IN THE SENATE OF THE UNITED STATES

MARCH 7, 2018

Received; read twice and referred to the Committee on Commerce, Science, and Transportation

AN ACT

To amend the Communications Act of 1934 to reauthorize appropriations for the Federal Communications Commission, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018” or the “RAY BAUM’S Act of 2018”.

(b) Table of Contents.—The table of contents for 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. Broadband infrastructure deployment.
Sec. 707. Reallocation incentives.
Sec. 708. Bidirectional sharing study.
Sec. 709. Unlicensed services in guard bands.
Sec. 710. Amendments to the Spectrum Pipeline Act of 2015.
Sec. 711. GAO assessment of unlicensed spectrum and Wi-Fi use in low-income neighborhoods.
Sec. 712. Rulemaking related to partitioning or disaggregating licenses.
Sec. 713. Unlicensed spectrum policy.
Sec. 714. National plan for unlicensed spectrum.
Sec. 715. Spectrum challenge prize.
Sec. 716. Wireless telecommunications tax and fee collection fairness.
Sec. 717. Rules of construction.
Sec. 718. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.
Sec. 719. No additional funds authorized.

1 SEC. 2. COMMISSION DEFINED.

In this Act, the term “Commission” means the Federal Communications Commission.

TITLE I—FCC

REAUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:
“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

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

“(b) Offsetting Collections.—The sum appropriated in any fiscal year to carry out the activities described in subsection (a), to the extent and in the amounts provided for in Appropriations Acts, shall be derived from fees authorized by section 9.”.

(b) Deposits of Bidders To Be Deposited in Treasury.—Section 309(j)(8)(C) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(C)) is amended—

(1) in the first sentence, by striking “an interest bearing account” and all that follows and inserting “the Treasury.’’;

(2) in clause (i)—

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

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

(3) in clause (ii), by striking “; and” and inserting “, and payments representing the return of such deposits shall not be subject to administrative
offset under section 3716(c) of title 31, United States Code.”; and

(4) by striking clause (iii).

(e) Elimination of Duplicative Authorization of Appropriations.—

(1) In general.—Section 710 of the Telecommunications Act of 1996 (Public Law 104–104) is repealed.

(2) Conforming amendment.—The table of contents in section 2 of such Act is amended by striking the item relating to section 710.

(d) Transfer of Funds.—On the effective date described in section 103, any amounts in the account providing appropriations to carry out the functions of the Commission that were collected in excess of the amounts provided for in Appropriations Acts in any fiscal year prior to such date shall be transferred to the general fund of the Treasury of the United States for the sole purpose of deficit reduction.

SEC. 102. APPLICATION AND REGULATORY FEES.

(a) Application Fees.—Section 8 of the Communications Act of 1934 (47 U.S.C. 158) is amended to read as follows:
“SEC. 8. APPLICATION FEES.

“(a) General Authority; Establishment of Schedule.—The Commission shall assess and collect application fees at such rates as the Commission shall establish in a schedule of application fees to recover the costs of the Commission to process applications.

“(b) Adjustment of Schedule.—

“(1) In general.—In every even-numbered year, the Commission shall review the schedule of application fees established under this section and, except as provided in paragraph (2), set a new amount for each fee in the schedule that is equal to the amount of the fee on the date when the fee was established or the date when the fee was last amended under subsection (c), whichever is later—

“(A) increased or decreased by the percentage change in the Consumer Price Index during the period beginning on such date and ending on the date of the review; and

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

“(2) Threshold for Adjustment.—The Commission may not adjust a fee under paragraph (1) if—

“(A) in the case of a fee the current amount of which is less than $200, the adjust-
ment would result in a change in the current amount of less than $10; or

“(B) in the case of a fee the current amount of which is $200 or more, the adjustment would result in a change in the current amount of less than 5 percent.

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

“(c) AMENDMENTS TO SCHEDULE.—In addition to the adjustments required by subsection (b), the Commission shall by rule amend the schedule of application fees established under this section if the Commission determines that the schedule requires amendment—

“(1) so that such fees reflect increases or decreases in the costs of processing applications at the Commission; or

“(2) so that such schedule reflects the consolidation or addition of new categories of applications.

“(d) EXCEPTIONS.—
“(1) Parties to which fees are not applicable.—The application fees established under this section shall not be applicable to—

“(A) a governmental entity;

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

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

“(2) Cost of collection.—If, in the judgment of the Commission, the cost of collecting an application fee established under this section would exceed the amount collected, the Commission may by rule eliminate such fee.

“(e) Deposit of collections.—Moneys received from application fees established under this section shall be deposited in the general fund of the Treasury.”.

(b) Regulatory fees.—Section 9 of the Communications Act of 1934 (47 U.S.C. 159) is amended to read as follows:

“SEC. 9. REGULATORY FEES.

“(a) General authority.—The Commission shall assess and collect regulatory fees to recover the costs of carrying out the activities described in section 6(a) only
to the extent, and in the total amounts, provided for in Appropriations Acts.

“(b) Establishing of Schedule.—The Commission shall assess and collect regulatory fees at such rates as the Commission shall establish in a schedule of regulatory fees that will result in the collection, in each fiscal year, of an amount that can reasonably be expected to equal the amounts described in subsection (a) with respect to such fiscal year.

“(c) Adjustment of Schedule.—

“(1) In general.—For each fiscal year, the Commission shall by rule adjust the schedule of regulatory fees established under this section to—

“(A) reflect unexpected increases or decreases in the number of units subject to the payment of such fees; and

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

“(2) Rounding.—In making adjustments under this subsection, the Commission may round fees to the nearest $5 increment.

“(d) Amendments to Schedule.—In addition to the adjustments required by subsection (c), the Commission shall by rule amend the schedule of regulatory fees established under this section if the Commission deter-
mines that the schedule requires amendment so that such fees reflect the full-time equivalent number of employees within the bureaus and offices of the Commission, adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission’s activities. In making an amendment under this subsection, the Commission may not change the total amount of regulatory fees required by subsection (b) to be collected in a fiscal year.

“(e) Exceptions.—

“(1) Parties to which fees are not applicable.—The regulatory fees established under this section shall not be applicable to—

“(A) a governmental entity or nonprofit entity;

“(B) an amateur radio operator licensee under part 97 of the Commission’s rules (47 CFR part 97); or

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

“(2) Cost of collection.—If, in the judgment of the Commission, the cost of collecting a regulatory fee established under this section from a party would exceed the amount collected from such
party, the Commission may exempt such party from paying such fee.

“(f) Deposit of Collections.—

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

“(2) Deposit of excess collections.—Any regulatory fees collected in excess of the total amount of fees provided for in Appropriations Acts for a fiscal year shall be deposited in the general fund of the Treasury of the United States for the sole purpose of deficit reduction.”.

(c) Provisions Applicable to Application and Regulatory Fees.—Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by inserting after section 9 the following:

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

“(a) Judicial Review Prohibited.—Any adjustment or amendment to a schedule of fees under subsection (b) or (c) of section 8 or subsection (e) or (d) of section 9 is not subject to judicial review.
“(b) NOTICE TO CONGRESS.—The Commission shall transmit to Congress notification—

“(1) of any adjustment under section 8(b) or 9(c) immediately upon the adoption of such adjustment; and

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

“(c) ENFORCEMENT.—

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

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

“(3) DISMISSAL OF APPLICATIONS OR FILINGS.—The Commission may dismiss any applica-
tion or other filing for failure to pay in a timely
manner any fee under section 8 or 9 or any interest
or additional penalty under this subsection.

“(4) Revocations.—

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

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

“(C) Hearing.—

“(i) Generally not required.—A

hearing is not required under this para-
graph unless the licensee’s response presents a substantial and material question of fact.

“(ii) Evidence and Burdens.—In any case where a hearing is conducted under this paragraph, the hearing shall be based on written evidence only, and the burden of proceeding with the introduction of evidence and the burden of proof shall be on the licensee.

“(iii) Costs.—Unless the licensee substantially prevails in the hearing, the Commission may assess the licensee for the costs of such hearing.

“(D) Opportunity to Pay Prior to Revocation.—Any Commission order adopted under this paragraph shall determine the amount due, if any, and provide the licensee with at least 30 days to pay that amount or have its authorization revoked.

“(E) Finality.—No order of revocation under this paragraph shall become final until the licensee has exhausted its right to judicial review of such order under section 402(b)(5).
“(d) Waiver, Reduction, and Deferment.—The Commission may waive, reduce, or defer payment of a fee under section 8 or 9 or an interest charge or penalty under this section in any specific instance for good cause shown, where such action would promote the public interest.

“(e) Payment Rules.—The Commission shall by rule permit payment—

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

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

“(f) Accounting System.—The Commission shall develop accounting systems necessary to make the amendments authorized by sections 8(c) and 9(d).”.

(d) Transitional Rules.—

(1) Application Fees.—An application fee established under section 8 of the Communications Act of 1934, as such section is in effect on the day before the effective date described in section 103 of this Act, shall remain in effect under section 8 of the Communications Act of 1934, as amended by subsection (a) of this section, until such time as the Commission adjusts or amends such fee under subsection (b) or (c) of such section 8, as so amended.
(2) **Regulatory Fees.**—A regulatory fee established under section 9 of the Communications Act of 1934, as such section is in effect on the day before the effective date described in section 103 of this Act, shall remain in effect under section 9 of the Communications Act of 1934, as amended by subsection (b) of this section, until such time as the Commission adjusts or amends such fee under subsection (c) or (d) of such section 9, as so amended.

(e) **Rulemaking To Amend Schedule of Regulatory Fees.**—

(1) **In General.**—Not later than 1 year after the effective date described in section 103, the Commission shall complete a rulemaking proceeding under subsection (d) of section 9 of the Communications Act of 1934, as amended by subsection (b) of this section.

(2) **Report to Congress.**—If the Commission has not completed the rulemaking proceeding required by paragraph (1) by the date that is 6 months after the effective date described in section 103, the Commission shall submit to Congress a report on the progress of such rulemaking proceeding.
SEC. 103. EFFECTIVE DATE.

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

TITLE II—APPLICATION OF ANTIDEFICIENCY ACT

SEC. 201. APPLICATION OF ANTIDEFICIENCY ACT TO UNIVERSAL SERVICE PROGRAM.

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

TITLE III—SECURING ACCESS TO NETWORKS IN DISASTERS

SEC. 301. STUDY ON NETWORK RESILIENCY.

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

(1) making telecommunications service provider-owned WiFi access points, and other communications technologies operating on unlicensed spectrum, available to the general public for access to 9–1–1 services, without requiring any login credentials, during times of emergency when mobile service is unavailable;
(2) the provision by non-telecommunications service provider-owned WiFi access points of public access to 9–1–1 services during times of emergency when mobile service is unavailable; and

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

SEC. 302. ACCESS TO ESSENTIAL SERVICE PROVIDERS DURING FEDERALLY DECLARED EMERGENCIES.

Section 427(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189e(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “telecommunications service” and inserting “wireline or mobile telephone service, Internet access service, radio or television broadcasting, cable service, or direct broadcast satellite service”;

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

(C) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively; and

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

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SEC. 303. DEFINITIONS.

As used in this title—

(1) the term “mobile service” means commercial mobile service (as defined in section 332 of the Communications Act of 1934 (47 U.S.C. 332)) or commercial mobile data service (as defined in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401));

(2) the term “WiFi access point” means wireless Internet access using the standard designated as 802.11 or any variant thereof; and

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

TITLE IV—FCC CONSOLIDATED REPORTING

SEC. 401. COMMUNICATIONS MARKETPLACE REPORT.

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

“SEC. 13. COMMUNICATIONS MARKETPLACE REPORT.

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

“(b) CONTENTS.—Each report required by subsection (a) shall—

“(1) assess the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services among providers of telecommunications, providers of commercial mobile service (as defined in section 332), multichannel video programming distributors (as defined in section 602), broadcast stations, providers of satellite communications, Internet service providers, and other providers of communications services;

“(2) assess the state of deployment of communications capabilities, including advanced telecommunications capability (as defined in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302)), regardless of the technology used for such deployment;

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

“(4) describe the agenda of the Commission for the next 2-year period for addressing the challenges and opportunities in the communications marketplace that were identified through the assessments under paragraphs (1) through (3); and

“(5) describe the actions that the Commission has taken in pursuit of the agenda described pursuant to paragraph (4) in the previous report submitted under this section.

“(c) EXTENSION.—If the President designates a Commissioner as Chairman of the Commission during the last quarter of an even-numbered year, the portion of the report required by subsection (b)(4) may be published on the website of the Commission and submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science,
and Transportation of the Senate as an addendum during
the first quarter of the following odd-numbered year.

“(d) Special Requirements.—

“(1) Assessing Competition.—In assessing
the state of competition under subsection (b)(1), the
Commission shall consider all forms of competition,
including the effect of intermodal competition, facili-
ties-based competition, and competition from new
and emergent communications services, including the
provision of content and communications using the
Internet.

“(2) Assessing Deployment.—In assessing
the state of deployment under subsection (b)(2), the
Commission shall compile a list of geographical
areas that are not served by any provider of ad-
vanced telecommunications capability.

“(3) Considering Small Businesses.—In as-
sessing the state of competition under subsection
(b)(1) and regulatory barriers under subsection
(b)(3), the Commission shall consider market entry
barriers for entrepreneurs and other small busi-
nesses in the communications marketplace in accord-
ance with the national policy under section 257(b).”.
SEC. 402. CONSOLIDATION OF REDUNDANT REPORTS; CONFORMING AMENDMENTS.

(a) ORBIT ACT REPORT.—Section 646 of the Communications Satellite Act of 1962 (47 U.S.C. 765e; 114 Stat. 57) is repealed.

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

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

(d) STATUS OF COMPETITION IN THE MARKET FOR THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Section 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended—

(1) by striking subsection (g);

(2) by redesignating subsection (j) as subsection (g); and

(3) by transferring subsection (g) (as redesignated) so that it appears after subsection (f).

(e) REPORT ON CABLE INDUSTRY PRICES.—Section 623(k) of the Communications Act of 1934 (47 U.S.C. 543(k)) is amended—
(1) in paragraph (1), by striking “annually publish” and inserting “publish with its report under section 13”; and

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

(f) TRIENNIAL REPORT IDENTIFYING AND ELIMINATING MARKET ENTRY BARRIERS FOR ENTREPRENEURS AND OTHER SMALL BUSINESSES.—Section 257 of the Communications Act of 1934 (47 U.S.C. 257) is amended by striking subsection (c).

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

(h) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

(1) IN GENERAL.—Section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (l) through (o) as subsections (k) through (n), respectively.

(2) CONFORMING AMENDMENT.—Section 309(j)(8)(B) of the Communications Act of 1934
(47 U.S.C. 309(j)(8)(B)) is amended by striking the last sentence.

(i) ADDITIONAL OUTDATED REPORTS.—The Communications Act of 1934 is further amended—

(1) in section 4—

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

(B) in subsection (g), by striking paragraph (2);

(2) in section 215—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b);

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

(4) in section 309(j)—

(A) by striking paragraph (12); and

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

(5) in section 331(b), by striking the last sentence;

(6) in section 336(e), by amending paragraph (4) to read as follows:
“(4) REPORT.—The Commission shall annually advise the Congress on the amounts collected pursuant to the program required by this subsection.”;

(7) in section 339(c), by striking paragraph (1);

(8) in section 396—

(A) by striking subsection (i);

(B) in subsection (k)—

(i) in paragraph (1), by striking subparagraph (F); and

(ii) in paragraph (3)(B)(iii), by striking subclause (V);

(C) in subsection (l)(1)(B), by striking “shall be included” and all that follows through “The audit report”; and

(D) by striking subsection (m);

(9) in section 398(b)(4), by striking the third sentence;

(10) in section 624A(b)(1)—

(A) by striking “REPORT; REGULATIONS” and inserting “REGULATIONS”;

(B) by striking “Within 1 year after” and all that follows through “on means of assuring” and inserting “The Commission shall issue such regulations as are necessary to assure”; and
27 (C) by striking “Within 180 days after” and all that follows through “to assure such compatibility.”; and

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

SEC. 403. EFFECT ON AUTHORITY.

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

SEC. 404. OTHER REPORTS.

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

TITLE V—ADDITIONAL PROVISIONS

SEC. 501. INDEPENDENT INSPECTOR GENERAL FOR FCC.

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

(1) in section 8G(a)(2), by striking “the Federal Communications Commission,”; and

(2) in section 12—

(A) in paragraph (1), by inserting “, the Federal Communications Commission,” after “the Chairman of the Nuclear Regulatory Commission”; and
(B) in paragraph (2), by inserting “the Federal Communications Commission,” after “the Environmental Protection Agency,.”

(b) TRANSITION RULE.—An individual serving as Inspector General of the Commission on the date of the enactment of this Act pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—

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

(2) shall, while serving under paragraph (1), remain subject to the provisions of section 8G of such Act which, immediately before the date of the enactment of this Act, applied with respect to the Inspector General of the Commission and suffer no reduction in pay.

SEC. 502. AUTHORITY OF CHIEF INFORMATION OFFICER.

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

(1) the decision-making process for annual and multi-year planning, programming, budgeting, and
execution decisions, related reporting requirements,
and reports related to information technology;

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

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

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

SEC. 503. SPOOFING PREVENTION.

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

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

(2) COverage of text messages and voice services.—Section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)) is amended—

(A) in subparagraph (A), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”;

(B) in the first sentence of subparagraph (B), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”; and

(C) by striking subparagraph (C) and inserting the following:

“(C) Text message.—The term ‘text message’—

“(i) means a message consisting of text, images, sounds, or other information that is transmitted to or from a device that is identified as the receiving or transmitting device by means of a 10-digit telephone number or N11 service code;
“(ii) includes a short message service (commonly referred to as ‘SMS’) message and a multimedia message service (commonly referred to as ‘MMS’) message; and

“(iii) does not include—

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

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

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

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

“(i) means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North
American Numbering Plan adopted by the Commission under section 251(e)(1); and

“(ii) includes transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine.”.

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

(4) REGULATIONS.—

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

(B) DEADLINE.—The Commission shall prescribe regulations to implement the amendments made by this subsection not later than 18 months after the date of enactment of this Act.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that
is 6 months after the date on which the Commission
prescribes regulations under paragraph (4).

(b) Consumer Education Materials on How To
Avoid Scams That Rely Upon Misleading or Inac-
curate Caller Identification Information.—

(1) Development of Materials.—Not later
than 1 year after the date of enactment of this Act,
the Commission, in coordination with the Federal
Trade Commission, shall develop consumer edu-
cation materials that provide information about—

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

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

(2) Contents.—In developing the consumer
education materials under paragraph (1), the Com-
mission shall—

(A) identify existing technologies, if any,
that can help consumers guard themselves
against scams and other fraudulent activity
that rely upon the use of misleading or inac-
curate caller identification information, including—

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

(ii) details on how consumers can access and use the technologies; and

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

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

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

(c) GAO Report on Combating the Fraudulent Provision of Misleading or Inaccurate Caller Identification Information.—

(1) In General.—The Comptroller General of the United States shall conduct a study of the actions the Commission and the Federal Trade Com-
mission have taken to combat the fraudulent provi-

sion of misleading or inaccurate caller identification
information, and the additional measures that could
be taken to combat such activity.

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

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

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

(C) current efforts by industry groups and
other entities to develop technical standards to
deter or prevent the fraudulent provision of
misleading or inaccurate caller identification in-
formation, and how such standards may help
combat the current and future provision of mis-
leading or inaccurate caller identification infor-

mation; and

(D) whether there are additional actions
the Commission, the Federal Trade Commis-
sion, and Congress should take to combat the fraudulent provision of misleading or inaccurate caller identification information.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the study under paragraph (1), including any recommendations regarding combating the fraudulent provision of misleading or inaccurate caller identification information.

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

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

(2) the CAN–SPAM Act of 2003 (15 U.S.C. 7701 et seq.).
SEC. 504. REPORT ON PROMOTING BROADBAND INTERNET ACCESS SERVICE FOR VETERANS.

(a) Veteran Defined.—In this section, the term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(b) Report Required.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on promoting broadband Internet access service for veterans, in particular low-income veterans and veterans residing in rural areas. In such report, the Commission shall—

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

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

(c) Public Notice and Opportunity To Comment.—In preparing the report required by subsection (b), the Commission shall provide the public with notice and an opportunity to comment on broadband Internet access service for veterans, in particular low-income veterans and veterans residing in rural areas, and how to promote such access.

SEC. 505. METHODOLOGY FOR COLLECTION OF MOBILE SERVICE COVERAGE DATA.

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

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

(3) the term “coverage data” means, if commercial mobile service or commercial mobile data service is available, general information about the service, which may include available speed tiers, radio frequency signal levels, and network and performance characteristics; and

(4) the term “Universal Service program” means the universal service support mechanisms established under section 254 of the Communications Act of 1934 (47 U.S.C. 254) and the regulations issued under that section.

(b) METHODOLOGY ESTABLISHED.—Not later than 180 days after the conclusion of the Mobility Fund Phase II Auction, the Commission shall promulgate regulations to establish a methodology that shall apply to the collection of coverage data by the Commission for the purposes of—

(1) the Universal Service program; or
(2) any other similar program.

(e) Requirements.—The methodology established under subsection (b) shall—

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

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

(3) improve the validity and reliability of coverage data; and

(4) increase the efficiency of coverage data collection.

SEC. 506. ACCURACY OF DISPATCHABLE LOCATION FOR 9–1–1 CALLS.

(a) Proceeding Required.—Not later than 18 months after the date of the enactment of this Act, the Commission shall conclude a proceeding to consider adopting rules to ensure that the dispatchable location is conveyed with a 9–1–1 call, regardless of the technological platform used and including with calls from multi-line telephone systems (as defined in section 6502 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1471)).

(b) Relationship to Other Proceedings.—In conducting the proceeding required by subsection (a), the
Commission may consider information and conclusions from other Commission proceedings regarding the accuracy of the dispatchable location for a 9–1–1 call, but nothing in this section shall be construed to require the Commission to reconsider any information or conclusion from a proceeding regarding the accuracy of the dispatchable location for a 9–1–1 call in which the Commission has adopted rules or issued an order before the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

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

(2) DISPATCHABLE LOCATION.—The term “dispatchable location” means the street address of the calling party, and additional information such as room number, floor number, or similar information necessary to adequately identify the location of the calling party.
SEC. 507. NTIA STUDY ON INTERAGENCY PROCESS FOLLOWING CYBERSECURITY INCIDENTS.

(a) IN GENERAL.—The Assistant Secretary of Commerce for Communications and Information shall complete a study on how the National Telecommunications and Information Administration can best coordinate the inter-agency process following cybersecurity incidents.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Assistant Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the findings and recommendations of the study conducted under subsection (a).

SEC. 508. TRIBAL DIGITAL ACCESS.

(a) TRIBAL BROADBAND DATA REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report evaluating broadband coverage in Indian country (as defined in section 1151 of title 18, United States Code) and on land
held by a Native Corporation pursuant to the Alaska Native Claims Settlement Act.

(2) REQUIRED ASSESSMENTS.—The report required by paragraph (1) shall include the following:

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

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

(b) TRIBAL BROADBAND PROCEEDING.—Not later than 30 months after the date of the enactment of this Act, the Commission shall complete a proceeding to address the unserved areas identified in the report under subsection (a).

SEC. 509. TERMS OF OFFICE AND VACANCIES.

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

“(c)(1) A commissioner—

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

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

“(C) may not continue to serve after the expiration of the session of Congress that begins after the expiration of the fixed term of office of the commissioner.

“(2) Any person chosen to fill a vacancy in the Commission—

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

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

“(C) may not continue to serve after the expiration of the session of Congress that begins after the expiration of the fixed term of office of the commissioner that the person succeeds.

“(3) No vacancy in the Commission shall impair the right of the remaining commissioners to exercise all the powers of the Commission.”.
SEC. 510. SUBMISSION OF COPY OF CERTAIN DOCUMENTS TO CONGRESS.

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

“(o) BUDGET ESTIMATES AND REQUESTS; LEGISLATIVE RECOMMENDATIONS, TESTIMONY, AND COMMENTS ON LEGISLATION; SEMIANNUAL REPORTS.—

“(1) BUDGET ESTIMATES AND REQUESTS.—If the Commission submits any budget estimate or request to the President or the Office of Management and Budget, the Commission shall concurrently transmit a copy of that estimate or request to Congress.

“(2) LEGISLATIVE RECOMMENDATIONS, TESTIMONY, AND COMMENTS ON LEGISLATION.—

“(A) IN GENERAL.—If the Commission submits any legislative recommendations, testimony, or comments on legislation to the President or the Office of Management and Budget, the Commission shall concurrently transmit a copy thereof to Congress.

“(B) PROHIBITION.—No officer or agency of the United States may require the Commission to submit legislative recommendations, testimony, or comments on legislation to any offi-
cer or agency of the United States for approval, comments, or review prior to the submission of the recommendations, testimony, or comments to Congress.

“(3) Office of Inspector General Semi-

annual reports.—

“(A) In general.—Notwithstanding section 5(b) of the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General of the Commission shall concurrently submit each semiannual report required under such section 5(b) to the Commission and to the appropriate committees or subcommittees of Congress.

“(B) Rule of construction.—Nothing in subparagraph (A) shall be construed to modify the requirement for the Commission to submit to the appropriate committees or subcommittees of Congress each such semiannual report together with a report by the Commission under such section 5(b).”.

SEC. 511. JOINT BOARD RECOMMENDATION.

The Commission may not modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004, recommenda-

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

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

The Commission shall include in any press release regarding the issuance of a notice of apparent liability under section 503(b)(4) of the Communications Act of 1934 (47 U.S.C. 503(b)(4)) a disclaimer informing consumers that—

1. the issuance of a notice of apparent liability should be treated only as allegations; and

2. the amount of any forfeiture penalty proposed in a notice of apparent liability represents the maximum penalty that the Commission may impose for the violations alleged in the notice of apparent liability.

SEC. 513. REPORTS RELATED TO SPECTRUM AUCTIONS.

(a) Estimate of Upcoming Auctions.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by adding at the end the following:

“(18) Estimate of Upcoming Auctions.—

“(A) Not later than September 30, 2018, and annually thereafter, the Commission shall make publicly available an estimate of what systems of competitive bidding authorized under
this subsection may be initiated during the up-
coming 12-month period.

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

(b) Auction Expenditure Justification Re-
port.—Not later than April 1, 2019, and annually there-
after, the Commission shall provide to the appropriate
committees of Congress a report containing a detailed jus-
tification for the use of proceeds retained by the Commis-
sion under section 309(j)(8)(B) of the Communications
Act of 1934 (47 U.S.C. 309(j)(8)(B)) for the costs of de-
veloping and implementing the program required by sec-
tion 309(j) of that Act.

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

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

(2) the Committee on Appropriations of the
Senate;

(3) the Committee on Energy and Commerce of
the House of Representatives; and
(4) the Committee on Appropriations of the House of Representatives.

TITLE VI—VIEWER PROTECTION

SEC. 601. RESERVE SOURCE FOR PAYMENT OF TV BROADCASTER RELOCATION COSTS.

(a) Establishment of Fund.—There is established in the Treasury of the United States a fund to be known as the Broadcast Repack Fund.

(b) Availability of Funds.—

(1) In general.—If the Commission makes the certification described in paragraph (2), amounts in the Broadcast Repack Fund shall be available to the Commission to make reimbursements pursuant to subsection (b)(4)(A)(i) or (b)(4)(A)(ii) of section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1452).

(2) Certification.—The certification described in this paragraph is a certification from the Commission to the Secretary of the Treasury that the funds available in the TV Broadcaster Relocation Fund established under subsection (d) of such section are likely to be insufficient to reimburse reasonably incurred costs described in subsection (b)(4)(A)(i) or (b)(4)(A)(ii) of such section.
(3) Availability for payments after April 13, 2020.—Notwithstanding subsection (b)(4)(D) of such section, the Commission may make payments pursuant to subsection (b)(4)(A)(i) or (b)(4)(A)(ii) of such section from the Broadcast Repack Fund after April 13, 2020, if, before making any such payments after such date, the Commission submits to Congress a certification that such payments are necessary to reimburse reasonably incurred costs described in such subsection.

(c) Unused Funds Rescinded and Deposited into the General Fund of the Treasury.—

(1) Rescission and deposit.—If any unobligated amounts remain in the Broadcast Repack Fund after the date described in paragraph (2), such amounts shall be rescinded and deposited into the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(2) Date described.—The date described in this paragraph is the earlier of—

(A) the date of a certification by the Commission under paragraph (3) that all reimbursements pursuant to subsections (b)(4)(A)(i) and
(b)(4)(A)(ii) of such section 6403 have been made; or

(B) July 3, 2022.

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

(d) Administrative Costs.—The amount of auction proceeds that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), including from the proceeds of the forward auction under section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1452), shall be sufficient to cover the administrative costs incurred by the Commission in making any reimbursements out of the Broadcast Repack Fund.

SEC. 602. PAYMENT OF RELOCATION COSTS OF TELEVISION TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.

(a) Payment Required.—

(1) In general.—From amounts made available under subsection (b)(2), the Commission shall
reimburse costs reasonably incurred by a television
translator station or low power television station on
or after January 1, 2017, in order for such station
to relocate its television service from one channel to
another channel or otherwise modify its facility as a
result of the reorganization of broadcast television
spectrum under subsection (b) of section 6403 of the
Middle Class Tax Relief and Job Creation Act of
2012 (47 U.S.C. 1452). Only stations that are eligi-
ble to file and do file an application in the Commiss-
ion’s Special Displacement Window are eligible to
seek reimbursement under this paragraph.

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

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

(A) if the licensee of such station has re-
ceived reimbursement with respect to such sta-
tion under subsection (b)(4)(A)(i) of such sec-
tion 6403 (including from amounts made avail-
able under section 601 of this title), or from
any other source, such station may not receive
reimbursement under paragraph (1); and

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

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

(b) FUNDING.—

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

(2) AVAILABILITY OF FUNDS.—

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

(B) AVAILABILITY AFTER APRIL 13,
2020.—Amounts in the Translator and Low
Power Station Relocation Fund shall not be
available to the Commission to make payments
required by subsection (a)(1) after April 13,
2020, unless, before making any such payments
after such date, the Commission submits to
Congress a certification that such payments are
necessary to reimburse costs reasonably in-
curred by a television translator station or low
power television station on or after January 1,
2017, in order for such station to relocate its
television service from one channel to another
channel or otherwise modify its facility as a re-
sult of the reorganization of broadcast television
spectrum under subsection (b) of section 6403
of the Middle Class Tax Relief and Job Cre-

(3) Unused funds rescinded and depos-
ited into the general fund of the treas-
ury.—

(A) Rescission and deposit.—If any un-
obligated amounts remain in the Translator and
Low Power Station Relocation Fund after the
date described in subparagraph (B), such
amounts shall be rescinded and deposited into
the general fund of the Treasury, where such
amounts shall be dedicated for the sole purpose of deficit reduction.

(B) DATE DESCRIBED.—The date described in this subparagraph is the earlier of—

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


(C) CERTIFICATION.—If all reimbursements pursuant to subsection (a)(1) have been made before July 3, 2023, the Commission shall submit to the Secretary of the Treasury a certification that all such reimbursements have been made.

(e) ADMINISTRATIVE COSTS.—The amount of auction proceeds that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), including from the proceeds of the forward auction under section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1452), shall be sufficient to cover the administrative costs incurred by the Commission in making any reimburse-
ments out of the Translator and Low Power Station Reloca-
tion Fund.

(d) DEFINITIONS.—In this section:

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

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

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

(a) PAYMENT REQUIRED.—

(1) IN GENERAL.—From amounts made avail-
able under subsection (b)(2), the Commission shall reimburse costs reasonably incurred by an FM
broadcast station for facilities necessary for such
station to reasonably minimize disruption of service
as a result of the reorganization of broadcast tele-
vision spectrum under subsection (b) of section 6403
of the Middle Class Tax Relief and Job Creation Act

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

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

(b) FUNDING.—

(1) E STABLISHMENT OF FUND.—There is es-
established in the Treasury of the United States a
fund to be known as the FM Broadcast Station Re-
location Fund.

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

(B) AVAILABILITY AFTER APRIL 13, 2020.—Amounts in the FM Broadcast Station Relocation Fund shall not be available to the Commission to make payments required by subsection (a)(1) after April 13, 2020, unless, before making any such payments after such date, the Commission submits to Congress a certification that such payments are necessary to reimburse costs reasonably incurred by an FM broadcast station for facilities necessary for such station to reasonably minimize disruption of service as a result of the reorganization of broadcast television spectrum under subsection (b) of section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1452).

(3) UNUSED FUNDS RESCINDED AND DEPOSITED INTO THE GENERAL FUND OF THE TREASURY.—

(A) RESCSSION AND DEPOSIT.—If any unobligated amounts remain in the FM Broadcast
Station Relocation Fund after the date described in subparagraph (B), such amounts shall be rescinded and deposited into the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(B) DATE DESCRIBED.—The date described in this subparagraph is the earlier of—

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


(C) CERTIFICATION.—If all reimbursements pursuant to subsection (a)(1) have been made before July 3, 2022, the Commission shall submit to the Secretary of the Treasury a certification that all such reimbursements have been made.

(e) ADMINISTRATIVE COSTS.—The amount of auction proceeds that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), including from the proceeds of the forward auction under section 6403 of the Middle Class
Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1452), shall be sufficient to cover the administrative costs incurred by the Commission in making any reimbursements out of the FM Broadcast Station Relocation Fund.

(d) **FM BROADCAST STATION DEFINED.**—In this section, the term “FM broadcast station” has the meaning given such term in section 73.310 of title 47, Code of Federal Regulations, and, for an FM translator, has the meaning given the term “FM translator” in section 74.1201 of such title.

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

(a) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States a fund to be known as the Broadcast Station Relocation Consumer Education Fund.

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

(e) **ADMINISTRATIVE COSTS.**—The amount of auction proceeds that the salaries and expenses account of the Commission is required to retain under section
309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), including from the proceeds of the forward auction under section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1452), shall be sufficient to cover the administrative costs incurred by the Commission in making any payments out of the Broadcast Station Relocation Consumer Education Fund.

SEC. 605. IMPLEMENTATION AND ENFORCEMENT.

The Commission shall implement and enforce this title as if this title is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.). A violation of this title, or a regulation promulgated under this title, shall be considered to be a violation of the Communications Act of 1934, or a regulation promulgated under such Act, respectively.

SEC. 606. RULE OF CONSTRUCTION.

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

TITLE VII—MOBILE NOW

SEC. 701. SHORT TITLE.

This title may be cited as the “Making Opportunities for Broadband Investment and Limiting Excessive and
Needless Obstacles to Wireless Act” or the “MOBILE NOW Act”.

SEC. 702. DEFINITIONS.

In this title:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

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

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) each committee of the Senate or of the House of Representatives with jurisdiction over a Federal entity affected by the applicable section in which the term appears.

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

(3) FEDERAL ENTITY.—The term “Federal entity” has the meaning given the term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).

(4) NTIA.—The term “NTIA” means the National Telecommunications and Information Administration of the Department of Commerce.
(5) OMB.—The term “OMB” means the Office of Management and Budget.

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

SEC. 703. IDENTIFYING 255 MEGAHERTZ.

(a) REQUIREMENTS.—

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

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

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

(B) 100 megahertz below the frequency of 6000 megahertz shall be identified for use on an exclusive, licensed basis for commercial mobile use, pursuant to the Commission’s authority to implement such licensing in a flexible manner, and subject to potential continued use of such spectrum by incumbent Federal entities in designated geographic areas indefinitely or
for such length of time stipulated in transition
plans approved by the Technical Panel under
section 113(h) of the National Telecommuni-
cations and Information Administration Organi-
zation Act (47 U.S.C. 923(h)) for those incum-
rent entities to be relocated to alternate spec-
trum; and

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

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

(A) The frequencies between 1695 and
1710 megahertz.

(B) The frequencies between 1755 and
1780 megahertz.

(C) The frequencies between 2155 and
2180 megahertz.

(D) The frequencies between 3550 and
3700 megahertz.

(E) Spectrum that the Commission deter-
mines had more than de minimis mobile or
fixed wireless broadband operations within the
band on the day before the date of enactment
of this Act.

(4) Treatment of Certain Other Spectrum.—Spectrum identified pursuant to this section
may include eligible spectrum, if any, identified after
the date of enactment of this Act pursuant to title
X of the Bipartisan Budget Act of 2015 (Public
Law 114–74).

(5) Spectrum Made Available on and
After February 11, 2016.—Any spectrum that
has been made available for licensed or unlicensed
use on and after February 11, 2016, and that other-
wise satisfies the requirements of this section may
be counted towards the requirements of this sub-
section.

(6) Relocation Prioritized Over Shar-
ing.—This section shall be carried out in accordance
with section 113(j) of the National Telecommuni-
cations and Information Administration Organiza-
tion Act (47 U.S.C. 923(j)).

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

(A) the need to preserve critical existing
and planned Federal Government capabilities;
(B) the impact on existing State, local, and tribal government capabilities;

(C) the international implications;

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

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

(b) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to impair or otherwise affect the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals;

(2) to require the disclosure of classified information, law enforcement sensitive information, or other information that must be protected in the interest of national security; or

(3) to affect any requirement under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 note), as added by section 1062(a) of the National Defense Authorization Act for Fiscal Year 2000, or any other relevant statutory requirement applicable to the reallocation of Federal spectrum.
SEC. 704. MILLIMETER WAVE SPECTRUM.

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

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

(1) consider how the band described in subsection (a) may be used to provide commercial wireless broadband service, including whether—

(A) such spectrum may be best used for licensed or unlicensed services, or some combination thereof; and

(B) to permit additional licensed operations in such band on a shared basis; and

(2) include technical characteristics under which the band described in subsection (a) may be employed for mobile or fixed terrestrial wireless operations, including any appropriate coexistence requirements.

(e) SPECTRUM MADE AVAILABLE ON AND AFTER FEBRUARY 11, 2016.—Any spectrum that has been made available for licensed or unlicensed use on or after Feb-
February 11, 2016, and that otherwise satisfies the require-
ments of section 703 may be counted towards the require-
ments of section 703(a).

SEC. 705. 3 GIGAHERTZ SPECTRUM.

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

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

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

(2) An assessment of the possible impacts of such sharing on Federal and non-Federal users already operating on the frequencies described in that subsection.

(3) The criteria that may be necessary to ensure shared licensed or unlicensed services would not cause harmful interference to Federal or non-Federal users already operating in the frequencies described in that subsection.

(4) If such sharing is feasible, an identification of which of the frequencies described in that subsection are most suitable for sharing with commercial wireless services through the assignment of new licenses by competitive bidding, for sharing with unlicensed operations, or through a combination of licensing and unlicensed operations.

(d) COMMISSION ACTION.—The Commission, in consultation with the NTIA, shall seek public comment on the reports required under subsections (a) and (b), includ-
ing regarding the bands identified in such report as fea-
sible pursuant to subsection (e)(4).

SEC. 706. BROADBAND INFRASTRUCTURE DEPLOYMENT.

(a) Definitions.—In this section:

(1) Appropriate State agency.—The term
“appropriate State agency” means a State govern-
mental agency that is recognized by the executive
branch of the State as having the experience nec-
essary to evaluate and carry out projects relating to
the proper and effective installation and operation of
broadband infrastructure.

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

(3) Broadband infrastructure entity.—
The term “broadband infrastructure entity” means
any entity that—

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

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

(4) **STATE.**—The term “State” means—

(A) a State;

(B) the District of Columbia; and

(C) the Commonwealth of Puerto Rico.

(b) **BROADBAND INFRASTRUCTURE DEPLOYMENT.**—

To facilitate the installation of broadband infrastructure, the Secretary of Transportation shall promulgate regulations to ensure that each State that receives funds under chapter 1 of title 23, United States Code, meets the following requirements:

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

(A) identify a broadband utility coordinator, that may have additional responsibilities, whether in the State department of transportation or in another State agency, that is responsible for facilitating the broadband infrastructure right-of-way efforts within the State;

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

(C) establish a process to electronically notify broadband infrastructure entities identified under subparagraph (B) of the State transportation improvement program on an annual basis and provide additional notifications as necessary to achieve the goals of this section; and

(D) coordinate initiatives carried out under this section with other statewide telecommunication and broadband plans and State and local transportation and land use plans, including strategies to minimize repeated excavations that involve the installation of broadband infrastructure in a right-of-way.

(2) PRIORITY.—If a State chooses to provide for the installation of broadband infrastructure in the right-of-way of an applicable Federal-aid highway project under this subsection, the State department of transportation shall carry out any appropriate measures to ensure that any existing broadband infrastructure entities are not disadvantaged, as compared to other broadband infrastructure entities, with respect to the program under this subsection.
(c) Effect of Section.—This section applies only to activities for which Federal obligations or expenditures are initially approved on or after the date regulations under subsection (b) become effective. Nothing in this section establishes a mandate or requirement that a State install or allow the installation of broadband infrastructure in a highway right-of-way. Nothing in this section authorizes the Secretary of Transportation to withhold or reserve funds or approval of a project under title 23, United States Code.

SEC. 707. REALLOCATION INCENTIVES.

(a) In General.—Not later than 24 months after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information, in consultation with the Commission, the Director of OMB, and the head of each affected Federal agency (or a designee thereof), after notice and an opportunity for public comment, shall submit to the appropriate committees of Congress a report that includes legislative or regulatory recommendations to incentivize a Federal entity to relinquish, or share with Federal or non-Federal users, Federal spectrum for the purpose of allowing commercial wireless broadband services to operate on that Federal spectrum.

(b) Post-Auction Payments.—
(1) REPORT.—In preparing the report under subsection (a), the Assistant Secretary of Commerce for Communications and Information shall—

(A) consider whether permitting eligible Federal entities that are implementing a transition plan submitted under section 113(h) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)) to accept payments could result in access to the eligible frequencies that are being reallocated for exclusive non-Federal use or shared use sooner than would otherwise occur without such payments; and

(B) include the findings under subparagraph (A), including the analysis under paragraph (2) and any recommendations for legislation, in the report.

(2) ANALYSIS.—In considering payments under paragraph (1)(A), the Assistant Secretary of Commerce for Communications and Information shall conduct an analysis of whether and how such payments would affect—

(A) bidding in auctions conducted under section 309(j) of the Communications Act of
1934 (47 U.S.C. 309(j)) of such eligible frequencies; and

(B) receipts collected from the auctions described in subparagraph (A).

(3) DEFINITIONS.—In this subsection:

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

(B) ELIGIBLE FREQUENCIES.—The term “eligible frequencies” has the meaning given the term in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)).

SEC. 708. BIDIRECTIONAL SHARING STUDY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, including an oppor-
tunity for public comment, the Commission, in collabora-
tion with the NTIA, shall—

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

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

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

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

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

SEC. 709. UNLICENSED SERVICES IN GUARD BANDS.

(a) IN GENERAL.—After public notice and comment,
and in consultation with the Assistant Secretary of Com-
merce for Communications and Information and the head
of each affected Federal agency (or a designee thereof),
with respect to frequencies allocated for Federal use, the Commission shall adopt rules that permit unlicensed services where feasible to use any frequencies that are designated as guard bands to protect frequencies allocated after the date of enactment of this Act by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), including spectrum that acts as a duplex gap between transmit and receive frequencies.

(b) LIMITATION.—The Commission may not permit any use of a guard band under this section that would cause harmful interference to a licensed service or a Federal service.

c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the Commission or the Assistant Secretary of Commerce for Communications and Information from otherwise making spectrum available for licensed or unlicensed use in any frequency band in addition to guard bands, including under section 703, consistent with their statutory jurisdictions.

SEC. 710. AMENDMENTS TO THE SPECTRUM PIPELINE ACT OF 2015.

Section 1008 of the Spectrum Pipeline Act of 2015 (Public Law 114–74; 129 Stat. 584) is amended in the matter preceding paragraph (1) by inserting “, after no-
practice and an opportunity for public comment,” after “the Commission”.

SEC. 711. GAO ASSESSMENT OF UNLICENSED SPECTRUM AND WI-FI USE IN LOW-INCOME NEIGHBORHOODS.

(a) Study.—

(1) In general.—The Comptroller General of the United States shall conduct a study to evaluate the availability of broadband Internet access using unlicensed spectrum and wireless networks in low-income neighborhoods.

(2) Requirements.—In conducting the study under paragraph (1), the Comptroller General shall consider and evaluate—

(A) the availability of wireless Internet hot spots and access to unlicensed spectrum in low-income neighborhoods, particularly for elementary and secondary school-aged children in such neighborhoods;

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

(C) how to overcome any barriers described in subparagraph (B), including through incentives, policies, or requirements that would in-
crease the availability of unlicensed spectrum and related technologies in low-income neighborhoods; and

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

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(1) summarizes the findings of the study conducted under subsection (a); and

(2) makes recommendations with respect to potential incentives, policies, and requirements that could help achieve the goals described in subparagraphs (C) and (D) of subsection (a)(2).

SEC. 712. RULEMAKING RELATED TO PARTITIONING OR DISAGGREGATING LICENSES.

(a) DEFINITIONS.—In this section:

(1) COVERED SMALL CARRIER.—The term “covered small carrier” means a carrier (as defined
in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) that—

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

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

(2) Rural area.—The term “rural area” means any area other than—

(A) a city, town, or incorporated area that has a population of more than 20,000 inhabitants; or

(B) an urbanized area contiguous and adjacent to a city or town that has a population of more than 50,000 inhabitants.

(b) Rulemaking.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Commission shall 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—

(A) in order to—

(i) provide services consistent with the license; and

(ii) make unused spectrum available to—

(I) an unaffiliated covered small carrier; or

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

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

(i) the availability of advanced telecommunications services in rural areas; or

(ii) spectrum availability for covered small carriers.

(2) CONSIDERATIONS.—In conducting the rule-making proceeding under paragraph (1), the Commission shall consider, with respect to the program proposed to be established under that paragraph—

(A) whether reduced performance requirements with respect to spectrum obtained through the program would facilitate deploy-
ment of advanced telecommunications services
in the areas covered by the program;

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

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

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

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

(D) the administrative feasibility of—

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

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

(3) FORFEITURE OF SPECTRUM.—If a party
fails to meet any build out requirements set by the
Commission for any spectrum sold or leased under
this section, the right to the spectrum shall be for-
feited to the Commission unless the Commission
finds that there is good cause for the failure of the
party.

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

SEC. 713. UNLICENSED SPECTRUM POLICY.

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

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

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

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

(b) COMMISSION RESPONSIBILITIES.—The Commis-
sion shall ensure that the efforts of the Commission re-
lated to spectrum allocation and assignment made avail-
able on an unlicensed basis radio frequency bands to ad-
dress demand for unlicensed wireless broadband oper-
ations if doing so is, after taking into account the future
needs of homeland security, national security, and other
spectrum users—

(1) reasonable; and
(2) in the public interest.

(c) Rule of Construction.—Nothing in this sec-
tion confers any additional rights on unlicensed users or
users licensed by rule under part 96 of title 47, Code of
Federal Regulations, to protection from harmful inter-
ference.

SEC. 714. NATIONAL PLAN FOR UNLICENSED SPECTRUM.

(a) Definitions.—In this section:

(1) Spectrum relocation fund.—The term
“Spectrum Relocation Fund” means the Fund es-

tablished under section 118 of the National Tele-
communications and Information Administration Or-

(2) Unlicensed or licensed by rule oper-
atations.—The term “unlicensed or licensed by rule
operations” means the use of spectrum on a non-ex-
clusive basis under—

(A) part 15 of title 47, Code of Federal
Regulations; or
(B) licensing by rule under part 96 of title 47, Code of Federal Regulations.

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

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

(1) identify an approach that ensures that consumers have access to additional spectrum to conduct unlicensed or licensed by rule operations in a range of radio frequencies to meet consumer demand;

(2) recommend specific actions by the Commission and the NTIA to permit unlicensed or licensed by rule operations in additional radio frequency ranges that the Commission finds—

(A) are consistent with the statement of policy under section 713(a);

(B) will—

(i) expand opportunities for unlicensed or licensed by rule operations in a spectrum band; or
(ii) otherwise improve spectrum utilization and intensity of use of bands where unlicensed or licensed by rule operations are already permitted;

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

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

(3) examine additional ways, with respect to existing and planned databases or spectrum access systems designed to promote spectrum sharing and access to spectrum for unlicensed or licensed by rule operations—

(A) to improve accuracy and efficacy;

(B) to reduce burdens on consumers, manufacturers, and service providers; and

(C) to protect sensitive Government information.

(d) SPECTRUM RELOCATION FUND.—To be included as an appendix as part of the plan developed under this section, the NTIA, in consultation with the Director of the Office of Management and Budget, shall share with
the Commission recommendations about how to reform the Spectrum Relocation Fund—

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

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

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

(B) other expenditures allowed of the Spectrum Relocation Fund under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

(e) REPORT REQUIRED.—

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

(2) PUBLICATION ON COMMISSION WEBSITE.—Not later than the date on which the Commission submits the report under paragraph (1), the Com-
mission shall make the report publicly available on
the website of the Commission.

(f) Rule of Construction.—Nothing in this sec-
tion confers any additional rights on unlicensed users or
users licensed by rule under part 96 of title 47, Code of
Federal Regulations, to protection from harmful inter-
ference.

SEC. 715. SPECTRUM CHALLENGE PRIZE.

(a) Short Title.—This section may be cited as the
“Spectrum Challenge Prize Act”.

(b) Definition of Prize Competition.—In this
section, the term “prize competition” means a prize com-
petition conducted by the Secretary under subsection
(c)(1).

(c) Spectrum Challenge Prize.—

(1) In General.—The Secretary, in consulta-
tion with the Assistant Secretary of Commerce for
Communications and Information and the Under
Secretary of Commerce for Standards and Tech-
nology, shall, subject to the availability of funds for
prize competitions under this section—

(A) conduct prize competitions to dramati-
cally accelerate the development and commer-
cialization of technology that improves spectrum
efficiency and is capable of cost-effective deploy-
ment; and

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

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

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

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

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

(d) CRITERIA.—Not later than 180 days after the
date on which funds for prize competitions are made avail-
able pursuant to this section, the Commission shall publish
a technical paper on spectrum efficiency providing criteria
that may be used for the design of the prize competitions.
(e) Authorization of Appropriations.—There
are authorized to be appropriated such sums as may be
necessary to carry out this section.

SEC. 716. WIRELESS TELECOMMUNICATIONS TAX AND FEE
COLLECTION FAIRNESS.

(a) Short Title.—This section may be cited as the
“Wireless Telecommunications Tax and Fee Collection
Fairness Act”.

(b) Definitions.—In this section:

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

(2) Local jurisdiction.—The term “local ju-
risdiction” means a political subdivision of a State.

(3) State.—The term “State” means any of
the several States, the District of Columbia, and any
territory or possession of the United States.
(4) **State or local jurisdiction.**—The term “State or local jurisdiction” includes any governmental entity or person acting on behalf of a State or local jurisdiction that has the authority to assess, impose, levy, or collect taxes or fees.

(5) **Wireless telecommunications service.**—The term “wireless telecommunications service” means a commercial mobile radio service, as defined in section 20.3 of title 47, Code of Federal Regulations, or any successor thereto.

(c) **Financial Transaction Requirement.**—

(1) **In general.**—A State, or a local jurisdiction of a State, may not require a person who is neither a resident of such State or local jurisdiction nor an entity having its principal place of business in such State or local jurisdiction 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.

(2) **Rule of construction.**—Nothing in this subsection shall be construed to affect the right of a State or local jurisdiction to require the collection
of any tax, fee, or surcharge in connection with a financial transaction.

(d) Enforcement.—

(1) Private right of action.—Any person aggrieved by a violation of subsection (c) may bring a civil action in an appropriate district court of the United States for equitable relief in accordance with paragraph (2) of this subsection.

(2) Jurisdiction of district courts.—Notwithstanding section 1341 of title 28, United States Code, or the constitution or laws of any State, the district courts of the United States shall have jurisdiction, without regard to the amount in controversy or citizenship of the parties, to grant such mandatory or prohibitive injunctive relief, interim equitable relief, and declaratory judgments as may be necessary to prevent, restrain, or terminate any acts in violation of subsection (c).

SEC. 717. RULES OF CONSTRUCTION.

(a) Ranges of frequencies.—Each range of frequencies described in this title shall be construed to be inclusive of the upper and lower frequencies in the range.

(b) Assessment of electromagnetic spectrum reallocation.—Nothing in this title shall be construed to affect any requirement under section 156 of the Na-

SEC. 718. RELATIONSHIP TO MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012.

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

SEC. 719. NO ADDITIONAL FUNDS AUTHORIZED.

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.

Passed the House of Representatives March 6, 2018.

Attest: KAREN L. HAAS, Clerk.