

RAY BAUM'S Act
As prepared for suspension

Title I – FCC Reauthorization

Title I reauthorizes the FCC and freezes its authorization of appropriations at \$333 million for fiscal years 2019 and 2020. The FCC still maintains its section 9 authority to assess regulatory fees, and it is directed to review and adjust as necessary its schedule every two years.

Title II – Application of Antideficiency Act to Universal Service Program

Title II continues a long-standing Congressional exception to the Antideficiency Act that allows the FCC to continue to make expenditures under the Universal Service Program.

Title III – Securing Access to Networks in Disasters

Title III directs the FCC to submit a report on the public safety benefits, technical feasibility, and cost of making Wi-Fi access points and other unlicensed spectrum technologies available to the general public in times of emergency; making Wi-Fi access points available to access 911 services; and alternative means of providing 911 services during times of emergency.

Title IV – FCC Consolidated Reporting

Title IV consolidates redundant FCC reports and provides conforming amendments to streamline FCC reporting requirements. This title includes a consolidation of reports into a single communications marketplace report, consolidation of additional satellite and international broadband data reports, consolidation of reports on barriers to entry, and removing outdated reports.

Title V – Additional Provisions

Sec. 501 – Establishes an independent Inspector General for FCC.

Sec. 502 – Elevates the Chief Information Officer of the FCC and gives them authority to play a significant role in planning, budgeting, and programming of the Commission.

Sec. 503 – Amends the Communications Act to prohibit spoofing calls or texts originating outside the U.S., puts an 18-month shot-clock on the FCC to conduct a rulemaking, requires the FCC to work with the FTC to educate consumers on identifying spoofed calls, and directs GAO to conduct a study on fraudulent, misleading, or inaccurate caller ID info.

Sec. 504 – Requires the FCC to submit a report to Congress on its efforts to promote broadband Internet Access Service for veterans, especially low-income veterans and/or those who reside in rural areas.

Sec. 505 – Requires the Commission to establish a methodology for collection of mobile service coverage.

Sec. 506 – Requires the FCC to conclude a proceeding within 18 months that call location information is conveyed with a 911 call, regardless of the technological platform used; including MLTS systems.

Sec. 507 – Requires a NTIA study to consider how the agency can best coordinate the interagency process following cybersecurity incidents.

Sec. 508 – Requires the FCC to submit a report to Congress evaluating broadband coverage in Indian country and carry out a rulemaking to address unserved tribal areas.

Sec. 509 – Amends the Communications Act of 1934 to modify the terms of office and vacancies for FCC Commissioners.

Sec. 510 – Requires the Commission to send any budget estimates, requests, legislative recommendations, testimony, and comments on legislation to Congress if they are sent to the Office of Management and Budget or to the President. This section also requires the Inspector General of the Commission to concurrently submit their semiannual report to the appropriate committees of Congress.

Sec. 511 – Prohibits the Commission from modifying, amending, or changing its rules or regulations for universal service support payments regarding single connection or primarily line restrictions on universal service support payments.

Sec. 512 – Requires the Commission to include a consumer disclaimer in any press release regarding a notice of apparent liability that states that the issuance of a notice of apparent liability should be treated only as an allegation and that any proposed forfeiture penalty represents the maximum penalty that the Commission may impose.

Sec. 513 – Requires the Commission to make publicly available an estimate of what systems of competitive bidding may be used in the next year and which bands of frequencies the Commission expects to be included in each system of competitive bidding. This section also requires the Commission to report to Congress a justification of its use of proceeds retained for the costs of developing and implementing the program.

Title VI – Viewer Protection

Title VI authorizes a fund to pay repacking costs for full power, translator, low-power, and FM radio stations. This title also establishes a fund the FCC may use for consumer education relating to the repacking process. All unused funds authorized in this title will be rescinded and deposited in the Treasury.

Title VII – MOBILE NOW

Sec. 701 – Short Title

Sec. 702 – Definitions

Sec. 703 – This section directs NTIA and the FCC to identify a total of at least 255 MHz of Federal and non-Federal spectrum for mobile and fixed wireless broadband use. Of that amount, 100 MHz below 8000 MHz shall be identified for unlicensed use, 100 MHz below 6000 MHz shall be identified for licensed use, and 55 MHz below 8000 MHz shall be identified for either licensed or unlicensed use. This section clarifies which spectrum may be counted toward this requirement.

Sec. 704 – This section directs the FCC to publish a notice of proposed rulemaking to consider service rules to authorize mobile or fixed terrestrial wireless operations in the 42000-42500 MHz band.

Sec. 705 – This section directs the Department of Commerce to submit a report to the President and to Congress within 24 months of enactment evaluating the feasibility of allowing commercial wireless services, licensed or unlicensed, to use or share the frequencies between 3100 MHz and 3550 MHz. This section also directs the FCC to submit a report to the President and Congress within 18 months of enactment evaluating the feasibility of allowing commercial wireless services, licensed or unlicensed, to use or share the frequencies between 3700 MHz and 4200 MHz.

Sec. 706 – This section amends section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 to require executive agencies to use applications developed by the General Services Administration for easements, rights-of-way, and lease requests and GSA-developed master contracts for placement of communications facility installations on Federal property. Review of any application submitted under this section would have to occur within 270 days. This section would further require a Federal agency to provide any applicant for a Federal easement, right-of-way, or lease with the following: a written denial of the application, if applicable; a written explanation of any delay longer than 5 months; and a point of contact within the agency. This section also would expand the types of infrastructure covered by section 6409 to further facilitate the deployment of wireless, wireline, licensed, and unlicensed communications services.

Sec. 707 – This section directs the Secretary of Transportation to promulgate regulations to facilitate the use of rights-of-way on Federal-aid highways to accommodate broadband infrastructure.

Sec. 708 – This section would require the General Services Administration, in consultation with the FCC, NTIA, National Institute of Standards and Technology, and OMB, to establish and operate a database, not later than December 31, 2019, of Federal property capable of supporting the installation of communications facilities.

Sec. 709 – This section would direct the Department of Commerce to submit within 24 months of enactment a report to Congress on legislative or regulatory proposals to incentivize Federal entities to relinquish or share their spectrum for commercial wireless broadband services.

Sec. 710 – This section would direct the FCC to conduct a bidirectional sharing study to determine the best means of providing Federal entities flexible access to non-Federal spectrum on a shared basis and report to Congress within 18 months of enactment.

Sec. 711 – This section would require the FCC to allow unlicensed use in the guard bands of any auctioned spectrum bands, as long as doing so is feasible and would not cause harmful interference to a licensed service or a Federal service.

Sec. 712 – This section would amend section 1008 of the Spectrum Pipeline Act (Public Law 114-74; 129 Stat. 584) to require public comment for that section's reports.

Sec. 713 – This section would direct the Comptroller General of the United States to conduct a study to evaluate availability of broadband Internet access service using unlicensed spectrum and wireless networks in low income neighborhoods, in particular for elementary and secondary school-age children in such neighborhoods. This section also requires the Comptroller General of the United States to report to Congress the findings of the study under subsection (a) 1 year after enactment.

Sec. 714 – This section would direct the FCC, not later than 1 year after the date of enactment of this Act, to initiate a rulemaking proceeding to assess whether to establish a program, or modify existing programs, under which a licensee that receives a license for the exclusive use of spectrum in a specific geographic area under section 301 of the Communications Act of 1934 (47 U.S.C. 301) may partition or disaggregate the license by sale or long-term lease to provide services consistent with the license while also making unused spectrum available to eligible small carriers or carriers serving rural areas if the Commission finds such a program would promote the availability of advanced telecommunications services in rural areas or spectrum availability for eligible small carriers.

Sec. 715 – This section would direct the FCC to make available on an unlicensed basis spectrum to meet demand for unlicensed wireless broadband operations if, after taking into account the future needs of other spectrum users, doing so would be reasonable and in the public interest.

Sec. 716 – This section would require the FCC, not later than 18 months after the date of enactment of this Act, to develop, in consultation with the NTIA, a national plan for making additional radio frequency bands available for unlicensed operations.

Sec. 717 – This section would require that the Secretary of Commerce, in consultation with the Assistant Secretary of Commerce for Communications and Information and the Under Secretary of Commerce for Standards and Technology, subject to availability of funds for prize competitions under this section, conduct prize competitions to dramatically accelerate the development and commercialization of technology that improves spectrum efficiency and is capable of cost-effective deployment, and define a measurable set of performance goals for participants in the prize competitions to demonstrate their solutions on a level playing field while making a significant advancement over the current state of the art.

Sec. 718 – Without affecting the right of a State or local jurisdiction to require the collection of any tax, fee, or surcharge in connection with a specified financial transaction, this section would prevent a State or local jurisdiction from requiring a person to collect from, or remit on behalf of, any other person a State or local tax, fee, or surcharge imposed on a purchaser or user with respect to the purchase or use of any wireless telecommunications service within the State unless the collection or remittance is in connection with a financial transaction between the person that the State or local jurisdiction requires to collect or remit the tax, fee, or surcharge and the purchaser or user of the wireless telecommunications service.

Sec. 719 – This section would provide that each range of frequencies described in the bill shall be construed as being inclusive of the upper and lower frequencies in the range. This section would further provide that nothing in the bill shall affect any requirements under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 note), as added by the National Defense Authorization Act for Fiscal Year 2000.

Sec. 720 – This section would provide that nothing in the bill shall limit, restrict, or circumvent the implementation of the public safety network known as FirstNet.

Sec. 721 – This section states no additional funds are authorized to be appropriated to carry out this title, or the amendment made by this title. This title, and the amendment made by this title, shall be carried out using amounts otherwise authorized.