack Airwaves Yielding Better Access for Users of
4 Modern Services Act of 2018” or the “RAY BAUM’S Act
5 of 2018”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Commission defined.

TITLE I—FCC REAUTHORIZATION

- Sec. 101. Authorization of appropriations.
- Sec. 102. Application and regulatory fees.
- Sec. 103. Effective date.

TITLE II—APPLICATION OF ANTIDEFICIENCY ACT

- Sec. 201. Application of Antideficiency Act to Universal Service Program.

TITLE III—SECURING ACCESS TO NETWORKS IN DISASTERS

- Sec. 301. Study on network resiliency.
- Sec. 302. Access to essential service providers during federally declared emergencies.
- Sec. 303. Definitions.

TITLE IV—FCC CONSOLIDATED REPORTING

- Sec. 401. Communications marketplace report.
- Sec. 402. Consolidation of redundant reports; conforming amendments.
- Sec. 403. Effect on authority.
- Sec. 404. Other reports.

TITLE V—ADDITIONAL PROVISIONS

- Sec. 501. Independent Inspector General for FCC.
- Sec. 502. Authority of Chief Information Officer.
- Sec. 503. Spoofing prevention.
- Sec. 504. Report on promoting broadband Internet access service for veterans.
- Sec. 505. Methodology for collection of mobile service coverage data.
- Sec. 506. Accuracy of dispatchable location for 9-1-1 calls.
- Sec. 507. NTIA study on interagency process following cybersecurity incidents.
- Sec. 508. Tribal digital access.
- Sec. 509. Terms of office and vacancies.
- Sec. 510. Submission of copy of certain documents to Congress.
- Sec. 511. Joint board recommendation.
- Sec. 512. Disclaimer for press releases regarding notices of apparent liability.
- Sec. 513. Reports related to spectrum auctions.

TITLE VI—VIEWER PROTECTION

- Sec. 601. Reserve source for payment of TV broadcaster relocation costs.
- Sec. 602. Payment of relocation costs of television translator stations and low power television stations.
- Sec. 603. Payment of relocation costs of FM broadcast stations.
- Sec. 604. Consumer education payment.
- Sec. 605. Implementation and enforcement.
- Sec. 606. Rule of construction.

TITLE VII—MOBILE NOW

- Sec. 701. Short title.
- Sec. 702. Definitions.
- Sec. 703. Identifying 255 megahertz.
- Sec. 704. Millimeter wave spectrum.
- Sec. 705. 3 gigahertz spectrum.
- Sec. 706. Communications facilities deployment on Federal property.
- Sec. 707. Broadband infrastructure deployment.
- Sec. 708. National broadband facilities asset database.
- Sec. 709. Reallocation incentives.
- Sec. 710. Bidirectional sharing study.
- Sec. 711. Unlicensed services in guard bands.
- Sec. 712. Amendments to the Spectrum Pipeline Act of 2015.
- Sec. 713. GAO assessment of unlicensed spectrum and Wi-Fi use in low-income neighborhoods.
- Sec. 714. Rulemaking related to partitioning or disaggregating licenses.
- Sec. 715. Unlicensed spectrum policy.
- Sec. 716. National plan for unlicensed spectrum.
- Sec. 717. Spectrum challenge prize.
- Sec. 718. Wireless telecommunications tax and fee collection fairness.
- Sec. 719. Rules of construction.
- Sec. 720. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.
- Sec. 721. No additional funds authorized.

1 **SEC. 2. COMMISSION DEFINED.**

2 In this Act, the term “Commission” means the Fed-
3 eral Communications Commission.

4 **TITLE I—FCC**
5 **REAUTHORIZATION**

6 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—Section 6 of the Communications
8 Act of 1934 (47 U.S.C. 156) is amended to read as fol-
9 lows:

1 **“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) AUTHORIZATION.—There are authorized to be
3 appropriated to the Commission to carry out the functions
4 of the Commission \$333,118,000 for fiscal year 2019 and
5 \$339,610,000 for fiscal year 2020.

6 “(b) OFFSETTING COLLECTIONS.—The sum appro-
7 priated in any fiscal year to carry out the activities de-
8 scribed in subsection (a), to the extent and in the amounts
9 provided for in Appropriations Acts, shall be derived from
10 fees authorized by section 9.”.

11 (b) DEPOSITS OF BIDDERS TO BE DEPOSITED IN
12 TREASURY.—Section 309(j)(8)(C) of the Communications
13 Act of 1934 (47 U.S.C. 309(j)(8)(C)) is amended—

14 (1) in the first sentence, by striking “an inter-
15 est bearing account” and all that follows and insert-
16 ing “the Treasury.”;

17 (2) in clause (i)—

18 (A) by striking “paid to the Treasury” and
19 inserting “deposited in the general fund of the
20 Treasury (where such deposits shall be used for
21 the sole purpose of deficit reduction)”; and

22 (B) by striking the semicolon and inserting
23 “; and”;

24 (3) in clause (ii), by striking “; and” and in-
25 serting “, and payments representing the return of
26 such deposits shall not be subject to administrative

1 offset under section 3716(c) of title 31, United
2 States Code.”; and

3 (4) by striking clause (iii).

4 (c) ELIMINATION OF DUPLICATIVE AUTHORIZATION
5 OF APPROPRIATIONS.—

6 (1) IN GENERAL.—Section 710 of the Tele-
7 communications Act of 1996 (Public Law 104–104)
8 is repealed.

9 (2) CONFORMING AMENDMENT.—The table of
10 contents in section 2 of such Act is amended by
11 striking the item relating to section 710.

12 (d) TRANSFER OF FUNDS.—On the effective date de-
13 scribed in section 103, any amounts in the account pro-
14 viding appropriations to carry out the functions of the
15 Commission that were collected in excess of the amounts
16 provided for in Appropriations Acts in any fiscal year prior
17 to such date shall be transferred to the general fund of
18 the Treasury of the United States for the sole purpose
19 of deficit reduction.

20 **SEC. 102. APPLICATION AND REGULATORY FEES.**

21 (a) APPLICATION FEES.—Section 8 of the Commu-
22 nications Act of 1934 (47 U.S.C. 158) is amended to read
23 as follows:

1 **“SEC. 8. APPLICATION FEES.**

2 “(a) GENERAL AUTHORITY; ESTABLISHMENT OF
3 SCHEDULE.—The Commission shall assess and collect ap-
4 plication fees at such rates as the Commission shall estab-
5 lish in a schedule of application fees to recover the costs
6 of the Commission to process applications.

7 “(b) ADJUSTMENT OF SCHEDULE.—

8 “(1) IN GENERAL.—In every even-numbered
9 year, the Commission shall review the schedule of
10 application fees established under this section and,
11 except as provided in paragraph (2), set a new
12 amount for each fee in the schedule that is equal to
13 the amount of the fee on the date when the fee was
14 established or the date when the fee was last amend-
15 ed under subsection (c), whichever is later—

16 “(A) increased or decreased by the per-
17 centage change in the Consumer Price Index
18 during the period beginning on such date and
19 ending on the date of the review; and

20 “(B) rounded to the nearest \$5 increment.

21 “(2) THRESHOLD FOR ADJUSTMENT.—The
22 Commission may not adjust a fee under paragraph
23 (1) if—

24 “(A) in the case of a fee the current
25 amount of which is less than \$200, the adjust-

1 ment would result in a change in the current
2 amount of less than \$10; or

3 “(B) in the case of a fee the current
4 amount of which is \$200 or more, the adjust-
5 ment would result in a change in the current
6 amount of less than 5 percent.

7 “(3) CURRENT AMOUNT DEFINED.—In para-
8 graph (2), the term ‘current amount’ means, with
9 respect to a fee, the amount of the fee on the date
10 when the fee was established, the date when the fee
11 was last adjusted under paragraph (1), or the date
12 when the fee was last amended under subsection (c),
13 whichever is latest.

14 “(c) AMENDMENTS TO SCHEDULE.—In addition to
15 the adjustments required by subsection (b), the Commis-
16 sion shall by rule amend the schedule of application fees
17 established under this section if the Commission deter-
18 mines that the schedule requires amendment—

19 “(1) so that such fees reflect increases or de-
20 creases in the costs of processing applications at the
21 Commission; or

22 “(2) so that such schedule reflects the consoli-
23 dation or addition of new categories of applications.

24 “(d) EXCEPTIONS.—

1 “(1) PARTIES TO WHICH FEES ARE NOT APPLI-
2 CABLE.—The application fees established under this
3 section shall not be applicable to—

4 “(A) a governmental entity;

5 “(B) a nonprofit entity licensed in the
6 Local Government, Police, Fire, Highway Main-
7 tenance, Forestry-Conservation, Public Safety,
8 or Special Emergency Radio radio services; or

9 “(C) a noncommercial radio station or
10 noncommercial television station.

11 “(2) COST OF COLLECTION.—If, in the judg-
12 ment of the Commission, the cost of collecting an
13 application fee established under this section would
14 exceed the amount collected, the Commission may by
15 rule eliminate such fee.

16 “(e) DEPOSIT OF COLLECTIONS.—Moneys received
17 from application fees established under this section shall
18 be deposited in the general fund of the Treasury.”.

19 (b) REGULATORY FEES.—Section 9 of the Commu-
20 nications Act of 1934 (47 U.S.C. 159) is amended to read
21 as follows:

22 **“SEC. 9. REGULATORY FEES.**

23 “(a) GENERAL AUTHORITY.—The Commission shall
24 assess and collect regulatory fees to recover the costs of
25 carrying out the activities described in section 6(a) only

1 to the extent, and in the total amounts, provided for in
2 Appropriations Acts.

3 “(b) ESTABLISHMENT OF SCHEDULE.—The Com-
4 mission shall assess and collect regulatory fees at such
5 rates as the Commission shall establish in a schedule of
6 regulatory fees that will result in the collection, in each
7 fiscal year, of an amount that can reasonably be expected
8 to equal the amounts described in subsection (a) with re-
9 spect to such fiscal year.

10 “(c) ADJUSTMENT OF SCHEDULE.—

11 “(1) IN GENERAL.—For each fiscal year, the
12 Commission shall by rule adjust the schedule of reg-
13 ulatory fees established under this section to—

14 “(A) reflect unexpected increases or de-
15 creases in the number of units subject to the
16 payment of such fees; and

17 “(B) result in the collection of the amount
18 required by subsection (b).

19 “(2) ROUNDING.—In making adjustments
20 under this subsection, the Commission may round
21 fees to the nearest \$5 increment.

22 “(d) AMENDMENTS TO SCHEDULE.—In addition to
23 the adjustments required by subsection (c), the Commis-
24 sion shall by rule amend the schedule of regulatory fees
25 established under this section if the Commission deter-

1 mines that the schedule requires amendment so that such
2 fees reflect the full-time equivalent number of employees
3 within the bureaus and offices of the Commission, ad-
4 justed to take into account factors that are reasonably re-
5 lated to the benefits provided to the payor of the fee by
6 the Commission's activities. In making an amendment
7 under this subsection, the Commission may not change the
8 total amount of regulatory fees required by subsection (b)
9 to be collected in a fiscal year.

10 “(e) EXCEPTIONS.—

11 “(1) PARTIES TO WHICH FEES ARE NOT APPLI-
12 CABLE.—The regulatory fees established under this
13 section shall not be applicable to—

14 “(A) a governmental entity or nonprofit
15 entity;

16 “(B) an amateur radio operator licensee
17 under part 97 of the Commission's rules (47
18 C.F.R. part 97); or

19 “(C) a noncommercial radio station or
20 noncommercial television station.

21 “(2) COST OF COLLECTION.—If, in the judg-
22 ment of the Commission, the cost of collecting a reg-
23 ulatory fee established under this section from a
24 party would exceed the amount collected from such

1 party, the Commission may exempt such party from
2 paying such fee.

3 “(f) DEPOSIT OF COLLECTIONS.—

4 “(1) IN GENERAL.—Amounts received from fees
5 authorized by this section shall be deposited as an
6 offsetting collection in, and credited to, the account
7 through which funds are made available to carry out
8 the activities described in section 6(a).

9 “(2) DEPOSIT OF EXCESS COLLECTIONS.—Any
10 regulatory fees collected in excess of the total
11 amount of fees provided for in Appropriations Acts
12 for a fiscal year shall be deposited in the general
13 fund of the Treasury of the United States for the
14 sole purpose of deficit reduction.”.

15 (c) PROVISIONS APPLICABLE TO APPLICATION AND
16 REGULATORY FEES.—Title I of the Communications Act
17 of 1934 (47 U.S.C. 151 et seq.) is amended by inserting
18 after section 9 the following:

19 **“SEC. 9A. PROVISIONS APPLICABLE TO APPLICATION AND**
20 **REGULATORY FEES.**

21 “(a) JUDICIAL REVIEW PROHIBITED.—Any adjust-
22 ment or amendment to a schedule of fees under subsection
23 (b) or (c) of section 8 or subsection (c) or (d) of section
24 9 is not subject to judicial review.

1 “(b) NOTICE TO CONGRESS.—The Commission shall
2 transmit to Congress notification—

3 “(1) of any adjustment under section 8(b) or
4 9(c) immediately upon the adoption of such adjust-
5 ment; and

6 “(2) of any amendment under section 8(c) or
7 9(d) not later than 90 days before the effective date
8 of such amendment.

9 “(c) ENFORCEMENT.—

10 “(1) PENALTIES FOR LATE PAYMENT.—The
11 Commission shall by rule prescribe an additional
12 penalty for late payment of fees under section 8 or
13 9. Such additional penalty shall be 25 percent of the
14 amount of the fee that was not paid in a timely
15 manner.

16 “(2) INTEREST ON UNPAID FEES AND PEN-
17 ALTIES.—The Commission shall charge interest, at a
18 rate determined under section 3717 of title 31,
19 United States Code, on a fee under section 8 or 9
20 or an additional penalty under this subsection that
21 is not paid in a timely manner. Such section 3717
22 shall not otherwise apply with respect to such a fee
23 or penalty.

24 “(3) DISMISSAL OF APPLICATIONS OR FIL-
25 INGS.—The Commission may dismiss any applica-

1 tion or other filing for failure to pay in a timely
2 manner any fee under section 8 or 9 or any interest
3 or additional penalty under this subsection.

4 “(4) REVOCATIONS.—

5 “(A) IN GENERAL.—In addition to or in
6 lieu of the penalties and dismissals authorized
7 by this subsection, the Commission may revoke
8 any instrument of authorization held by any li-
9 censee that has not paid in a timely manner a
10 regulatory fee assessed under section 9 or any
11 related interest or penalty.

12 “(B) NOTICE.—Revocation action may be
13 taken by the Commission under this paragraph
14 after notice of the Commission’s intent to take
15 such action is sent to the licensee by registered
16 mail, return receipt requested, at the licensee’s
17 last known address. The notice shall provide the
18 licensee at least 30 days to either pay the fee,
19 interest, and any penalty or show cause why the
20 fee, interest, or penalty does not apply to the li-
21 censee or should otherwise be waived or pay-
22 ment deferred.

23 “(C) HEARING.—

24 “(i) GENERALLY NOT REQUIRED.—A
25 hearing is not required under this para-

1 graph unless the licensee's response pre-
2 sents a substantial and material question
3 of fact.

4 “(ii) EVIDENCE AND BURDENS.—In
5 any case where a hearing is conducted
6 under this paragraph, the hearing shall be
7 based on written evidence only, and the
8 burden of proceeding with the introduction
9 of evidence and the burden of proof shall
10 be on the licensee.

11 “(iii) COSTS.—Unless the licensee
12 substantially prevails in the hearing, the
13 Commission may assess the licensee for the
14 costs of such hearing.

15 “(D) OPPORTUNITY TO PAY PRIOR TO
16 REVOCATION.—Any Commission order adopted
17 under this paragraph shall determine the
18 amount due, if any, and provide the licensee
19 with at least 30 days to pay that amount or
20 have its authorization revoked.

21 “(E) FINALITY.—No order of revocation
22 under this paragraph shall become final until
23 the licensee has exhausted its right to judicial
24 review of such order under section 402(b)(5).

1 “(d) WAIVER, REDUCTION, AND DEFERMENT.—The
2 Commission may waive, reduce, or defer payment of a fee
3 under section 8 or 9 or an interest charge or penalty under
4 this section in any specific instance for good cause shown,
5 where such action would promote the public interest.

6 “(e) PAYMENT RULES.—The Commission shall by
7 rule permit payment—

8 “(1) in the case of fees under section 8 or 9 in
9 large amounts, by installments; and

10 “(2) in the case of fees under section 8 or 9 in
11 small amounts, in advance for a number of years not
12 to exceed the term of the license held by the payor.

13 “(f) ACCOUNTING SYSTEM.—The Commission shall
14 develop accounting systems necessary to make the amend-
15 ments authorized by sections 8(c) and 9(d).”.

16 (d) TRANSITIONAL RULES.—

17 (1) APPLICATION FEES.—An application fee es-
18 tablished under section 8 of the Communications Act
19 of 1934, as such section is in effect on the day be-
20 fore the effective date described in section 103 of
21 this Act, shall remain in effect under section 8 of
22 the Communications Act of 1934, as amended by
23 subsection (a) of this section, until such time as the
24 Commission adjusts or amends such fee under sub-
25 section (b) or (c) of such section 8, as so amended.

1 (2) REGULATORY FEES.—A regulatory fee es-
2 tablished under section 9 of the Communications Act
3 of 1934, as such section is in effect on the day be-
4 fore the effective date described in section 103 of
5 this Act, shall remain in effect under section 9 of
6 the Communications Act of 1934, as amended by
7 subsection (b) of this section, until such time as the
8 Commission adjusts or amends such fee under sub-
9 section (c) or (d) of such section 9, as so amended.
10 (e) RULEMAKING TO AMEND SCHEDULE OF REGU-
11 LATORY FEES.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the effective date described in section 103, the Com-
14 mission shall complete a rulemaking proceeding
15 under subsection (d) of section 9 of the Communica-
16 tions Act of 1934, as amended by subsection (b) of
17 this section.

18 (2) REPORT TO CONGRESS.—If the Commission
19 has not completed the rulemaking proceeding re-
20 quired by paragraph (1) by the date that is 6
21 months after the effective date described in section
22 103, the Commission shall submit to Congress a re-
23 port on the progress of such rulemaking proceeding.

1 **SEC. 103. EFFECTIVE DATE.**

2 This title and the amendments made by this title
3 shall take effect on October 1, 2018.

4 **TITLE II—APPLICATION OF**
5 **ANTIDEFICIENCY ACT**

6 **SEC. 201. APPLICATION OF ANTIDEFICIENCY ACT TO UNI-**
7 **VERSAL SERVICE PROGRAM.**

8 Section 302 of Public Law 108–494 (118 Stat. 3998)
9 is amended by striking “December 31, 2018” each place
10 it appears and inserting “December 31, 2019”.

11 **TITLE III—SECURING ACCESS TO**
12 **NETWORKS IN DISASTERS**

13 **SEC. 301. STUDY ON NETWORK RESILIENCY.**

14 Not later than 36 months after the date of enactment
15 of this Act, the Commission shall submit to Congress, and
16 make publically available on the Commission’s website, a
17 study on the public safety benefits and technical feasibility
18 and cost of—

19 (1) making telecommunications service pro-
20 vider-owned WiFi access points, and other commu-
21 nications technologies operating on unlicensed spec-
22 trum, available to the general public for access to 9–
23 1–1 services, without requiring any login credentials,
24 during times of emergency when mobile service is
25 unavailable;

1 (2) the provision by non-telecommunications
2 service provider-owned WiFi access points of public
3 access to 9–1–1 services during times of emergency
4 when mobile service is unavailable; and

5 (3) other alternative means of providing the
6 public with access to 9–1–1 services during times of
7 emergency when mobile service is unavailable.

8 **SEC. 302. ACCESS TO ESSENTIAL SERVICE PROVIDERS DUR-**
9 **ING FEDERALLY DECLARED EMERGENCIES.**

10 Section 427(a) of the Robert T. Stafford Disaster Re-
11 lief and Emergency Assistance Act (42 U.S.C. 5189e(a))
12 is amended—

13 (1) in paragraph (1)—

14 (A) in subparagraph (A), by striking “tele-
15 communications service” and inserting “wireline
16 or mobile telephone service, Internet access
17 service, radio or television broadcasting, cable
18 service, or direct broadcast satellite service”;

19 (B) in subparagraph (E), by striking the
20 semicolon and inserting “; or”;

21 (C) by redesignating subparagraphs (A)
22 through (E) as clauses (i) through (v), respec-
23 tively; and

24 (D) by adding at the end the following:

25 “(B) is a tower owner or operator;”; and

1 (2) by striking “(1) provides” and inserting
2 “(1)(A) provides”.

3 **SEC. 303. DEFINITIONS.**

4 As used in this title—

5 (1) the term “mobile service” means commer-
6 cial mobile service (as defined in section 332 of the
7 Communications Act of 1934 (47 U.S.C. 332)) or
8 commercial mobile data service (as defined in section
9 6001 of the Middle Class Tax Relief and Job Cre-
10 ation Act of 2012 (47 U.S.C. 1401));

11 (2) the term “WiFi access point” means wire-
12 less Internet access using the standard designated as
13 802.11 or any variant thereof; and

14 (3) the term “times of emergency” means ei-
15 ther an emergency as defined in section 102 of the
16 Robert T. Stafford Disaster Relief and Emergency
17 Assistance Act (42 U.S.C. 5122), or an emergency
18 as declared by the governor of a State or territory
19 of the United States.

20 **TITLE IV—FCC CONSOLIDATED**
21 **REPORTING**

22 **SEC. 401. COMMUNICATIONS MARKETPLACE REPORT.**

23 Title I of the Communications Act of 1934 (47
24 U.S.C. 151 et seq.) is amended by adding at the end the
25 following:

1 **“SEC. 13. COMMUNICATIONS MARKETPLACE REPORT.**

2 “(a) IN GENERAL.—In the last quarter of every even-
3 numbered year, the Commission shall publish on its
4 website and submit to the Committee on Energy and Com-
5 merce of the House of Representatives and the Committee
6 on Commerce, Science, and Transportation of the Senate
7 a report on the state of the communications marketplace.

8 “(b) CONTENTS.—Each report required by sub-
9 section (a) shall—

10 “(1) assess the state of competition in the com-
11 munications marketplace, including competition to
12 deliver voice, video, audio, and data services among
13 providers of telecommunications, providers of com-
14 mercial mobile service (as defined in section 332),
15 multichannel video programming distributors (as de-
16 fined in section 602), broadcast stations, providers
17 of satellite communications, Internet service pro-
18 viders, and other providers of communications serv-
19 ices;

20 “(2) assess the state of deployment of commu-
21 nications capabilities, including advanced tele-
22 communications capability (as defined in section 706
23 of the Telecommunications Act of 1996 (47 U.S.C.
24 1302)), regardless of the technology used for such
25 deployment;

1 “(3) assess whether laws, regulations, regu-
2 latory practices (whether those of the Federal Gov-
3 ernment, States, political subdivisions of States, In-
4 dian tribes or tribal organizations (as such terms are
5 defined in section 4 of the Indian Self-Determination
6 and Education Assistance Act (25 U.S.C. 5304)), or
7 foreign governments), or demonstrated marketplace
8 practices pose a barrier to competitive entry into the
9 communications marketplace or to the competitive
10 expansion of existing providers of communications
11 services;

12 “(4) describe the agenda of the Commission for
13 the next 2-year period for addressing the challenges
14 and opportunities in the communications market-
15 place that were identified through the assessments
16 under paragraphs (1) through (3); and

17 “(5) describe the actions that the Commission
18 has taken in pursuit of the agenda described pursu-
19 ant to paragraph (4) in the previous report sub-
20 mitted under this section.

21 “(c) EXTENSION.—If the President designates a
22 Commissioner as Chairman of the Commission during the
23 last quarter of an even-numbered year, the portion of the
24 report required by subsection (b)(4) may be published on
25 the website of the Commission and submitted to the Com-

1 mittee on Energy and Commerce of the House of Rep-
2 resentatives and the Committee on Commerce, Science,
3 and Transportation of the Senate as an addendum during
4 the first quarter of the following odd-numbered year.

5 “(d) SPECIAL REQUIREMENTS.—

6 “(1) ASSESSING COMPETITION.—In assessing
7 the state of competition under subsection (b)(1), the
8 Commission shall consider all forms of competition,
9 including the effect of intermodal competition, facili-
10 ties-based competition, and competition from new
11 and emergent communications services, including the
12 provision of content and communications using the
13 Internet.

14 “(2) ASSESSING DEPLOYMENT.—In assessing
15 the state of deployment under subsection (b)(2), the
16 Commission shall compile a list of geographical
17 areas that are not served by any provider of ad-
18 vanced telecommunications capability.

19 “(3) CONSIDERING SMALL BUSINESSES.—In as-
20 sassing the state of competition under subsection
21 (b)(1) and regulatory barriers under subsection
22 (b)(3), the Commission shall consider market entry
23 barriers for entrepreneurs and other small busi-
24 nesses in the communications marketplace in accord-
25 ance with the national policy under section 257(b).”.

1 **SEC. 402. CONSOLIDATION OF REDUNDANT REPORTS; CON-**
2 **FORMING AMENDMENTS.**

3 (a) ORBIT ACT REPORT.—Section 646 of the Com-
4 munications Satellite Act of 1962 (47 U.S.C. 765e; 114
5 Stat. 57) is repealed.

6 (b) SATELLITE COMPETITION REPORT.—Section 4 of
7 Public Law 109–34 (47 U.S.C. 703) is repealed.

8 (c) INTERNATIONAL BROADBAND DATA REPORT.—
9 Section 103(b)(1) of the Broadband Data Improvement
10 Act (47 U.S.C. 1303(b)(1)) is amended by striking “the
11 assessment and report” and all that follows through “Fed-
12 eral Communications Commission” and inserting “its re-
13 port under section 13 of the Communications Act of 1934,
14 the Federal Communications Commission”.

15 (d) STATUS OF COMPETITION IN THE MARKET FOR
16 THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Sec-
17 tion 628 of the Communications Act of 1934 (47 U.S.C.
18 548) is amended—

19 (1) by striking subsection (g);

20 (2) by redesignating subsection (j) as sub-
21 section (g); and

22 (3) by transferring subsection (g) (as redesign-
23 nated) so that it appears after subsection (f).

24 (e) REPORT ON CABLE INDUSTRY PRICES.—Section
25 623(k) of the Communications Act of 1934 (47 U.S.C.
26 543(k)) is amended—

1 (1) in paragraph (1), by striking “annually
2 publish” and inserting “publish with its report
3 under section 13”; and

4 (2) in the heading of paragraph (2), by striking
5 “ANNUAL”.

6 (f) TRIENNIAL REPORT IDENTIFYING AND ELIMI-
7 NATING MARKET ENTRY BARRIERS FOR ENTRE-
8 PRENEURS AND OTHER SMALL BUSINESSES.—Section
9 257 of the Communications Act of 1934 (47 U.S.C. 257)
10 is amended by striking subsection (c).

11 (g) STATE OF COMPETITIVE MARKET CONDITIONS
12 WITH RESPECT TO COMMERCIAL MOBILE RADIO SERV-
13 ICES.—Section 332(c)(1)(C) of the Communications Act
14 of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking
15 the first and second sentences.

16 (h) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

17 (1) IN GENERAL.—Section 4 of the Commu-
18 nications Act of 1934 (47 U.S.C. 154) is amended—

19 (A) by striking subsection (k); and

20 (B) by redesignating subsections (l)
21 through (o) as subsections (k) through (n), re-
22 spectively.

23 (2) CONFORMING AMENDMENT.—Section
24 309(j)(8)(B) of the Communications Act of 1934

1 (47 U.S.C. 309(j)(8)(B)) is amended by striking the
2 last sentence.

3 (i) ADDITIONAL OUTDATED REPORTS.—The Com-
4 munications Act of 1934 is further amended—

5 (1) in section 4—

6 (A) in subsection (b)(2)(B)(ii), by striking
7 “and shall furnish notice of such action” and
8 all that follows through “subject of the waiver”;
9 and

10 (B) in subsection (g), by striking para-
11 graph (2);

12 (2) in section 215—

13 (A) by striking subsection (b); and

14 (B) by redesignating subsection (c) as sub-
15 section (b);

16 (3) in section 227(e), by striking paragraph (4);

17 (4) in section 309(j)—

18 (A) by striking paragraph (12); and

19 (B) in paragraph (15)(C), by striking
20 clause (iv);

21 (5) in section 331(b), by striking the last sen-
22 tence;

23 (6) in section 336(e), by amending paragraph

24 (4) to read as follows:

1 “(4) REPORT.—The Commission shall annually
2 advise the Congress on the amounts collected pursu-
3 ant to the program required by this subsection.”;
4 (7) in section 339(c), by striking paragraph (1);
5 (8) in section 396—
6 (A) by striking subsection (i);
7 (B) in subsection (k)—
8 (i) in paragraph (1), by striking sub-
9 paragraph (F); and
10 (ii) in paragraph (3)(B)(iii), by strik-
11 ing subclause (V);
12 (C) in subsection (l)(1)(B), by striking
13 “shall be included” and all that follows through
14 “The audit report”; and
15 (D) by striking subsection (m);
16 (9) in section 398(b)(4), by striking the third
17 sentence;
18 (10) in section 624A(b)(1)—
19 (A) by striking “REPORT; REGULATIONS”
20 and inserting “REGULATIONS”;
21 (B) by striking “Within 1 year after” and
22 all that follows through “on means of assuring”
23 and inserting “The Commission shall issue such
24 regulations as are necessary to assure”; and

1 (C) by striking “Within 180 days after”
2 and all that follows through “to assure such
3 compatibility.”; and

4 (11) in section 713, by striking subsection (a).

5 **SEC. 403. EFFECT ON AUTHORITY.**

6 Nothing in this title or the amendments made by this
7 title shall be construed to expand or contract the authority
8 of the Commission.

9 **SEC. 404. OTHER REPORTS.**

10 Nothing in this title or the amendments made by this
11 title shall be construed to prohibit or otherwise prevent
12 the Commission from producing any additional reports
13 otherwise within the authority of the Commission.

14 **TITLE V—ADDITIONAL**
15 **PROVISIONS**

16 **SEC. 501. INDEPENDENT INSPECTOR GENERAL FOR FCC.**

17 (a) AMENDMENTS.—The Inspector General Act of
18 1978 (5 U.S.C. App.) is amended—

19 (1) in section 8G(a)(2), by striking “the Fed-
20 eral Communications Commission,”; and

21 (2) in section 12—

22 (A) in paragraph (1), by inserting “, the
23 Federal Communications Commission,” after
24 “the Chairman of the Nuclear Regulatory Com-
25 mission”; and

1 (B) in paragraph (2), by inserting “the
2 Federal Communications Commission,” after
3 “the Environmental Protection Agency,”.

4 (b) TRANSITION RULE.—An individual serving as In-
5 spector General of the Commission on the date of the en-
6 actment of this Act pursuant to an appointment made
7 under section 8G of the Inspector General Act of 1978
8 (5 U.S.C. App.)—

9 (1) may continue so serving until the President
10 makes an appointment under section 3(a) of such
11 Act with respect to the Commission consistent with
12 the amendments made by subsection (a); and

13 (2) shall, while serving under paragraph (1), re-
14 main subject to the provisions of section 8G of such
15 Act which, immediately before the date of the enact-
16 ment of this Act, applied with respect to the Inspec-
17 tor General of the Commission and suffer no reduc-
18 tion in pay.

19 **SEC. 502. AUTHORITY OF CHIEF INFORMATION OFFICER.**

20 (a) IN GENERAL.—The Commission shall ensure that
21 the Chief Information Officer of the Commission has a
22 significant role in—

23 (1) the decision-making process for annual and
24 multi-year planning, programming, budgeting, and

1 execution decisions, related reporting requirements,
2 and reports related to information technology;

3 (2) the management, governance, and oversight
4 processes related to information technology; and

5 (3) the hiring of personnel with information
6 technology responsibilities.

7 (b) CIO APPROVAL.—The Chief Information Officer
8 of the Commission, in consultation with the Chief Finan-
9 cial Officer of the Commission and budget officials, shall
10 specify and approve the allocation of amounts appro-
11 priated to the Commission for information technology,
12 consistent with the provisions of appropriations Acts,
13 budget guidelines, and recommendations from the Direc-
14 tor of the Office of Management and Budget.

15 **SEC. 503. SPOOFING PREVENTION.**

16 (a) EXPANDING AND CLARIFYING PROHIBITION ON
17 MISLEADING OR INACCURATE CALLER IDENTIFICATION
18 INFORMATION.—

19 (1) COMMUNICATIONS FROM OUTSIDE THE
20 UNITED STATES.—Section 227(e)(1) of the Commu-
21 nications Act of 1934 (47 U.S.C. 227(e)(1)) is
22 amended by striking “in connection with any tele-
23 communications service or IP-enabled voice service”
24 and inserting “or any person outside the United
25 States if the recipient is within the United States,

1 in connection with any voice service or text mes-
2 saging service”.

3 (2) COVERAGE OF TEXT MESSAGES AND VOICE
4 SERVICES.—Section 227(e)(8) of the Communica-
5 tions Act of 1934 (47 U.S.C. 227(e)(8)) is amend-
6 ed—

7 (A) in subparagraph (A), by striking “tele-
8 communications service or IP-enabled voice
9 service” and inserting “voice service or a text
10 message sent using a text messaging service”;

11 (B) in the first sentence of subparagraph
12 (B), by striking “telecommunications service or
13 IP-enabled voice service” and inserting “voice
14 service or a text message sent using a text mes-
15 saging service”; and

16 (C) by striking subparagraph (C) and in-
17 serting the following:

18 “(C) TEXT MESSAGE.—The term ‘text
19 message’—

20 “(i) means a message consisting of
21 text, images, sounds, or other information
22 that is transmitted to or from a device that
23 is identified as the receiving or transmit-
24 ting device by means of a 10-digit tele-
25 phone number or N11 service code;

1 “(ii) includes a short message service
2 (commonly referred to as ‘SMS’) message
3 and a multimedia message service (com-
4 monly referred to as ‘MMS’) message; and

5 “(iii) does not include—

6 “(I) a real-time, two-way voice or
7 video communication; or

8 “(II) a message sent over an IP-
9 enabled messaging service to another
10 user of the same messaging service,
11 except a message described in clause
12 (ii).

13 “(D) TEXT MESSAGING SERVICE.—The
14 term ‘text messaging service’ means a service
15 that enables the transmission or receipt of a
16 text message, including a service provided as
17 part of or in connection with a voice service.

18 “(E) VOICE SERVICE.—The term ‘voice
19 service’—

20 “(i) means any service that is inter-
21 connected with the public switched tele-
22 phone network and that furnishes voice
23 communications to an end user using re-
24 sources from the North American Num-
25 bering Plan or any successor to the North

1 American Numbering Plan adopted by the
2 Commission under section 251(e)(1); and

3 “(ii) includes transmissions from a
4 telephone facsimile machine, computer, or
5 other device to a telephone facsimile ma-
6 chine.”.

7 (3) TECHNICAL AMENDMENT.—Section 227(e)
8 of the Communications Act of 1934 (47 U.S.C.
9 227(e)) is amended in the heading by inserting
10 “MISLEADING OR” before “INACCURATE”.

11 (4) REGULATIONS.—

12 (A) IN GENERAL.—Section 227(e)(3)(A) of
13 the Communications Act of 1934 (47 U.S.C.
14 227(e)(3)(A)) is amended by striking “Not
15 later than 6 months after the date of enactment
16 of the Truth in Caller ID Act of 2009, the
17 Commission” and inserting “The Commission”.

18 (B) DEADLINE.—The Commission shall
19 prescribe regulations to implement the amend-
20 ments made by this subsection not later than
21 18 months after the date of enactment of this
22 Act.

23 (5) EFFECTIVE DATE.—The amendments made
24 by this subsection shall take effect on the date that

1 is 6 months after the date on which the Commission
2 prescribes regulations under paragraph (4).

3 (b) CONSUMER EDUCATION MATERIALS ON HOW TO
4 AVOID SCAMS THAT RELY UPON MISLEADING OR INAC-
5 CURATE CALLER IDENTIFICATION INFORMATION.—

6 (1) DEVELOPMENT OF MATERIALS.—Not later
7 than 1 year after the date of enactment of this Act,
8 the Commission, in coordination with the Federal
9 Trade Commission, shall develop consumer edu-
10 cation materials that provide information about—

11 (A) ways for consumers to identify scams
12 and other fraudulent activity that rely upon the
13 use of misleading or inaccurate caller identifica-
14 tion information; and

15 (B) existing technologies, if any, that a
16 consumer can use to protect against such scams
17 and other fraudulent activity.

18 (2) CONTENTS.—In developing the consumer
19 education materials under paragraph (1), the Com-
20 mission shall—

21 (A) identify existing technologies, if any,
22 that can help consumers guard themselves
23 against scams and other fraudulent activity
24 that rely upon the use of misleading or inac-

1 curate caller identification information, includ-
2 ing—

3 (i) descriptions of how a consumer
4 can use the technologies to protect against
5 such scams and other fraudulent activity;
6 and

7 (ii) details on how consumers can ac-
8 cess and use the technologies; and

9 (B) provide other information that may
10 help consumers identify and avoid scams and
11 other fraudulent activity that rely upon the use
12 of misleading or inaccurate caller identification
13 information.

14 (3) UPDATES.—The Commission shall ensure
15 that the consumer education materials required
16 under paragraph (1) are updated on a regular basis.

17 (4) WEBSITE.—The Commission shall include
18 the consumer education materials developed under
19 paragraph (1) on its website.

20 (c) GAO REPORT ON COMBATING THE FRAUDULENT
21 PROVISION OF MISLEADING OR INACCURATE CALLER
22 IDENTIFICATION INFORMATION.—

23 (1) IN GENERAL.—The Comptroller General of
24 the United States shall conduct a study of the ac-
25 tions the Commission and the Federal Trade Com-

1 mission have taken to combat the fraudulent provi-
2 sion of misleading or inaccurate caller identification
3 information, and the additional measures that could
4 be taken to combat such activity.

5 (2) REQUIRED CONSIDERATIONS.—In con-
6 ducting the study under paragraph (1), the Comp-
7 troller General shall examine—

8 (A) trends in the types of scams that rely
9 on misleading or inaccurate caller identification
10 information;

11 (B) previous and current enforcement ac-
12 tions by the Commission and the Federal Trade
13 Commission to combat the practices prohibited
14 by section 227(e)(1) of the Communications Act
15 of 1934 (47 U.S.C. 227(e)(1));

16 (C) current efforts by industry groups and
17 other entities to develop technical standards to
18 deter or prevent the fraudulent provision of
19 misleading or inaccurate caller identification in-
20 formation, and how such standards may help
21 combat the current and future provision of mis-
22 leading or inaccurate caller identification infor-
23 mation; and

24 (D) whether there are additional actions
25 the Commission, the Federal Trade Commis-

1 sion, and Congress should take to combat the
2 fraudulent provision of misleading or inaccurate
3 caller identification information.

4 (3) REPORT.—Not later than 18 months after
5 the date of enactment of this Act, the Comptroller
6 General shall submit to the Committee on Energy
7 and Commerce of the House of Representatives and
8 the Committee on Commerce, Science, and Trans-
9 portation of the Senate a report on the findings of
10 the study under paragraph (1), including any rec-
11 ommendations regarding combating the fraudulent
12 provision of misleading or inaccurate caller identi-
13 fication information.

14 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion, or the amendments made by this section, shall be
16 construed to modify, limit, or otherwise affect any rule or
17 order adopted by the Commission in connection with—

18 (1) the Telephone Consumer Protection Act of
19 1991 (Public Law 102–243; 105 Stat. 2394) or the
20 amendments made by that Act; or

21 (2) the CAN–SPAM Act of 2003 (15 U.S.C.
22 7701 et seq.).

1 **SEC. 504. REPORT ON PROMOTING BROADBAND INTERNET**
2 **ACCESS SERVICE FOR VETERANS.**

3 (a) VETERAN DEFINED.—In this section, the term
4 “veteran” has the meaning given the term in section 101
5 of title 38, United States Code.

6 (b) REPORT REQUIRED.—Not later than 1 year after
7 the date of the enactment of this Act, the Commission
8 shall submit to Congress a report on promoting broadband
9 Internet access service for veterans, in particular low-in-
10 come veterans and veterans residing in rural areas. In
11 such report, the Commission shall—

12 (1) examine such access and how to promote
13 such access; and

14 (2) provide findings and recommendations for
15 Congress with respect to such access and how to
16 promote such access.

17 (c) PUBLIC NOTICE AND OPPORTUNITY TO COM-
18 MENT.—In preparing the report required by subsection
19 (b), the Commission shall provide the public with notice
20 and an opportunity to comment on broadband Internet ac-
21 cess service for veterans, in particular low-income veterans
22 and veterans residing in rural areas, and how to promote
23 such access.

24 **SEC. 505. METHODOLOGY FOR COLLECTION OF MOBILE**
25 **SERVICE COVERAGE DATA.**

26 (a) DEFINITIONS.—In this section—

1 (1) the term “commercial mobile data service”
2 has the meaning given the term in section 6001 of
3 the Middle Class Tax Relief and Job Creation Act
4 of 2012 (47 U.S.C. 1401);

5 (2) the term “commercial mobile service” has
6 the meaning given the term in section 332(d) of the
7 Communications Act of 1934 (47 U.S.C. 332(d));

8 (3) the term “coverage data” means, if com-
9 mercial mobile service or commercial mobile data
10 service is available, general information about the
11 service, which may include available speed tiers,
12 radio frequency signal levels, and network and per-
13 formance characteristics; and

14 (4) the term “Universal Service program”
15 means the universal service support mechanisms es-
16 tablished under section 254 of the Communications
17 Act of 1934 (47 U.S.C. 254) and the regulations
18 issued under that section.

19 (b) **METHODOLOGY ESTABLISHED.**—Not later than
20 180 days after the conclusion of the Mobility Fund Phase
21 II Auction, the Commission shall promulgate regulations
22 to establish a methodology that shall apply to the collec-
23 tion of coverage data by the Commission for the purposes
24 of—

25 (1) the Universal Service program; or

1 (2) any other similar program.

2 (c) REQUIREMENTS.—The methodology established
3 under subsection (b) shall—

4 (1) contain standard definitions for different
5 available technologies such as 2G, 3G, 4G, and 4G
6 LTE;

7 (2) enhance the consistency and robustness of
8 how the data are collected by different parties;

9 (3) improve the validity and reliability of cov-
10 erage data; and

11 (4) increase the efficiency of coverage data col-
12 lection.

13 **SEC. 506. ACCURACY OF DISPATCHABLE LOCATION FOR 9-**
14 **1-1 CALLS.**

15 (a) PROCEEDING REQUIRED.—Not later than 18
16 months after the date of the enactment of this Act, the
17 Commission shall conclude a proceeding to consider adopt-
18 ing rules to ensure that the dispatchable location is con-
19 veyed with a 9-1-1 call, regardless of the technological
20 platform used and including with calls from multi-line
21 telephone systems (as defined in section 6502 of the Mid-
22 dle Class Tax Relief and Job Creation Act of 2012 (47
23 U.S.C. 1471)).

24 (b) RELATIONSHIP TO OTHER PROCEEDINGS.—In
25 conducting the proceeding required by subsection (a), the

1 Commission may consider information and conclusions
2 from other Commission proceedings regarding the accu-
3 racy of the dispatchable location for a 9-1-1 call, but noth-
4 ing in this section shall be construed to require the Com-
5 mission to reconsider any information or conclusion from
6 a proceeding regarding the accuracy of the dispatchable
7 location for a 9-1-1 call in which the Commission has
8 adopted rules or issued an order before the date of the
9 enactment of this Act.

10 (c) DEFINITIONS.—In this section:

11 (1) 9-1-1 CALL.—The term “9-1-1 call” means
12 a voice call that is placed, or a message that is sent
13 by other means of communication, to a public safety
14 answering point (as defined in section 222 of the
15 Communications Act of 1934 (47 U.S.C. 222)) for
16 the purpose of requesting emergency services.

17 (2) DISPATCHABLE LOCATION.—The term
18 “dispatchable location” means the street address of
19 the calling party, and additional information such as
20 room number, floor number, or similar information
21 necessary to adequately identify the location of the
22 calling party.

1 **SEC. 507. NTIA STUDY ON INTERAGENCY PROCESS FOL-**
2 **LOWING CYBERSECURITY INCIDENTS.**

3 (a) IN GENERAL.—The Assistant Secretary of Com-
4 merce for Communications and Information shall complete
5 a study on how the National Telecommunications and In-
6 formation Administration can best coordinate the inter-
7 agency process following cybersecurity incidents.

8 (b) REPORT TO CONGRESS.—Not later than 18
9 months after the date of the enactment of this Act, the
10 Assistant Secretary shall submit to the Committee on En-
11 ergy and Commerce of the House of Representatives and
12 the Committee on Commerce, Science, and Transportation
13 of the Senate a report detailing the findings and rec-
14 ommendations of the study conducted under subsection
15 (a).

16 **SEC. 508. TRIBAL DIGITAL ACCESS.**

17 (a) TRIBAL BROADBAND DATA REPORT.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of the enactment of this Act, the Commis-
20 sion shall submit to the Committee on Energy and
21 Commerce of the House of Representatives and the
22 Committee on Commerce, Science, and Transpor-
23 tation of the Senate a report evaluating broadband
24 coverage in Indian country (as defined in section
25 1151 of title 18, United States Code) and on land

1 held by a Native Corporation pursuant to the Alaska
2 Native Claims Settlement Act.

3 (2) REQUIRED ASSESSMENTS.—The report re-
4 quired by paragraph (1) shall include the following:

5 (A) An assessment of areas of Indian
6 country (as so defined) and land held by a Na-
7 tive Corporation pursuant to the Alaska Native
8 Claims Settlement Act that have adequate
9 broadband coverage.

10 (B) An assessment of unserved areas of
11 Indian country (as so defined) and land held by
12 a Native Corporation pursuant to the Alaska
13 Native Claims Settlement Act.

14 (b) TRIBAL BROADBAND PROCEEDING.—Not later
15 than 30 months after the date of the enactment of this
16 Act, the Commission shall complete a proceed-
17 ing to address the unserved areas identified in the report under
18 subsection (a).

19 **SEC. 509. TERMS OF OFFICE AND VACANCIES.**

20 Section 4(c) of the Communications Act of 1934 (47
21 U.S.C. 154(c)) is amended to read as follows:

22 “(c)(1) A commissioner—

23 “(A) shall be appointed for a term of 5 years;

24 “(B) except as provided in subparagraph (C),

25 may continue to serve after the expiration of the

1 fixed term of office of the commissioner until a suc-
2 cessor is appointed and has been confirmed and
3 taken the oath of office; and

4 “(C) may not continue to serve after the expira-
5 tion of the session of Congress that begins after the
6 expiration of the fixed term of office of the commis-
7 sioner.

8 “(2) Any person chosen to fill a vacancy in the Com-
9 mission—

10 “(A) shall be appointed for the unexpired term
11 of the commissioner that the person succeeds;

12 “(B) except as provided in subparagraph (C),
13 may continue to serve after the expiration of the
14 fixed term of office of the commissioner that the
15 person succeeds until a successor is appointed and
16 has been confirmed and taken the oath of office; and

17 “(C) may not continue to serve after the expira-
18 tion of the session of Congress that begins after the
19 expiration of the fixed term of office of the commis-
20 sioner that the person succeeds.

21 “(3) No vacancy in the Commission shall impair the
22 right of the remaining commissioners to exercise all the
23 powers of the Commission.”

1 **SEC. 510. SUBMISSION OF COPY OF CERTAIN DOCUMENTS**
2 **TO CONGRESS.**

3 Section 4 of the Communications Act of 1934, as
4 amended by section 402(h), is further amended by adding
5 at the end the following:

6 “(o) BUDGET ESTIMATES AND REQUESTS; LEGISLA-
7 TIVE RECOMMENDATIONS, TESTIMONY, AND COMMENTS
8 ON LEGISLATION; SEMIANNUAL REPORTS.—

9 “(1) BUDGET ESTIMATES AND REQUESTS.—If
10 the Commission submits any budget estimate or re-
11 quest to the President or the Office of Management
12 and Budget, the Commission shall concurrently
13 transmit a copy of that estimate or request to Con-
14 gress.

15 “(2) LEGISLATIVE RECOMMENDATIONS, TESTI-
16 MONY, AND COMMENTS ON LEGISLATION.—

17 “(A) IN GENERAL.—If the Commission
18 submits any legislative recommendations, testi-
19 mony, or comments on legislation to the Presi-
20 dent or the Office of Management and Budget,
21 the Commission shall concurrently transmit a
22 copy thereof to Congress.

23 “(B) PROHIBITION.—No officer or agency
24 of the United States may require the Commis-
25 sion to submit legislative recommendations, tes-
26 timony, or comments on legislation to any offi-

1 cer or agency of the United States for approval,
2 comments, or review prior to the submission of
3 the recommendations, testimony, or comments
4 to Congress.

5 “(3) OFFICE OF INSPECTOR GENERAL SEMI-
6 ANNUAL REPORTS.—

7 “(A) IN GENERAL.—Notwithstanding sec-
8 tion 5(b) of the Inspector General Act of 1978
9 (5 U.S.C. App.), the Inspector General of the
10 Commission shall concurrently submit each
11 semiannual report required under such section
12 5(b) to the Commission and to the appropriate
13 committees or subcommittees of Congress.

14 “(B) RULE OF CONSTRUCTION.—Nothing
15 in subparagraph (A) shall be construed to mod-
16 ify the requirement for the Commission to sub-
17 mit to the appropriate committees or sub-
18 committees of Congress each such semiannual
19 report together with a report by the Commis-
20 sion under such section 5(b).”

21 **SEC. 511. JOINT BOARD RECOMMENDATION.**

22 The Commission may not modify, amend, or change
23 its rules or regulations for universal service support pay-
24 ments to implement the February 27, 2004, recommenda-
25 tions of the Federal-State Joint Board on Universal Serv-

1 ice regarding single connection or primary line restrictions
2 on universal service support payments.

3 **SEC. 512. DISCLAIMER FOR PRESS RELEASES REGARDING**
4 **NOTICES OF APPARENT LIABILITY.**

5 The Commission shall include in any press release re-
6 garding the issuance of a notice of apparent liability under
7 section 503(b)(4) of the Communications Act of 1934 (47
8 U.S.C. 503(b)(4)) a disclaimer informing consumers
9 that—

10 (1) the issuance of a notice of apparent liability
11 should be treated only as allegations; and

12 (2) the amount of any forfeiture penalty pro-
13 posed in a notice of apparent liability represents the
14 maximum penalty that the Commission may impose
15 for the violations alleged in the notice of apparent
16 liability.

17 **SEC. 513. REPORTS RELATED TO SPECTRUM AUCTIONS.**

18 (a) ESTIMATE OF UPCOMING AUCTIONS.—Section
19 309(j) of the Communications Act of 1934 (47 U.S.C.
20 309(j)) is amended by adding at the end the following:

21 “(18) ESTIMATE OF UPCOMING AUCTIONS.—

22 “(A) Not later than September 30, 2018,
23 and annually thereafter, the Commission shall
24 make publicly available an estimate of what sys-
25 tems of competitive bidding authorized under

1 this subsection may be initiated during the up-
2 coming 12-month period.

3 “(B) The estimate under subparagraph
4 (A) shall, to the extent possible, identify the
5 bands of frequencies the Commission expects to
6 be included in each such system of competitive
7 bidding.”.

8 (b) AUCTION EXPENDITURE JUSTIFICATION RE-
9 PORT.—Not later than April 1, 2019, and annually there-
10 after, the Commission shall provide to the appropriate
11 committees of Congress a report containing a detailed jus-
12 tification for the use of proceeds retained by the Commis-
13 sion under section 309(j)(8)(B) of the Communications
14 Act of 1934 (47 U.S.C. 309(j)(8)(B)) for the costs of de-
15 veloping and implementing the program required by sec-
16 tion 309(j) of that Act.

17 (c) DEFINITION.—For purposes of this section, the
18 term “appropriate committees of Congress” means—

19 (1) the Committee on Commerce, Science, and
20 Transportation of the Senate;

21 (2) the Committee on Appropriations of the
22 Senate;

23 (3) the Committee on Energy and Commerce of
24 the House of Representatives; and

1 (4) the Committee on Appropriations of the
2 House of Representatives.

3 **TITLE VI—VIEWER PROTECTION**

4 **SEC. 601. RESERVE SOURCE FOR PAYMENT OF TV BROAD-**
5 **CASTER RELOCATION COSTS.**

6 (a) ESTABLISHMENT OF FUND.—There is estab-
7 lished in the Treasury of the United States a fund to be
8 known as the Broadcast Repack Fund.

9 (b) AVAILABILITY OF FUNDS.—

10 (1) IN GENERAL.—If the Commission makes
11 the certification described in paragraph (2), amounts
12 in the Broadcast Repack Fund shall be available to
13 the Commission to make reimbursements pursuant
14 to subsection (b)(4)(A)(i) or (b)(4)(A)(ii) of section
15 6403 of the Middle Class Tax Relief and Job Cre-
16 ation Act of 2012 (47 U.S.C. 1452).

17 (2) CERTIFICATION.—The certification de-
18 scribed in this paragraph is a certification from the
19 Commission to the Secretary of the Treasury that
20 the funds available in the TV Broadcaster Reloca-
21 tion Fund established under subsection (d) of such
22 section are likely to be insufficient to reimburse rea-
23 sonably incurred costs described in subsection
24 (b)(4)(A)(i) or (b)(4)(A)(ii) of such section.

1 (3) AVAILABILITY FOR PAYMENTS AFTER APRIL
2 13, 2020.—Notwithstanding subsection (b)(4)(D) of
3 such section, the Commission may make payments
4 pursuant to subsection (b)(4)(A)(i) or (b)(4)(A)(ii)
5 of such section from the Broadcast Repack Fund
6 after April 13, 2020, if, before making any such
7 payments after such date, the Commission submits
8 to Congress a certification that such payments are
9 necessary to reimburse reasonably incurred costs de-
10 scribed in such subsection.

11 (c) UNUSED FUNDS RESCINDED AND DEPOSITED
12 INTO THE GENERAL FUND OF THE TREASURY.—

13 (1) RESCISSION AND DEPOSIT.—If any unobli-
14 gated amounts remain in the Broadcast Repack
15 Fund after the date described in paragraph (2),
16 such amounts shall be rescinded and deposited into
17 the general fund of the Treasury, where such
18 amounts shall be dedicated for the sole purpose of
19 deficit reduction.

20 (2) DATE DESCRIBED.—The date described in
21 this paragraph is the earlier of—

22 (A) the date of a certification by the Com-
23 mission under paragraph (3) that all reimburse-
24 ments pursuant to subsections (b)(4)(A)(i) and

1 (b)(4)(A)(ii) of such section 6403 have been
2 made; or

3 (B) July 3, 2022.

4 (3) CERTIFICATION.—If all reimbursements
5 pursuant to subsections (b)(4)(A)(i) and
6 (b)(4)(A)(ii) of such section 6403 have been made
7 before July 3, 2022, the Commission shall submit to
8 the Secretary of the Treasury a certification that all
9 such reimbursements have been made.

10 (d) ADMINISTRATIVE COSTS.—The amount of auc-
11 tion proceeds that the salaries and expenses account of
12 the Commission is required to retain under section
13 309(j)(8)(B) of the Communications Act of 1934 (47
14 U.S.C. 309(j)(8)(B)), including from the proceeds of the
15 forward auction under section 6403 of the Middle Class
16 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
17 1452), shall be sufficient to cover the administrative costs
18 incurred by the Commission in making any reimburse-
19 ments out of the Broadcast Repack Fund.

20 **SEC. 602. PAYMENT OF RELOCATION COSTS OF TELEVISION**
21 **TRANSLATOR STATIONS AND LOW POWER**
22 **TELEVISION STATIONS.**

23 (a) PAYMENT REQUIRED.—

24 (1) IN GENERAL.—From amounts made avail-
25 able under subsection (b)(2), the Commission shall

1 reimburse costs reasonably incurred by a television
2 translator station or low power television station on
3 or after January 1, 2017, in order for such station
4 to relocate its television service from one channel to
5 another channel or otherwise modify its facility as a
6 result of the reorganization of broadcast television
7 spectrum under subsection (b) of section 6403 of the
8 Middle Class Tax Relief and Job Creation Act of
9 2012 (47 U.S.C. 1452). Only stations that are eligi-
10 ble to file and do file an application in the Commis-
11 sion's Special Displacement Window are eligible to
12 seek reimbursement under this paragraph.

13 (2) LIMITATION.—The Commission may not
14 make reimbursements under paragraph (1) for lost
15 revenues.

16 (3) DUPLICATIVE PAYMENTS PROHIBITED.—In
17 the case of a low power television station that has
18 been accorded primary status as a Class A television
19 licensee under section 73.6001(a) of title 47, Code
20 of Federal Regulations—

21 (A) if the licensee of such station has re-
22 ceived reimbursement with respect to such sta-
23 tion under subsection (b)(4)(A)(i) of such sec-
24 tion 6403 (including from amounts made avail-
25 able under section 601 of this title), or from

1 any other source, such station may not receive
2 reimbursement under paragraph (1); and

3 (B) if such station has received reimburse-
4 ment under paragraph (1), the licensee of such
5 station may not receive reimbursement with re-
6 spect to such station under subsection
7 (b)(4)(A)(i) of such section 6403.

8 (4) ADDITIONAL LIMITATION.—The Commis-
9 sion may not make reimbursement under paragraph
10 (1) for costs incurred to resolve mutually exclusive
11 applications, including costs incurred in any auction
12 of available channels.

13 (b) FUNDING.—

14 (1) ESTABLISHMENT OF FUND.—There is es-
15 tablished in the Treasury of the United States a
16 fund to be known as the Translator and Low Power
17 Station Relocation Fund.

18 (2) AVAILABILITY OF FUNDS.—

19 (A) IN GENERAL.—Amounts in the Trans-
20 lator and Low Power Station Relocation Fund
21 shall be available to the Commission to make
22 payments required by subsection (a)(1).

23 (B) AVAILABILITY AFTER APRIL 13,
24 2020.—Amounts in the Translator and Low
25 Power Station Relocation Fund shall not be

1 available to the Commission to make payments
2 required by subsection (a)(1) after April 13,
3 2020, unless, before making any such payments
4 after such date, the Commission submits to
5 Congress a certification that such payments are
6 necessary to reimburse costs reasonably in-
7 curred by a television translator station or low
8 power television station on or after January 1,
9 2017, in order for such station to relocate its
10 television service from one channel to another
11 channel or otherwise modify its facility as a re-
12 sult of the reorganization of broadcast television
13 spectrum under subsection (b) of section 6403
14 of the Middle Class Tax Relief and Job Cre-
15 ation Act of 2012 (47 U.S.C. 1452).

16 (3) UNUSED FUNDS RESCINDED AND DEPOS-
17 ITED INTO THE GENERAL FUND OF THE TREAS-
18 URY.—

19 (A) RESCISSION AND DEPOSIT.—If any un-
20 obligated amounts remain in the Translator and
21 Low Power Station Relocation Fund after the
22 date described in subparagraph (B), such
23 amounts shall be rescinded and deposited into
24 the general fund of the Treasury, where such

1 amounts shall be dedicated for the sole purpose
2 of deficit reduction.

3 (B) DATE DESCRIBED.—The date de-
4 scribed in this subparagraph is the earlier of—

5 (i) the date of a certification by the
6 Commission under subparagraph (C) that
7 all reimbursements pursuant to subsection
8 (a)(1) have been made; or

9 (ii) July 3, 2023.

10 (C) CERTIFICATION.—If all reimburse-
11 ments pursuant to subsection (a)(1) have been
12 made before July 3, 2023, the Commission
13 shall submit to the Secretary of the Treasury a
14 certification that all such reimbursements have
15 been made.

16 (c) ADMINISTRATIVE COSTS.—The amount of auc-
17 tion proceeds that the salaries and expenses account of
18 the Commission is required to retain under section
19 309(j)(8)(B) of the Communications Act of 1934 (47
20 U.S.C. 309(j)(8)(B)), including from the proceeds of the
21 forward auction under section 6403 of the Middle Class
22 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
23 1452), shall be sufficient to cover the administrative costs
24 incurred by the Commission in making any reimburse-

1 ments out of the Translator and Low Power Station Relo-
2 cation Fund.

3 (d) DEFINITIONS.—In this section:

4 (1) LOW POWER TELEVISION STATION.—The
5 term “low power television station” means a low
6 power TV station (as defined in section 74.701 of
7 title 47, Code of Federal Regulations) that was li-
8 censed and transmitting for at least 9 of the 12
9 months prior to April 13, 2017. For purposes of the
10 preceding sentence, the operation of analog and dig-
11 ital companion facilities may be combined.

12 (2) TELEVISION TRANSLATOR STATION.—The
13 term “television translator station” means a tele-
14 vision broadcast translator station (as defined in sec-
15 tion 74.701 of title 47, Code of Federal Regulations)
16 that was licensed and transmitting for at least 9 of
17 the 12 months prior to April 13, 2017. For purposes
18 of the preceding sentence, the operation of analog
19 and digital companion facilities may be combined.

20 **SEC. 603. PAYMENT OF RELOCATION COSTS OF FM BROAD-**
21 **CAST STATIONS.**

22 (a) PAYMENT REQUIRED.—

23 (1) IN GENERAL.—From amounts made avail-
24 able under subsection (b)(2), the Commission shall
25 reimburse costs reasonably incurred by an FM

1 broadcast station for facilities necessary for such
2 station to reasonably minimize disruption of service
3 as a result of the reorganization of broadcast tele-
4 vision spectrum under subsection (b) of section 6403
5 of the Middle Class Tax Relief and Job Creation Act
6 of 2012 (47 U.S.C. 1452).

7 (2) LIMITATION.—The Commission may not
8 make reimbursements under paragraph (1) for lost
9 revenues.

10 (3) DUPLICATIVE PAYMENTS PROHIBITED.—If
11 an FM broadcast station has received a payment for
12 interim facilities from the licensee of a television
13 broadcast station that was reimbursed for such pay-
14 ment under subsection (b)(4)(A)(i) of such section
15 6403 (including from amounts made available under
16 section 601 of this title), or from any other source,
17 such FM broadcast station may not receive any re-
18 imbursements under paragraph (1).

19 (b) FUNDING.—

20 (1) ESTABLISHMENT OF FUND.—There is es-
21 tablished in the Treasury of the United States a
22 fund to be known as the FM Broadcast Station Re-
23 location Fund.

24 (2) AVAILABILITY OF FUNDS.—

1 (A) IN GENERAL.—Amounts in the FM
2 Broadcast Station Relocation Fund shall be
3 available to the Commission to make payments
4 required by subsection (a)(1).

5 (B) AVAILABILITY AFTER APRIL 13,
6 2020.—Amounts in the FM Broadcast Station
7 Relocation Fund shall not be available to the
8 Commission to make payments required by sub-
9 section (a)(1) after April 13, 2020, unless, be-
10 fore making any such payments after such date,
11 the Commission submits to Congress a certifi-
12 cation that such payments are necessary to re-
13 imburse costs reasonably incurred by an FM
14 broadcast station for facilities necessary for
15 such station to reasonably minimize disruption
16 of service as a result of the reorganization of
17 broadcast television spectrum under subsection
18 (b) of section 6403 of the Middle Class Tax Re-
19 lief and Job Creation Act of 2012 (47 U.S.C.
20 1452).

21 (3) UNUSED FUNDS RESCINDED AND DEPOS-
22 ITED INTO THE GENERAL FUND OF THE TREAS-
23 URY.—

24 (A) RESCISSION AND DEPOSIT.—If any un-
25 obligated amounts remain in the FM Broadcast

1 Station Relocation Fund after the date de-
2 scribed in subparagraph (B), such amounts
3 shall be rescinded and deposited into the gen-
4 eral fund of the Treasury, where such amounts
5 shall be dedicated for the sole purpose of deficit
6 reduction.

7 (B) DATE DESCRIBED.—The date de-
8 scribed in this subparagraph is the earlier of—

9 (i) the date of a certification by the
10 Commission under subparagraph (C) that
11 all reimbursements pursuant to subsection
12 (a)(1) have been made; or

13 (ii) July 3, 2022.

14 (C) CERTIFICATION.—If all reimburse-
15 ments pursuant to subsection (a)(1) have been
16 made before July 3, 2022, the Commission
17 shall submit to the Secretary of the Treasury a
18 certification that all such reimbursements have
19 been made.

20 (e) ADMINISTRATIVE COSTS.—The amount of auc-
21 tion proceeds that the salaries and expenses account of
22 the Commission is required to retain under section
23 309(j)(8)(B) of the Communications Act of 1934 (47
24 U.S.C. 309(j)(8)(B)), including from the proceeds of the
25 forward auction under section 6403 of the Middle Class

1 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
2 1452), shall be sufficient to cover the administrative costs
3 incurred by the Commission in making any reimburse-
4 ments out of the FM Broadcast Station Relocation Fund.

5 (d) FM BROADCAST STATION DEFINED.—In this
6 section, the term “FM broadcast station” has the meaning
7 given such term in section 73.310 of title 47, Code of Fed-
8 eral Regulations, and, for an FM translator, has the
9 meaning given the term “FM translator” in section
10 74.1201 of such title.

11 **SEC. 604. CONSUMER EDUCATION PAYMENT.**

12 (a) ESTABLISHMENT OF FUND.—There is estab-
13 lished in the Treasury of the United States a fund to be
14 known as the Broadcast Station Relocation Consumer
15 Education Fund.

16 (b) AVAILABILITY OF FUNDS.—Amounts in the
17 Broadcast Station Relocation Consumer Education Fund
18 shall be available to the Commission to make payments
19 solely for the purposes of consumer education relating to
20 the reorganization of broadcast television spectrum under
21 subsection (b) of section 6403 of the Middle Class Tax
22 Relief and Job Creation Act of 2012 (47 U.S.C. 1452).

23 (c) ADMINISTRATIVE COSTS.—The amount of auc-
24 tion proceeds that the salaries and expenses account of
25 the Commission is required to retain under section

1 309(j)(8)(B) of the Communications Act of 1934 (47
2 U.S.C. 309(j)(8)(B)), including from the proceeds of the
3 forward auction under section 6403 of the Middle Class
4 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
5 1452), shall be sufficient to cover the administrative costs
6 incurred by the Commission in making any payments out
7 of the Broadcast Station Relocation Consumer Education
8 Fund.

9 **SEC. 605. IMPLEMENTATION AND ENFORCEMENT.**

10 The Commission shall implement and enforce this
11 title as if this title is a part of the Communications Act
12 of 1934 (47 U.S.C. 151 et seq.). A violation of this title,
13 or a regulation promulgated under this title, shall be con-
14 sidered to be a violation of the Communications Act of
15 1934, or a regulation promulgated under such Act, respec-
16 tively.

17 **SEC. 606. RULE OF CONSTRUCTION.**

18 Nothing in this title shall alter the final transition
19 phase completion date established by the Commission for
20 full power and Class A television stations.

21 **TITLE VII—MOBILE NOW**

22 **SEC. 701. SHORT TITLE.**

23 This title may be cited as the “Making Opportunities
24 for Broadband Investment and Limiting Excessive and

1 Needless Obstacles to Wireless Act” or the “MOBILE
2 NOW Act”.

3 **SEC. 702. DEFINITIONS.**

4 In this title:

5 (1) APPROPRIATE COMMITTEES OF CON-
6 GRESS.—The term “appropriate committees of Con-
7 gress” means—

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

10 (B) the Committee on Energy and Com-
11 merce of the House of Representatives; and

12 (C) each committee of the Senate or of the
13 House of Representatives with jurisdiction over
14 a Federal entity affected by the applicable sec-
15 tion in which the term appears.

16 (2) COMMISSION.—The term “Commission”
17 means the Federal Communications Commission.

18 (3) FEDERAL ENTITY.—The term “Federal en-
19 tity” has the meaning given the term in section
20 113(l) of the National Telecommunications and In-
21 formation Administration Organization Act (47
22 U.S.C. 923(l)).

23 (4) NTIA.—The term “NTIA” means the Na-
24 tional Telecommunications and Information Admin-
25 istration of the Department of Commerce.

1 (5) OMB.—The term “OMB” means the Office
2 of Management and Budget.

3 (6) SECRETARY.—The term “Secretary” means
4 the Secretary of Commerce.

5 **SEC. 703. IDENTIFYING 255 MEGAHERTZ.**

6 (a) REQUIREMENTS.—

7 (1) IN GENERAL.—Not later than December 31,
8 2022, the Secretary, working through the NTIA,
9 and the Commission shall identify a total of at least
10 255 megahertz of Federal and non-Federal spectrum
11 for mobile and fixed wireless broadband use.

12 (2) UNLICENSED AND LICENSED USE.—Of the
13 spectrum identified under paragraph (1), not less
14 than—

15 (A) 100 megahertz below the frequency of
16 8000 megahertz shall be identified for use on
17 an unlicensed basis;

18 (B) 100 megahertz below the frequency of
19 6000 megahertz shall be identified for use on
20 an exclusive, licensed basis for commercial mo-
21 bile use, pursuant to the Commission’s author-
22 ity to implement such licensing in a flexible
23 manner, and subject to potential continued use
24 of such spectrum by incumbent Federal entities
25 in designated geographic areas indefinitely or

1 for such length of time stipulated in transition
2 plans approved by the Technical Panel under
3 section 113(h) of the National Telecommuni-
4 cations and Information Administration Organi-
5 zation Act (47 U.S.C. 923(h)) for those incum-
6 bent entities to be relocated to alternate spec-
7 trum; and

8 (C) 55 megahertz below the frequency of
9 8000 megahertz shall be identified for use on
10 either a licensed or unlicensed basis, or a com-
11 bination of licensed and unlicensed.

12 (3) NON-ELIGIBLE SPECTRUM.—For purposes
13 of satisfying the requirement under paragraph (1),
14 the following spectrum shall not be counted:

15 (A) The frequencies between 1695 and
16 1710 megahertz.

17 (B) The frequencies between 1755 and
18 1780 megahertz.

19 (C) The frequencies between 2155 and
20 2180 megahertz.

21 (D) The frequencies between 3550 and
22 3700 megahertz.

23 (E) Spectrum that the Commission deter-
24 mines had more than de minimis mobile or
25 fixed wireless broadband operations within the

1 band on the day before the date of enactment
2 of this Act.

3 (4) TREATMENT OF CERTAIN OTHER SPEC-
4 TRUM.—Spectrum identified pursuant to this section
5 may include eligible spectrum, if any, identified after
6 the date of enactment of this Act pursuant to title
7 X of the Bipartisan Budget Act of 2015 (Public
8 Law 114–74).

9 (5) SPECTRUM MADE AVAILABLE ON AND
10 AFTER FEBRUARY 11, 2016.—Any spectrum that
11 has been made available for licensed or unlicensed
12 use on and after February 11, 2016, and that other-
13 wise satisfies the requirements of this section may
14 be counted towards the requirements of this sub-
15 section.

16 (6) RELOCATION PRIORITIZED OVER SHAR-
17 ING.—This section shall be carried out in accordance
18 with section 113(j) of the National Telecommuni-
19 cations and Information Administration Organiza-
20 tion Act (47 U.S.C. 923(j)).

21 (7) CONSIDERATIONS.—In identifying spectrum
22 for use under this section, the Secretary, working
23 through the NTIA, and Commission shall consider—

24 (A) the need to preserve critical existing
25 and planned Federal Government capabilities;

1 (B) the impact on existing State, local, and
2 tribal government capabilities;

3 (C) the international implications;

4 (D) the need for appropriate enforcement
5 mechanisms and authorities; and

6 (E) the importance of the deployment of
7 wireless broadband services in rural areas of the
8 United States.

9 (b) RULES OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed—

11 (1) to impair or otherwise affect the functions
12 of the Director of OMB relating to budgetary, ad-
13 ministrative, or legislative proposals;

14 (2) to require the disclosure of classified infor-
15 mation, law enforcement sensitive information, or
16 other information that must be protected in the in-
17 terest of national security; or

18 (3) to affect any requirement under section 156
19 of the National Telecommunications and Informa-
20 tion Administration Organization Act (47 U.S.C.
21 921 note), as added by section 1062(a) of the Na-
22 tional Defense Authorization Act for Fiscal Year
23 2000, or any other relevant statutory requirement
24 applicable to the reallocation of Federal spectrum.

1 **SEC. 704. MILLIMETER WAVE SPECTRUM.**

2 (a) FCC PROCEEDING.—Not later than 2 years after
3 the date of enactment of this Act, the Commission shall
4 publish a notice of proposed rulemaking to consider service
5 rules to authorize mobile or fixed terrestrial wireless oper-
6 ations, including for advanced mobile service operations,
7 in the radio frequency band between 42000 and 42500
8 megahertz.

9 (b) CONSIDERATIONS.—In conducting a rulemaking
10 under subsection (a), the Commission shall—

11 (1) consider how the band described in sub-
12 section (a) may be used to provide commercial wire-
13 less broadband service, including whether—

14 (A) such spectrum may be best used for li-
15 censed or unlicensed services, or some combina-
16 tion thereof; and

17 (B) to permit additional licensed oper-
18 ations in such band on a shared basis; and

19 (2) include technical characteristics under
20 which the band described in subsection (a) may be
21 employed for mobile or fixed terrestrial wireless op-
22 erations, including any appropriate coexistence re-
23 quirements.

24 (c) SPECTRUM MADE AVAILABLE ON AND AFTER
25 FEBRUARY 11, 2016.—Any spectrum that has been made
26 available for licensed or unlicensed use on or after Feb-

1 ruary 11, 2016, and that otherwise satisfies the require-
2 ments of section 703 may be counted towards the require-
3 ments of section 703(a).

4 **SEC. 705. 3 GIGAHERTZ SPECTRUM.**

5 (a) BETWEEN 3100 MEGAHERTZ AND 3550 MEGA-
6 HERTZ.—Not later than 24 months after the date of en-
7 actment of this Act, and in consultation with the Commis-
8 sion and the head of each affected Federal agency (or a
9 designee thereof), the Secretary, working through the
10 NTIA, shall submit to the Commission and the appro-
11 priate committees of Congress a report evaluating the fea-
12 sibility of allowing commercial wireless services, licensed
13 or unlicensed, to share use of the frequencies between
14 3100 megahertz and 3550 megahertz.

15 (b) BETWEEN 3700 MEGAHERTZ AND 4200 MEGA-
16 HERTZ.—Not later than 18 months after the date of en-
17 actment of this Act, after notice and an opportunity for
18 public comment, and in consultation with the Secretary,
19 working through the NTIA, and the head of each affected
20 Federal agency (or a designee thereof), the Commission
21 shall submit to the Secretary and the appropriate commit-
22 tees of Congress a report evaluating the feasibility of al-
23 lowing commercial wireless services, licensed or unli-
24 censed, to use or share use of the frequencies between
25 3700 megahertz and 4200 megahertz.

1 (c) REQUIREMENTS.—A report under subsection (a)
2 or (b) shall include the following:

3 (1) An assessment of the operations of Federal
4 entities that operate Federal Government stations
5 authorized to use the frequencies described in that
6 subsection.

7 (2) An assessment of the possible impacts of
8 such sharing on Federal and non-Federal users al-
9 ready operating on the frequencies described in that
10 subsection.

11 (3) The criteria that may be necessary to en-
12 sure shared licensed or unlicensed services would not
13 cause harmful interference to Federal or non-Fed-
14 eral users already operating in the frequencies de-
15 scribed in that subsection.

16 (4) If such sharing is feasible, an identification
17 of which of the frequencies described in that sub-
18 section are most suitable for sharing with commer-
19 cial wireless services through the assignment of new
20 licenses by competitive bidding, for sharing with un-
21 licensed operations, or through a combination of li-
22 censing and unlicensed operations.

23 (d) COMMISSION ACTION.—The Commission, in con-
24 sultation with the NTIA, shall seek public comment on
25 the reports required under subsections (a) and (b), includ-

1 ing regarding the bands identified in such report as fea-
2 sible pursuant to subsection (c)(4).

3 **SEC. 706. COMMUNICATIONS FACILITIES DEPLOYMENT ON**
4 **FEDERAL PROPERTY.**

5 (a) IN GENERAL.—Section 6409 of the Middle Class
6 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
7 1455) is amended by striking subsections (b), (c), and (d)
8 and inserting the following:

9 “(b) FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND
10 LEASES.—

11 “(1) GRANT.—If an executive agency, a State,
12 a political subdivision or agency of a State, or a per-
13 son, firm, or organization applies for the grant of an
14 easement, right-of-way, or lease to, in, over, or on a
15 building or other property owned by the Federal
16 Government for the right to install, construct, mod-
17 ify, or maintain a communications facility installa-
18 tion, the executive agency having control of the
19 building or other property may grant to the appli-
20 cant, on behalf of the Federal Government, subject
21 to paragraph (3), an easement, right-of-way, or lease
22 to perform such installation, construction, modifica-
23 tion, or maintenance.

24 “(2) APPLICATION.—

1 “(A) IN GENERAL.—The Administrator of
2 General Services shall develop a common form
3 for applications for easements, rights-of-way,
4 and leases under paragraph (1) for all executive
5 agencies that, except as provided in subpara-
6 graph (B), shall be used by all executive agen-
7 cies and applicants with respect to the buildings
8 or other property of each such agency.

9 “(B) EXCEPTION.—The requirement under
10 subparagraph (A) for an executive agency to
11 use the common form developed by the Admin-
12 istrator of General Services shall not apply to
13 an executive agency if the head of an executive
14 agency notifies the Administrator that the exec-
15 utive agency uses a substantially similar appli-
16 cation.

17 “(3) TIMELY CONSIDERATION OF APPLICA-
18 TIONS.—

19 “(A) IN GENERAL.—Not later than 270
20 days after the date on which an executive agen-
21 cy receives a duly filed application for an ease-
22 ment, right-of-way, or lease under this sub-
23 section, the executive agency shall—

24 “(i) grant or deny, on behalf of the
25 Federal Government, the application; and

1 “(ii) notify the applicant of the grant
2 or denial.

3 “(B) EXPLANATION OF DENIAL.—If an ex-
4 ecutive agency denies an application under sub-
5 paragraph (A), the executive agency shall notify
6 the applicant in writing, including a clear state-
7 ment of the reasons for the denial.

8 “(C) APPLICABILITY OF ENVIRONMENTAL
9 LAWS.—Nothing in this paragraph shall be con-
10 strued to relieve an executive agency of the re-
11 quirements of division A of subtitle III of title
12 54, United States Code, or the National Envi-
13 ronmental Policy Act of 1969 (42 U.S.C. 4321
14 et seq.).

15 “(D) POINT OF CONTACT.—Upon receiving
16 an application under subparagraph (A), an ex-
17 ecutive agency shall designate one or more ap-
18 propriate individuals within the executive agen-
19 cy to act as a point of contact with the appli-
20 cant.

21 “(e) MASTER CONTRACTS FOR COMMUNICATIONS
22 FACILITY INSTALLATION SITINGS.—

23 “(1) IN GENERAL.—Notwithstanding section
24 704 of the Telecommunications Act of 1996 (Public

1 Law 104–104; 110 Stat. 151) or any other provision
2 of law, the Administrator of General Services shall—

3 “(A) develop one or more master contracts
4 that shall govern the placement of communica-
5 tions facility installations on buildings and
6 other property owned by the Federal Govern-
7 ment; and

8 “(B) in developing the master contract or
9 contracts, standardize the treatment of the
10 placement of communications facility installa-
11 tions on building rooftops or facades, the place-
12 ment of communications facility installations on
13 rooftops or inside buildings, the technology used
14 in connection with communications facility in-
15 stallations placed on Federal buildings and
16 other property, and any other key issues the
17 Administrator of General Services considers ap-
18 propriate.

19 “(2) APPLICABILITY.—The master contract or
20 contracts developed by the Administrator of General
21 Services under paragraph (1) shall apply to all pub-
22 licly accessible buildings and other property owned
23 by the Federal Government, unless the Adminis-
24 trator of General Services decides that issues with
25 respect to the siting of a communications facility in-

1 stallation on a specific building or other property
2 warrant nonstandard treatment of such building or
3 other property.

4 “(3) APPLICATION.—

5 “(A) IN GENERAL.—The Administrator of
6 General Services shall develop a common form
7 or set of forms for communications facility in-
8 stallation siting applications that, except as pro-
9 vided in subparagraph (B), shall be used by all
10 executive agencies and applicants with respect
11 to the buildings and other property of each such
12 agency.

13 “(B) EXCEPTION.—The requirement under
14 subparagraph (A) for an executive agency to
15 use the common form or set of forms developed
16 by the Administrator of General Services shall
17 not apply to an executive agency if the head of
18 the executive agency notifies the Administrator
19 that the executive agency uses a substantially
20 similar application.

21 “(d) DEFINITIONS.—In this section:

22 “(1) COMMUNICATIONS FACILITY INSTALLA-
23 TION.—The term ‘communications facility installa-
24 tion’ includes—

1 “(A) any infrastructure, including any
2 transmitting device, tower, or support structure,
3 and any equipment, switches, wiring, cabling,
4 power sources, shelters, or cabinets, associated
5 with the licensed or permitted unlicensed wire-
6 less or wireline transmission of writings, signs,
7 signals, data, images, pictures, and sounds of
8 all kinds; and

9 “(B) any antenna or apparatus that—
10 “(i) is designed for the purpose of
11 emitting radio frequency;

12 “(ii) is designed to be operated, or is
13 operating, from a fixed location pursuant
14 to authorization by the Commission or is
15 using duly authorized devices that do not
16 require individual licenses; and

17 “(iii) is added to a tower, building, or
18 other structure.

19 “(2) EXECUTIVE AGENCY.—The term ‘executive
20 agency’ has the meaning given such term in section
21 102 of title 40, United States Code.”.

22 (b) SAVINGS PROVISION.—An application for an
23 easement, right-of-way, or lease that was made or granted
24 under section 6409 of the Middle Class Tax Relief and
25 Job Creation Act of 2012 (47 U.S.C. 1455) before the

1 date of enactment of this Act shall continue, subject to
2 that section as in effect on the day before such date of
3 enactment.

4 (c) STREAMLINING BROADBAND FACILITY APPLICA-
5 TIONS.—

6 (1) DEFINITION OF COMMUNICATIONS FACILITY
7 INSTALLATION.—In this subsection, the term “com-
8 munications facility installation” has the meaning
9 given the term in section 6409(d) of the Middle
10 Class Tax Relief and Job Creation Act of 2012 (47
11 U.S.C. 1455(d)), as amended by subsection (a).

12 (2) RECOMMENDATIONS.—

13 (A) IN GENERAL.—Not later than 2 years
14 after the date of enactment of this Act, the
15 NTIA, in coordination with the Department of
16 the Interior, the Department of Agriculture, the
17 Department of Defense, the Department of
18 Transportation, OMB, and the General Services
19 Administration, shall develop recommendations
20 to streamline the process for considering appli-
21 cations by those agencies under section 6409(b)
22 of the Middle Class Tax Relief and Job Cre-
23 ation Act of 2012 (47 U.S.C. 1455(b)), as
24 amended by subsection (a).

1 (B) REQUIREMENTS FOR RECOMMENDA-
2 TIONS.—The recommendations developed under
3 subparagraph (A) shall include—

4 (i) procedures for the tracking of ap-
5 plications described in subparagraph (A);

6 (ii) methods by which to reduce the
7 amount of time between the receipt of an
8 application and the issuance of a final de-
9 cision on an application;

10 (iii) policies to expedite renewals of an
11 easement, license, or other authorization to
12 locate communications facility installations
13 on land managed by the agencies described
14 in subparagraph (A); and

15 (iv) policies that would prioritize or
16 streamline a permit for construction in a
17 previously-disturbed right-of-way.

18 (C) REPORT TO CONGRESS.—Not later
19 than 2 years after the date on which the rec-
20 ommendations required under subparagraph
21 (A) are developed, the NTIA shall submit to the
22 Committee on Commerce, Science, and Trans-
23 portation of the Senate and the Committee on
24 Energy and Commerce of the House of Rep-
25 resentatives a report that describes—

1 (i) the status of the implementation of
2 the recommendations developed under sub-
3 paragraph (A); and

4 (ii) any improvements to the process
5 for considering applications described in
6 subparagraph (A) that have resulted from
7 those recommendations, including in par-
8 ticular the speed at which such applica-
9 tions are reviewed and a final determina-
10 tion is issued.

11 **SEC. 707. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

12 (a) DEFINITIONS.—In this section:

13 (1) APPROPRIATE STATE AGENCY.—The term
14 “appropriate State agency” means a State govern-
15 mental agency that is recognized by the executive
16 branch of the State as having the experience nec-
17 essary to evaluate and carry out projects relating to
18 the proper and effective installation and operation of
19 broadband infrastructure.

20 (2) BROADBAND INFRASTRUCTURE.—The term
21 “broadband infrastructure” means any buried, un-
22 derground, or aerial facility, and any wireless or
23 wireline connection, that enables users to send and
24 receive voice, video, data, graphics, or any combina-
25 tion thereof.

1 (3) BROADBAND INFRASTRUCTURE ENTITY.—

2 The term “broadband infrastructure entity” means
3 any entity that—

4 (A) installs, owns, or operates broadband
5 infrastructure; and

6 (B) provides broadband services in a man-
7 ner consistent with the public interest, conven-
8 ience, and necessity, as determined by the
9 State.

10 (4) STATE.—The term “State” means—

11 (A) a State;

12 (B) the District of Columbia; and

13 (C) the Commonwealth of Puerto Rico.

14 (b) BROADBAND INFRASTRUCTURE DEPLOYMENT.—

15 To facilitate the installation of broadband infrastructure,
16 the Secretary of Transportation shall promulgate regula-
17 tions to ensure that each State that receives funds under
18 chapter 1 of title 23, United States Code, meets the fol-
19 lowing requirements:

20 (1) BROADBAND CONSULTATION.—The State
21 department of transportation, in consultation with
22 appropriate State agencies, shall—

23 (A) identify a broadband utility coordi-
24 nator, that may have additional responsibilities,
25 whether in the State department of transpor-

1 tation or in another State agency, that is re-
2 sponsible for facilitating the broadband infra-
3 structure right-of-way efforts within the State;

4 (B) establish a process for the registration
5 of broadband infrastructure entities that seek
6 to be included in those broadband infrastruc-
7 ture right-of-way facilitation efforts within the
8 State;

9 (C) establish a process to electronically no-
10 tify broadband infrastructure entities identified
11 under subparagraph (B) of the State transpor-
12 tation improvement program on an annual basis
13 and provide additional notifications as nec-
14 essary to achieve the goals of this section; and

15 (D) coordinate initiatives carried out under
16 this section with other statewide telecommuni-
17 cation and broadband plans and State and local
18 transportation and land use plans, including
19 strategies to minimize repeated excavations that
20 involve the installation of broadband infrastruc-
21 ture in a right-of-way.

22 (2) PRIORITY.—If a State chooses to provide
23 for the installation of broadband infrastructure in
24 the right-of-way of an applicable Federal-aid high-
25 way project under this subsection, the State depart-

1 ment of transportation shall carry out any appro-
2 priate measures to ensure that any existing
3 broadband infrastructure entities are not disadvan-
4 taged, as compared to other broadband infrastruc-
5 ture entities, with respect to the program under this
6 subsection.

7 (c) EFFECT OF SECTION.—This section applies only
8 to activities for which Federal obligations or expenditures
9 are initially approved on or after the date regulations
10 under subsection (b) become effective. Nothing in this sec-
11 tion establishes a mandate or requirement that a State
12 install or allow the installation of broadband infrastruc-
13 ture in a highway right-of-way. Nothing in this section au-
14 thorizes the Secretary of Transportation to withhold or re-
15 serve funds or approval of a project under title 23, United
16 States Code.

17 **SEC. 708. NATIONAL BROADBAND FACILITIES ASSET DATA-**
18 **BASE.**

19 (a) DEFINITIONS.—In this section:

20 (1) COMMUNICATIONS FACILITY INSTALLA-
21 TION.—The term “communications facility installa-
22 tion” includes—

23 (A) any infrastructure, including any
24 transmitting device, tower, or support structure,
25 and any equipment, switches, wiring, cabling,

1 power sources, shelters, or cabinets, associated
2 with the licensed or permitted unlicensed wire-
3 less or wireline transmission of writings, signs,
4 signals, data, images, pictures, and sounds of
5 all kinds; and

6 (B) any antenna or apparatus that—

7 (i) is designed for the purpose of
8 emitting radio frequency;

9 (ii) is designed to be operated, or is
10 operating, from a fixed location pursuant
11 to authorization by the Commission or is
12 using duly authorized devices that do not
13 require individual licenses; and

14 (iii) is added to a tower, building, or
15 other structure.

16 (2) COVERED PROPERTY.—The term “covered
17 property”—

18 (A) means any real property capable of
19 supporting a communications facility installa-
20 tion; and

21 (B) includes any interest in real property
22 described in subparagraph (A).

23 (3) DATABASE.—The term “database” means
24 the database established under subsection (b).

1 (4) EXECUTIVE AGENCY.—The term “Executive
2 agency” has the meaning given the term in section
3 105 of title 5, United States Code.

4 (b) DATABASE ESTABLISHED.—Not later than De-
5 cember 31, 2019, the Administrator of General Services,
6 in consultation with the Chairman of the Commission, As-
7 sistant Secretary of Commerce for Communications and
8 Information, Under Secretary of Commerce for Standards
9 and Technology, and Director of OMB, shall—

10 (1) establish and operate a single database of
11 any covered property that is owned, leased, or other-
12 wise managed by an Executive agency;

13 (2) make the database available to—

14 (A) any entity that—

15 (i) constructs or operates communica-
16 tions facility installations; or

17 (ii) provides communications service;

18 and

19 (B) any other entity that the Adminis-
20 trator of General Services determines is appro-
21 priate; and

22 (3) establish a process for withholding data
23 from the database for national security, public safe-
24 ty, or other national strategic concerns in accord-
25 ance with existing statutory authority and Executive

1 order mandates with respect to handling and protec-
2 tion of such information.

3 (c) PUBLIC COMMENT.—

4 (1) IN GENERAL.—Not later than 30 days after
5 the date of enactment of this Act, the Administrator
6 of General Services shall seek public comment to in-
7 form the establishment and operation of the data-
8 base.

9 (2) CONTENTS.—In seeking public comment
10 under paragraph (1), the Administrator shall include
11 a request for recommendations on—

12 (A) criteria that make real property capa-
13 ble of supporting communications facility instal-
14 lations;

15 (B) types of information related to covered
16 property that should be included in the data-
17 base;

18 (C) an interface by which accessibility to
19 the database for all users will be appropriately
20 efficient and secure; and

21 (D) other information the Administrator
22 determines necessary to establish and operate
23 the database.

24 (d) FEDERAL AGENCIES.—

1 (1) INITIAL PROVISION OF INFORMATION.—Not
2 later than 90 days after the date on which the data-
3 base is established under subsection (b), the head of
4 an Executive agency shall provide to the Adminis-
5 trator of General Services, in a manner and format
6 to be determined by the Administrator, such infor-
7 mation as the Administrator determines appropriate
8 with respect to covered property owned, leased, or
9 otherwise managed by the Executive agency.

10 (2) CHANGE TO INFORMATION PREVIOUSLY
11 PROVIDED.—In the case of any change to informa-
12 tion provided to the Administrator of General Serv-
13 ices by the head of an Executive agency under para-
14 graph (1), the head of the Executive agency shall
15 provide updated information to the Administrator
16 not later than 30 days after the date of the change.

17 (3) SUBSEQUENTLY ACQUIRED PROPERTY.—If
18 an Executive agency acquires covered property after
19 the date on which the database is established under
20 subsection (b), the head of the Executive agency
21 shall provide to the Administrator of General Serv-
22 ices the information required under paragraph (1)
23 with respect to the covered property not later than
24 30 days after the date of the acquisition.

25 (e) STATE AND LOCAL GOVERNMENTS.—

1 (1) IN GENERAL.—The Administrator of Gen-
2 eral Services (referred to in this subsection as the
3 “Administrator”) shall make the database available
4 to State and local governments so that such govern-
5 ments may provide to the Administrator for inclu-
6 sion in the database similar information to the infor-
7 mation required under subsection (d)(1) regarding
8 covered property owned, leased, or otherwise man-
9 aged by such governments.

10 (2) REPORT ON INCENTIVIZING PARTICIPATION
11 BY STATE AND LOCAL GOVERNMENTS.—

12 (A) IN GENERAL.—Not later than 1 year
13 after the date of enactment of this Act, the Ad-
14 ministrator, in consultation with the Chairman
15 of the Commission, the Assistant Secretary of
16 Commerce for Communications and Informa-
17 tion, the Under Secretary of Commerce for
18 Standards and Technology, and the Director of
19 OMB, shall submit to the Committee on Com-
20 merce, Science, and Transportation of the Sen-
21 ate and the Committee on Energy and Com-
22 merce of the House of Representatives a report
23 on potential ways to incentivize State and local
24 governments to provide to the Administrator for
25 inclusion in the database similar information to

1 the information required under subsection
2 (d)(1) regarding covered property owned,
3 leased, or otherwise managed by such govern-
4 ments pursuant to paragraph (1) of this sub-
5 section or through other means.

6 (B) CONSIDERATIONS.—The Adminis-
7 trator, in preparing the report under subpara-
8 graph (A), shall—

9 (i) consult with State and local gov-
10 ernments, or their representatives, to iden-
11 tify for inclusion in the report the most
12 cost-effective options for State and local
13 governments to collect and provide the in-
14 formation described in subparagraph (A),
15 including utilizing and leveraging State
16 broadband initiatives and programs; and

17 (ii) make recommendations on ways
18 the Federal Government can assist State
19 and local governments in collecting and
20 providing the information described in sub-
21 paragraph (A).

22 (C) REPORT UPDATE.—Not later than 2
23 years after the date on which the database is
24 established under this section, the Adminis-
25 trator shall submit to the Committee on Com-

1 merce, Science, and Transportation of the Sen-
2 ate and the Committee on Energy and Com-
3 merce of the House of Representatives an up-
4 date to the report required under subparagraph
5 (A) that identifies State and local governments
6 that have contributed to the database and rec-
7 ommends ways to further incentivize participa-
8 tion by State and local governments pursuant
9 to paragraph (1) of this subsection or through
10 other means.

11 (f) DATABASE UPDATES.—

12 (1) TIMELY INCLUSION.—After the establish-
13 ment of the database, the Administrator of General
14 Services shall ensure that information provided
15 under subsection (d) or (e) is included in the data-
16 base not later than 7 days after the date on which
17 the Administrator receives the information.

18 (2) DATE OF ADDITION OR UPDATE.—Informa-
19 tion in the database relating to covered property
20 shall include the date on which the information was
21 added or most recently updated.

22 (g) REPORT.—Not later than 180 days after the date
23 the Administrator of General Services seeks public com-
24 ment under subsection (c)(1), the Administrator shall sub-
25 mit to the Committee on Commerce, Science, and Trans-

1 portation of the Senate and the Committee on Energy and
2 Commerce of the House of Representatives a report on
3 the progress in establishing the database under this sec-
4 tion. The Administrator shall update the report annually
5 until the date that the database is fully operational. After
6 the database is fully operational and for the next 5 years
7 thereafter, the Administrator shall provide annual reports
8 regarding the use of the database, recommendations of
9 how the database may provide additional utility to the en-
10 tities described in subsection (b)(2), if any recommenda-
11 tions are warranted, and how previous recommendations
12 have been implemented.

13 **SEC. 709. REALLOCATION INCENTIVES.**

14 (a) IN GENERAL.—Not later than 24 months after
15 the date of enactment of this Act, the Assistant Secretary
16 of Commerce for Communications and Information, in
17 consultation with the Commission, the Director of OMB,
18 and the head of each affected Federal agency (or a des-
19 ignee thereof), after notice and an opportunity for public
20 comment, shall submit to the appropriate committees of
21 Congress a report that includes legislative or regulatory
22 recommendations to incentivize a Federal entity to relin-
23 quish, or share with Federal or non-Federal users, Federal
24 spectrum for the purpose of allowing commercial wireless
25 broadband services to operate on that Federal spectrum.

1 (b) POST-AUCTION PAYMENTS.—

2 (1) REPORT.—In preparing the report under
3 subsection (a), the Assistant Secretary of Commerce
4 for Communications and Information shall—

5 (A) consider whether permitting eligible
6 Federal entities that are implementing a transi-
7 tion plan submitted under section 113(h) of the
8 National Telecommunications and Information
9 Administration Organization Act (47 U.S.C.
10 923(h)) to accept payments could result in ac-
11 cess to the eligible frequencies that are being
12 reallocated for exclusive non-Federal use or
13 shared use sooner than would otherwise occur
14 without such payments; and

15 (B) include the findings under subpara-
16 graph (A), including the analysis under para-
17 graph (2) and any recommendations for legisla-
18 tion, in the report.

19 (2) ANALYSIS.—In considering payments under
20 paragraph (1)(A), the Assistant Secretary of Com-
21 merce for Communications and Information shall
22 conduct an analysis of whether and how such pay-
23 ments would affect—

24 (A) bidding in auctions conducted under
25 section 309(j) of the Communications Act of

1 1934 (47 U.S.C. 309(j)) of such eligible fre-
2 quencies; and

3 (B) receipts collected from the auctions de-
4 scribed in subparagraph (A).

5 (3) DEFINITIONS.—In this subsection:

6 (A) PAYMENT.—The term “payment”
7 means a payment in cash or in-kind by any
8 auction winner, or any person affiliated with an
9 auction winner, of eligible frequencies during
10 the period after eligible frequencies have been
11 reallocated by competitive bidding under section
12 309(j) of the Communications Act of 1934 (47
13 U.S.C. 309(j)) but prior to the completion of
14 relocation or sharing transition of such eligible
15 frequencies per transition plans approved by the
16 Technical Panel.

17 (B) ELIGIBLE FREQUENCIES.—The term
18 “eligible frequencies” has the meaning given
19 the term in section 113(g)(2) of the National
20 Telecommunications and Information Adminis-
21 tration Organization Act (47 U.S.C. 923(g)(2)).

22 **SEC. 710. BIDIRECTIONAL SHARING STUDY.**

23 (a) IN GENERAL.—Not later than 18 months after
24 the date of enactment of this Act, including an oppor-

1 tunity for public comment, the Commission, in collabora-
2 tion with the NTIA, shall—

3 (1) conduct a bidirectional sharing study to de-
4 termine the best means of providing Federal entities
5 flexible access to non-Federal spectrum on a shared
6 basis across a range of short-, mid-, and long-range
7 timeframes, including for intermittent purposes like
8 emergency use; and

9 (2) submit to Congress a report on the study
10 under paragraph (1), including any recommenda-
11 tions for legislation or proposed regulations.

12 (b) CONSIDERATIONS.—In conducting the study
13 under subsection (a), the Commission shall—

14 (1) consider the regulatory certainty that com-
15 mercial spectrum users and Federal entities need to
16 make longer-term investment decisions for shared
17 access to be viable; and

18 (2) evaluate any barriers to voluntary commer-
19 cial arrangements in which non-Federal users could
20 provide access to Federal entities.

21 **SEC. 711. UNLICENSED SERVICES IN GUARD BANDS.**

22 (a) IN GENERAL.—After public notice and comment,
23 and in consultation with the Assistant Secretary of Com-
24 merce for Communications and Information and the head
25 of each affected Federal agency (or a designee thereof),

1 with respect to frequencies allocated for Federal use, the
2 Commission shall adopt rules that permit unlicensed serv-
3 ices where feasible to use any frequencies that are des-
4 igned as guard bands to protect frequencies allocated
5 after the date of enactment of this Act by competitive bid-
6 ding under section 309(j) of the Communications Act of
7 1934 (47 U.S.C. 309(j)), including spectrum that acts as
8 a duplex gap between transmit and receive frequencies.

9 (b) LIMITATION.—The Commission may not permit
10 any use of a guard band under this section that would
11 cause harmful interference to a licensed service or a Fed-
12 eral service.

13 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed as limiting the Commission or the
15 Assistant Secretary of Commerce for Communications and
16 Information from otherwise making spectrum available for
17 licensed or unlicensed use in any frequency band in addi-
18 tion to guard bands, including under section 703, con-
19 sistent with their statutory jurisdictions.

20 **SEC. 712. AMENDMENTS TO THE SPECTRUM PIPELINE ACT**
21 **OF 2015.**

22 Section 1008 of the Spectrum Pipeline Act of 2015
23 (Public Law 114–74; 129 Stat. 584) is amended in the
24 matter preceding paragraph (1) by inserting “, after no-

1 tice and an opportunity for public comment,” after “the
2 Commission”.

3 **SEC. 713. GAO ASSESSMENT OF UNLICENSED SPECTRUM**
4 **AND WI-FI USE IN LOW-INCOME NEIGHBOR-**
5 **HOODS.**

6 (a) STUDY.—

7 (1) IN GENERAL.—The Comptroller General of
8 the United States shall conduct a study to evaluate
9 the availability of broadband Internet access using
10 unlicensed spectrum and wireless networks in low-in-
11 come neighborhoods.

12 (2) REQUIREMENTS.—In conducting the study
13 under paragraph (1), the Comptroller General shall
14 consider and evaluate—

15 (A) the availability of wireless Internet hot
16 spots and access to unlicensed spectrum in low-
17 income neighborhoods, particularly for elemen-
18 tary and secondary school-aged children in such
19 neighborhoods;

20 (B) any barriers preventing or limiting the
21 deployment and use of wireless networks in low-
22 income neighborhoods;

23 (C) how to overcome any barriers described
24 in subparagraph (B), including through incen-
25 tives, policies, or requirements that would in-

1 crease the availability of unlicensed spectrum
2 and related technologies in low-income neigh-
3 borhoods; and

4 (D) how to encourage home broadband
5 adoption by households with elementary and
6 secondary school-age children that are in low-
7 income neighborhoods.

8 (b) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Comptroller General shall
10 submit to the Committee on Commerce, Science, and
11 Transportation of the Senate and the Committee on En-
12 ergy and Commerce of the House of Representatives a re-
13 port that—

14 (1) summarizes the findings of the study con-
15 ducted under subsection (a); and

16 (2) makes recommendations with respect to po-
17 tential incentives, policies, and requirements that
18 could help achieve the goals described in subpara-
19 graphs (C) and (D) of subsection (a)(2).

20 **SEC. 714. RULEMAKING RELATED TO PARTITIONING OR**
21 **DISAGGREGATING LICENSES.**

22 (a) DEFINITIONS.—In this section:

23 (1) COVERED SMALL CARRIER.—The term
24 “covered small carrier” means a carrier (as defined

1 in section 3 of the Communications Act of 1934 (47
2 U.S.C. 153)) that—

3 (A) has not more than 1,500 employees (as
4 determined under section 121.106 of title 13,
5 Code of Federal Regulations, or any successor
6 thereto); and

7 (B) offers services using the facilities of
8 the carrier.

9 (2) RURAL AREA.—The term “rural area”
10 means any area other than—

11 (A) a city, town, or incorporated area that
12 has a population of more than 20,000 inhab-
13 itants; or

14 (B) an urbanized area contiguous and ad-
15 jacent to a city or town that has a population
16 of more than 50,000 inhabitants.

17 (b) RULEMAKING.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this Act, the Commission
20 shall initiate a rulemaking proceeding to assess
21 whether to establish a program, or modify existing
22 programs, under which a licensee that receives a li-
23 cense for the exclusive use of spectrum in a specific
24 geographic area under section 301 of the Commu-
25 nications Act of 1934 (47 U.S.C. 301) may partition

1 or disaggregate the license by sale or long-term
2 lease—

3 (A) in order to—

4 (i) provide services consistent with the
5 license; and

6 (ii) make unused spectrum available
7 to—

8 (I) an unaffiliated covered small
9 carrier; or

10 (II) an unaffiliated carrier to
11 serve a rural area; and

12 (B) if the Commission finds that such a
13 program would promote—

14 (i) the availability of advanced tele-
15 communications services in rural areas; or

16 (ii) spectrum availability for covered
17 small carriers.

18 (2) CONSIDERATIONS.—In conducting the rule-
19 making proceeding under paragraph (1), the Com-
20 mission shall consider, with respect to the program
21 proposed to be established under that paragraph—

22 (A) whether reduced performance require-
23 ments with respect to spectrum obtained
24 through the program would facilitate deploy-

1 ment of advanced telecommunications services
2 in the areas covered by the program;

3 (B) what conditions may be needed on
4 transfers of spectrum under the program to
5 allow covered small carriers that obtain spec-
6 trum under the program to build out the spec-
7 trum in a reasonable period of time;

8 (C) what incentives may be appropriate to
9 encourage licensees to lease or sell spectrum, in-
10 cluding—

11 (i) extending the term of a license
12 granted under section 301 of the Commu-
13 nications Act of 1934 (47 U.S.C. 301); or

14 (ii) modifying performance require-
15 ments of the license relating to the leased
16 or sold spectrum; and

17 (D) the administrative feasibility of—

18 (i) the incentives described in sub-
19 paragraph (C); and

20 (ii) other incentives considered by the
21 Commission that further the goals of this
22 section.

23 (3) FORFEITURE OF SPECTRUM.—If a party
24 fails to meet any build out requirements set by the
25 Commission for any spectrum sold or leased under

1 this section, the right to the spectrum shall be for-
2 feited to the Commission unless the Commission
3 finds that there is good cause for the failure of the
4 party.

5 (4) REQUIREMENT.—The Commission may
6 offer a licensee incentives or reduced performance
7 requirements under this section only if the Commis-
8 sion finds that doing so would likely result in in-
9 creased availability of advanced telecommunications
10 services in a rural area.

11 **SEC. 715. UNLICENSED SPECTRUM POLICY.**

12 (a) STATEMENT OF POLICY.—It is the policy of the
13 United States—

14 (1) to maximize the benefit to the people of the
15 United States of the spectrum resources of the
16 United States;

17 (2) to advance innovation and investment in
18 wireless broadband services; and

19 (3) to promote spectrum policy that makes
20 available on an unlicensed basis radio frequency
21 bands to address consumer demand for unlicensed
22 wireless broadband operations.

23 (b) COMMISSION RESPONSIBILITIES.—The Commis-
24 sion shall ensure that the efforts of the Commission re-
25 lated to spectrum allocation and assignment made avail-

1 able on an unlicensed basis radio frequency bands to ad-
2 dress demand for unlicensed wireless broadband oper-
3 ations if doing so is, after taking into account the future
4 needs of homeland security, national security, and other
5 spectrum users—

6 (1) reasonable; and

7 (2) in the public interest.

8 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
9 tion confers any additional rights on unlicensed users or
10 users licensed by rule under part 96 of title 47, Code of
11 Federal Regulations, to protection from harmful inter-
12 ference.

13 **SEC. 716. NATIONAL PLAN FOR UNLICENSED SPECTRUM.**

14 (a) **DEFINITIONS.**—In this section:

15 (1) **SPECTRUM RELOCATION FUND.**—The term
16 “Spectrum Relocation Fund” means the Fund es-
17 tablished under section 118 of the National Tele-
18 communications and Information Administration Or-
19 ganization Act (47 U.S.C. 928).

20 (2) **UNLICENSED OR LICENSED BY RULE OPER-**
21 **ATIONS.**—The term “unlicensed or licensed by rule
22 operations” means the use of spectrum on a non-ex-
23 clusive basis under—

24 (A) part 15 of title 47, Code of Federal
25 Regulations; or

1 (B) licensing by rule under part 96 of title
2 47, Code of Federal Regulations.

3 (b) NATIONAL PLAN.—Not later than 18 months
4 after the date of enactment of this Act, the Commission,
5 in consultation with the NTIA, shall develop a national
6 plan for making additional radio frequency bands available
7 for unlicensed or licensed by rule operations.

8 (c) REQUIREMENTS.—The plan developed under this
9 section shall—

10 (1) identify an approach that ensures that con-
11 sumers have access to additional spectrum to con-
12 duct unlicensed or licensed by rule operations in a
13 range of radio frequencies to meet consumer de-
14 mand;

15 (2) recommend specific actions by the Commis-
16 sion and the NTIA to permit unlicensed or licensed
17 by rule operations in additional radio frequency
18 ranges that the Commission finds—

19 (A) are consistent with the statement of
20 policy under section 717(a);

21 (B) will—

22 (i) expand opportunities for unli-
23 censed or licensed by rule operations in a
24 spectrum band; or

1 (ii) otherwise improve spectrum utili-
2 zation and intensity of use of bands where
3 unlicensed or licensed by rule operations
4 are already permitted;

5 (C) will not cause harmful interference to
6 Federal or non-Federal users of such bands;
7 and

8 (D) will not significantly impact homeland
9 security or national security communications
10 systems; and

11 (3) examine additional ways, with respect to ex-
12 isting and planned databases or spectrum access sys-
13 tems designed to promote spectrum sharing and ac-
14 cess to spectrum for unlicensed or licensed by rule
15 operations—

16 (A) to improve accuracy and efficacy;

17 (B) to reduce burdens on consumers, man-
18 ufacturers, and service providers; and

19 (C) to protect sensitive Government infor-
20 mation.

21 (d) SPECTRUM RELOCATION FUND.—To be included
22 as an appendix as part of the plan developed under this
23 section, the NTIA, in consultation with the Director of
24 the Office of Management and Budget, shall share with

1 the Commission recommendations about how to reform
2 the Spectrum Relocation Fund—

3 (1) to address costs incurred by Federal entities
4 related to sharing radio frequency bands with radio
5 technologies conducting unlicensed or licensed by
6 rule operations; and

7 (2) to ensure the Spectrum Relocation Fund
8 has sufficient funds to cover—

9 (A) the costs described in paragraph (1);
10 and

11 (B) other expenditures allowed of the
12 Spectrum Relocation Fund under section 118 of
13 the National Telecommunications and Informa-
14 tion Administration Organization Act (47
15 U.S.C. 928).

16 (e) REPORT REQUIRED.—

17 (1) IN GENERAL.—Not later than 18 months
18 after the date of enactment of this Act, the Commis-
19 sion shall submit to the appropriate committees of
20 Congress a report that describes the plan developed
21 under this section, including any recommendations
22 for legislative change.

23 (2) PUBLICATION ON COMMISSION WEBSITE.—
24 Not later than the date on which the Commission
25 submits the report under paragraph (1), the Com-

1 mission shall make the report publicly available on
2 the website of the Commission.

3 (f) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion confers any additional rights on unlicensed users or
5 users licensed by rule under part 96 of title 47, Code of
6 Federal Regulations, to protection from harmful inter-
7 ference.

8 **SEC. 717. SPECTRUM CHALLENGE PRIZE.**

9 (a) **SHORT TITLE.**—This section may be cited as the
10 “Spectrum Challenge Prize Act”.

11 (b) **DEFINITION OF PRIZE COMPETITION.**—In this
12 section, the term “prize competition” means a prize com-
13 petition conducted by the Secretary under subsection
14 (c)(1).

15 (c) **SPECTRUM CHALLENGE PRIZE.**—

16 (1) **IN GENERAL.**—The Secretary, in consulta-
17 tion with the Assistant Secretary of Commerce for
18 Communications and Information and the Under
19 Secretary of Commerce for Standards and Tech-
20 nology, shall, subject to the availability of funds for
21 prize competitions under this section—

22 (A) conduct prize competitions to dramati-
23 cally accelerate the development and commer-
24 cialization of technology that improves spectrum

1 efficiency and is capable of cost-effective deploy-
2 ment; and

3 (B) define a measurable set of perform-
4 ance goals for participants in the prize competi-
5 tions to demonstrate their solutions on a level
6 playing field while making a significant ad-
7 vancement over the current state of the art.

8 (2) AUTHORITY OF SECRETARY.—In carrying
9 out paragraph (1), the Secretary may—

10 (A) enter into a grant, contract, coopera-
11 tive agreement, or other agreement with a pri-
12 vate sector for-profit or nonprofit entity to ad-
13 minister the prize competitions;

14 (B) invite the Defense Advanced Research
15 Projects Agency, the Commission, the National
16 Aeronautics and Space Administration, the Na-
17 tional Science Foundation, or any other Federal
18 agency to provide advice and assistance in the
19 design or administration of the prize competi-
20 tions; and

21 (C) award not more than \$5,000,000, in
22 the aggregate, to the winner or winners of the
23 prize competitions.

24 (d) CRITERIA.—Not later than 180 days after the
25 date on which funds for prize competitions are made avail-

1 able pursuant to this section, the Commission shall publish
2 a technical paper on spectrum efficiency providing criteria
3 that may be used for the design of the prize competitions.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated such sums as may be
6 necessary to carry out this section.

7 **SEC. 718. WIRELESS TELECOMMUNICATIONS TAX AND FEE**
8 **COLLECTION FAIRNESS.**

9 (a) SHORT TITLE.—This section may be cited as the
10 “Wireless Telecommunications Tax and Fee Collection
11 Fairness Act”.

12 (b) DEFINITIONS.—In this section:

13 (1) FINANCIAL TRANSACTION.—The term “fi-
14 nancial transaction” means a transaction in which
15 the purchaser or user of a wireless telecommuni-
16 cations service upon whom a tax, fee, or surcharge
17 is imposed gives cash, credit, or any other exchange
18 of monetary value or consideration to the person
19 who is required to collect or remit the tax, fee, or
20 surcharge.

21 (2) LOCAL JURISDICTION.—The term “local ju-
22 risdiction” means a political subdivision of a State.

23 (3) STATE.—The term “State” means any of
24 the several States, the District of Columbia, and any
25 territory or possession of the United States.

1 (4) STATE OR LOCAL JURISDICTION.—The term
2 “State or local jurisdiction” includes any govern-
3 mental entity or person acting on behalf of a State
4 or local jurisdiction that has the authority to assess,
5 impose, levy, or collect taxes or fees.

6 (5) WIRELESS TELECOMMUNICATIONS SERV-
7 ICE.—The term “wireless telecommunications serv-
8 ice” means a commercial mobile radio service, as de-
9 fined in section 20.3 of title 47, Code of Federal
10 Regulations, or any successor thereto.

11 (c) FINANCIAL TRANSACTION REQUIREMENT.—

12 (1) IN GENERAL.—A State, or a local jurisdic-
13 tion of a State, may not require a person to collect
14 from, or remit on behalf of, any other person a State
15 or local tax, fee, or surcharge imposed on a pur-
16 chaser or user with respect to the purchase or use
17 of any wireless telecommunications service within
18 the State unless the collection or remittance is in
19 connection with a financial transaction.

20 (2) RULE OF CONSTRUCTION.—Nothing in this
21 subsection shall be construed to affect the right of
22 a State or local jurisdiction to require the collection
23 of any tax, fee, or surcharge in connection with a fi-
24 nancial transaction.

25 (d) ENFORCEMENT.—

1 (1) PRIVATE RIGHT OF ACTION.—Any person
2 aggrieved by a violation of subsection (c) may bring
3 a civil action in an appropriate district court of the
4 United States for equitable relief in accordance with
5 paragraph (2) of this subsection.

6 (2) JURISDICTION OF DISTRICT COURTS.—Not-
7 withstanding section 1341 of title 28, United States
8 Code, or the constitution or laws of any State, the
9 district courts of the United States shall have juris-
10 diction, without regard to the amount in controversy
11 or citizenship of the parties, to grant such manda-
12 tory or prohibitive injunctive relief, interim equitable
13 relief, and declaratory judgments as may be nec-
14 essary to prevent, restrain, or terminate any acts in
15 violation of subsection (c).

16 **SEC. 719. RULES OF CONSTRUCTION.**

17 (a) RANGES OF FREQUENCIES.—Each range of fre-
18 quencies described in this title shall be construed to be
19 inclusive of the upper and lower frequencies in the range.

20 (b) ASSESSMENT OF ELECTROMAGNETIC SPECTRUM
21 REALLOCATION.—Nothing in this title shall be construed
22 to affect any requirement under section 156 of the Na-
23 tional Telecommunications and Information Administra-
24 tion Organization Act (47 U.S.C. 921 note), as added by

1 section 1062(a) of the National Defense Authorization Act
2 for Fiscal Year 2000.

3 **SEC. 720. RELATIONSHIP TO MIDDLE CLASS TAX RELIEF**
4 **AND JOB CREATION ACT OF 2012.**

5 Nothing in this title shall be construed to limit, re-
6 strict, or circumvent in any way the implementation of the
7 nationwide public safety broadband network defined in
8 section 6001 of title VI of the Middle Class Tax Relief
9 and Job Creation Act of 2012 (47 U.S.C. 1401) or any
10 rules implementing that network under title VI of that Act
11 (47 U.S.C. 1401 et seq.).

12 **SEC. 721. NO ADDITIONAL FUNDS AUTHORIZED.**

13 No additional funds are authorized to be appro-
14 priated to carry out this title, or the amendment made
15 by this title. This title, and the amendment made by this
16 title, shall be carried out using amounts otherwise author-
17 ized.

Amend the title so as to read: “A bill to amend the
Communications Act of 1934 to reauthorize appropria-
tions for the Federal Communications Commission, and
for other purposes.”.