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S. 19

[Report No. 115–4]

To provide opportunities for broadband investment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 3, 2017

Mr. THUNE (for himself and Mr. NELSON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

MARCH 21, 2017

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide opportunities for broadband investment, and for other purposes.

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

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

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the

5 ~~“Making Opportunities for Broadband Investment and~~

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

3 (b) TABLE OF CONTENTS.—The table of contents of
4 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Making 500 megahertz available.
- Sec. 4. Millimeter wave spectrum.
- Sec. 5. 3 gigahertz spectrum.
- Sec. 6. Distributed antenna systems and small cell infrastructure.
- Sec. 7. Communications facilities deployment on Federal property.
- Sec. 8. Broadband infrastructure deployment.
- Sec. 9. National broadband facilities asset database.
- Sec. 10. Reallocation incentives.
- Sec. 11. Bidirectional sharing study.
- Sec. 12. Unlicensed services in guard bands.
- Sec. 13. Pre-auction funding.
- Sec. 14. Immediate transfer of funds.
- Sec. 15. Amendments to the Spectrum Pipeline Act of 2015.
- Sec. 16. GAO assessment of unlicensed spectrum and Wi-Fi use in low-income neighborhoods.
- Sec. 17. Rulemaking related to partitioning or disaggregating licenses.
- Sec. 18. Unlicensed spectrum policy.
- Sec. 19. National plan for unlicensed spectrum.
- Sec. 20. Spectrum challenge prize.
- Sec. 21. Wireless telecommunications tax and fee collection fairness.
- Sec. 22. Rules of construction.
- Sec. 23. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

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

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

12 (B) the Committee on Energy and Com-
13 merce of the House of Representatives; and

1 (C) each committee of the Senate or of the
2 House of Representatives with jurisdiction over
3 a Federal entity affected by the applicable sec-
4 tion in which the term appears.

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

7 (3) FEDERAL ENTITY.—The term “Federal en-
8 tity” has the meaning given the term in section
9 113(1) of the National Telecommunications and In-
10 formation Administration Organization Act (47
11 U.S.C. 923(1)).

12 (4) NTLA.—The term “NTLA” means the Na-
13 tional Telecommunications and Information Admin-
14 istration of the Department of Commerce.

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

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

19 **SEC. 3. MAKING 500 MEGAHERTZ AVAILABLE.**

20 (a) REQUIREMENTS.—

21 (1) IN GENERAL.—Consistent with the Presi-
22 dential Memorandum of June 28, 2010, entitled
23 “Unleashing the Wireless Broadband Revolution”
24 and establishing a goal of making a total of 500
25 megahertz of Federal and non-Federal spectrum

1 available on a licensed or unlicensed basis for wire-
2 less broadband use by 2020, not later than Decem-
3 ber 31, 2020, the Secretary, working through the
4 NTIA, and the Commission shall make available a
5 total of at least 255 megahertz of Federal and non-
6 Federal spectrum below the frequency of 6000
7 megahertz for mobile and fixed wireless broadband
8 use.

9 (2) UNLICENSED AND LICENSED USE.—Of the
10 spectrum made available under paragraph (1), not
11 less than—

12 (A) 100 megahertz shall be made available
13 on an unlicensed basis; and

14 (B) 100 megahertz shall be made available
15 on an exclusive, licensed basis for commercial
16 mobile use, pursuant to the Commission's au-
17 thority to implement such licensing in a flexible
18 manner, and subject to potential continued use
19 of such spectrum by incumbent Federal entities
20 in designated geographic areas indefinitely or
21 for such length of time as is necessary for those
22 incumbent entities to be relocated to other spec-
23 trum.

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

4 (A) The frequencies between 1695 and
5 1710 megahertz.

6 (B) The frequencies between 1755 and
7 1780 megahertz.

8 (C) The frequencies between 2155 and
9 2180 megahertz.

10 (D) The frequencies between 3550 and
11 3700 megahertz.

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

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

22 (5) ~~CONSIDERATIONS.~~—In making spectrum
23 available under this section, the Secretary and Com-
24 mission shall consider—

1 (A) the need to preserve critical existing
2 and planned Federal Government capabilities;

3 (B) the impact on existing State, local, and
4 tribal government capabilities;

5 (C) the international implications;

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

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

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

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

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

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

1 2000, or any other relevant statutory requirement
2 applicable to the reallocation of Federal spectrum.

3 **SEC. 4. MILLIMETER WAVE SPECTRUM.**

4 (a) **FEASIBILITY ASSESSMENT.**—Not later than 18
5 months after the date of enactment of this Act, the NTIA,
6 in consultation with the Commission, shall conduct a feasi-
7 bility assessment regarding the impact, on Federal entities
8 and operations in any of the following bands, of author-
9 izing mobile or fixed terrestrial wireless operations, includ-
10 ing for advanced mobile service operations, in the fol-
11 lowing bands:

12 (1) The band between 31800 and 33400 mega-
13 hertz.

14 (2) The band between 71000 and 76000 mega-
15 hertz.

16 (3) The band between 81000 and 86000 mega-
17 hertz.

18 (b) **REQUIREMENTS.**—In conducting the feasibility
19 assessment under subsection (a), the NTIA shall—

20 (1) consult directly with Federal entities with
21 respect to frequencies allocated to Federal use by
22 such entities in the bands identified in that sub-
23 section;

24 (2) consider what, if any, impact authorizing
25 mobile or fixed terrestrial wireless operations, in-

1 eluding advanced mobile services operations, in any
2 of such frequencies would have on an affected Fed-
3 eral entity; and

4 (3) identify any such frequencies in the bands
5 described in that subsection that the NTIA assess-
6 ment determines are feasible for authorizing for mo-
7 bile or fixed terrestrial wireless operations, including
8 any advanced mobile service operations.

9 (c) REPORT TO CONGRESS AND THE COMMISSION.—

10 Not later than 30 days after the date the feasibility assess-
11 ment under subsection (a) is complete, the NTIA shall
12 submit to the appropriate committees of Congress a report
13 on the feasibility assessment and provide a copy to the
14 Commission.

15 (d) FCC PROCEEDING.—Not later than 2 years after
16 the date of enactment of this Act or 90 days after the
17 date it receives the feasibility assessment under subsection
18 (c), whichever is earlier, the Commission, in consultation
19 with the NTIA, shall publish a notice of proposed rule-
20 making to consider service rules to authorize mobile or
21 fixed terrestrial wireless operations, including for ad-
22 vanced mobile service operations, in the following radio
23 frequency bands:

24 (1) The band between 24250 and 24450 mega-
25 hertz.

1 (2) The band between 25050 and 25250 mega-
2 hertz.

3 (3) The band between 31800 and 33400 mega-
4 hertz, except for any frequencies with Federal alloca-
5 tions.

6 (4) The band between 42000 and 42500 mega-
7 hertz.

8 (5) The band between 71000 and 76000 mega-
9 hertz, except for any frequencies with Federal alloca-
10 tions.

11 (6) The band between 81000 and 86000 mega-
12 hertz, except for any frequencies with Federal alloca-
13 tions.

14 (7) Any frequencies with Federal allocations
15 identified as feasible under subsection (b)(3).

16 (e) CONSIDERATIONS.—In conducting a rulemaking
17 under subsection (d), the Commission shall—

18 (1) consult with Federal entities via the NTIA
19 regarding the frequencies described in subsection
20 (d)(7);

21 (2) consider how the bands described in sub-
22 section (d) may be used to provide commercial wire-
23 less broadband service, including whether—

1 (A) such spectrum may be best used for li-
2 censed or unlicensed services, or some combina-
3 tion thereof; and

4 (B) to permit additional licensed oper-
5 ations in such bands on a shared basis; and

6 (C) include technical characteristics under
7 which the bands described in subsection (d) may be
8 employed for mobile or fixed terrestrial wireless op-
9 erations, including any appropriate coexistence re-
10 quirements.

11 **SEC. 5. 3 GIGAHERTZ SPECTRUM.**

12 (a) BETWEEN 3100 MEGAHERTZ AND 3550 MEGA-
13 HERTZ.—Not later than 18 months after the date of en-
14 actment of this Act, and in consultation with the Commis-
15 sion and the head of each affected Federal agency (or a
16 designee thereof), the Secretary shall submit to the Com-
17 mission and the appropriate committees of Congress a re-
18 port evaluating the feasibility of allowing commercial wire-
19 less services, licensed or unlicensed, to share use of the
20 frequencies between 3100 megahertz and 3550 megahertz.

21 (b) BETWEEN 3700 MEGAHERTZ AND 4200 MEGA-
22 HERTZ.—Not later than 18 months after the date of en-
23 actment of this Act, after notice and an opportunity for
24 public comment, and in consultation with the Secretary
25 and the head of each affected Federal agency (or a des-

1 ignee thereof), the Commission shall submit to the Sec-
2 retary and the appropriate committees of Congress a re-
3 port evaluating the feasibility of allowing commercial wire-
4 less services, licensed or unlicensed, to share use of the
5 frequencies between 3700 megahertz and 4200 megahertz.

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

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

12 (2) An assessment of the possible impacts of
13 such sharing on Federal and non-Federal users al-
14 ready operating on the frequencies described in that
15 subsection.

16 (3) The criteria that may be necessary to en-
17 sure shared licensed or unlicensed services would not
18 cause harmful interference to Federal or non-Fed-
19 eral users already operating in the frequencies de-
20 scribed in that subsection.

21 (4) If such sharing is feasible, an identification
22 of which of the frequencies described in that sub-
23 section are most suitable for sharing with commer-
24 cial wireless services through the assignment of new
25 licenses by competitive bidding, for sharing with un-

1 licensed operations, or through a combination of li-
 2 censing and unlicensed operations.

3 (d) **COMMISSION ACTION.**—The Commission, in con-
 4 sultation with the NTLA, shall seek public comment on
 5 the reports required under subsections (a) and (b), includ-
 6 ing regarding the bands identified in such reports as fea-
 7 sible pursuant to subsection (c)(4).

8 **SEC. 6. DISTRIBUTED ANTENNA SYSTEMS AND SMALL CELL**
 9 **INFRASTRUCTURE.**

10 Not later than December 31, 2017, the Commission
 11 shall take action in its Program Alternatives for Small
 12 Wireless Communications Facility Deployments pro-
 13 ceeding (WT Docket 15–180).

14 **SEC. 7. COMMUNICATIONS FACILITIES DEPLOYMENT ON**
 15 **FEDERAL PROPERTY.**

16 (a) **IN GENERAL.**—Section 6409 of the Middle Class
 17 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
 18 1455) is amended by striking subsections (b), (c), and (d)
 19 and inserting the following:

20 “(b) **FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND**
 21 **LEASES.**—

22 “(1) **GRANT.**—If an executive agency, a State,
 23 a political subdivision or agency of a State, or a per-
 24 son, firm, or organization applies for the grant of an
 25 easement, right-of-way, or lease to, in, over, or on a

1 building or other property owned by the Federal
2 Government for the right to install, construct, mod-
3 ify, or maintain a communications facility installa-
4 tion, the executive agency having control of the
5 building or other property may grant to the appli-
6 cant, on behalf of the Federal Government, subject
7 to paragraph (5), an easement, right-of-way, or lease
8 to perform such installation, construction, modifica-
9 tion, or maintenance.

10 “(2) APPLICATION.—

11 “(A) IN GENERAL.—The Administrator of
12 General Services shall develop a common form
13 for applications for easements, rights-of-way,
14 and leases under paragraph (1) for all executive
15 agencies that, except as provided in subpara-
16 graph (B), shall be used by all executive agen-
17 cies and applicants with respect to the buildings
18 or other property of each such agency.

19 “(B) EXCEPTION.—The requirement under
20 subparagraph (A) for an executive agency to
21 use the common form developed by the Admin-
22 istrator of General Services shall not apply to
23 an executive agency if the head of an executive
24 agency notifies the Administrator that the exec-

1 utive agency uses a substantially similar appli-
2 cation.

3 “(3) FEE.—

4 “(A) IN GENERAL.—Notwithstanding any
5 other provision of law, the Administrator of
6 General Services shall establish a fee for the
7 grant of an easement, right-of-way, or lease
8 pursuant to paragraph (1) that is based on di-
9 rect cost recovery.

10 “(B) EXCEPTIONS.—The Administrator of
11 General Services may establish exceptions to
12 the fee amount required under subparagraph
13 (A)—

14 “(i) in consideration of the public ben-
15 efit provided by a grant of an easement,
16 right-of-way, or lease; and

17 “(ii) in the interest of expanding wire-
18 less and broadband coverage.

19 “(4) USE OF FEES COLLECTED.—Any fee
20 amounts collected by an executive agency pursuant
21 to paragraph (3) may be made available, as provided
22 in appropriations Acts, to such agency to cover the
23 costs of granting the easement, right-of-way, or
24 lease.

1 “(5) ~~TIMELY CONSIDERATION OF APPLICA-~~
2 ~~TIONS.—~~

3 ~~“(A) IN GENERAL.—Not later than 270~~
4 ~~days after the date on which an executive agen-~~
5 ~~cy receives a duly filed application for an ease-~~
6 ~~ment, right-of-way, or lease under this sub-~~
7 ~~section, the executive agency shall—~~

8 ~~“(i) grant or deny, on behalf of the~~
9 ~~Federal Government, the application; and~~

10 ~~“(ii) notify the applicant of the grant~~
11 ~~or denial.~~

12 ~~“(B) EXPLANATION OF DENIAL.—If an ex-~~
13 ~~ecutive agency denies an application under sub-~~
14 ~~paragraph (A), the executive agency shall notify~~
15 ~~the applicant in writing, including a clear state-~~
16 ~~ment of the reasons for the denial.~~

17 ~~“(C) APPLICABILITY OF ENVIRONMENTAL~~
18 ~~LAWS.—Nothing in this paragraph shall be con-~~
19 ~~strued to relieve an executive agency of the re-~~
20 ~~quirements of division A of subtitle III of title~~
21 ~~54, United States Code, or the National Envi-~~
22 ~~ronmental Policy Act of 1969 (42 U.S.C. 4321~~
23 ~~et seq.).~~

24 ~~“(D) POINT OF CONTACT.—Upon receiving~~
25 ~~an application under subparagraph (A), an ex-~~

1 executive agency shall designate one or more ap-
 2 propriate individuals within the executive agen-
 3 cy to act as a point of contact with the appli-
 4 cant.

5 “(e) MASTER CONTRACTS FOR COMMUNICATIONS
 6 FACILITY INSTALLATION SITINGS.—

7 “(1) IN GENERAL.—Notwithstanding section
 8 704 of the Telecommunications Act of 1996 (Public
 9 Law 104–104, 110 Stat. 151) or any other provision
 10 of law, the Administrator of General Services shall—

11 “(A) develop one or more master contracts
 12 that shall govern the placement of communica-
 13 tions facility installation on buildings and other
 14 property owned by the Federal Government;
 15 and

16 “(B) in developing the master contract or
 17 contracts, standardize the treatment of the
 18 placement of communications facility installa-
 19 tion on building rooftops or facades; the place-
 20 ment of communications facility installation on
 21 rooftops or inside buildings; the technology used
 22 in connection with communications facility in-
 23 stallation placed on Federal buildings and other
 24 property; and any other key issues the Adminis-

1 trator of General Services considers appro-
2 priate.

3 “(2) APPLICABILITY.—The master contract or
4 contracts developed by the Administrator of General
5 Services under paragraph (1) shall apply to all pub-
6 licly accessible buildings and other property owned
7 by the Federal Government, unless the Adminis-
8 trator of General Services decides that issues with
9 respect to the siting of a communications facility in-
10 stallation on a specific building or other property
11 warrant nonstandard treatment of such building or
12 other property.

13 “(3) APPLICATION.—

14 “(A) IN GENERAL.—The Administrator of
15 General Services shall develop a common form
16 or set of forms for communications facility in-
17 stallation siting applications that, except as pro-
18 vided in subparagraph (B), shall be used by all
19 executive agencies and applicants with respect
20 to the buildings and other property of each such
21 agency.

22 “(B) EXCEPTION.—The requirement under
23 subparagraph (A) for an executive agency to
24 use the common form or set of forms developed
25 by the Administrator of General Services shall

1 not apply to an executive agency if the head of
2 the executive agency notifies the Administrator
3 that the executive agency uses a substantially
4 similar application.

5 “(d) DEFINITIONS.—In this section:

6 “(1) COMMUNICATIONS FACILITY INSTALLA-
7 TION.—The term ‘communications facility installa-
8 tion’ includes—

9 “(A) any infrastructure, including any
10 transmitting device, tower, or support structure,
11 and any equipment, switches, wiring, cabling,
12 power sources, shelters, or cabinets, associated
13 with the licensed or permitted unlicensed wire-
14 less or wireline transmission of writings, signs,
15 signals, data, images, pictures, and sounds of
16 all kinds; and

17 “(B) any antenna or apparatus that—

18 “(i) is designed for the purpose of
19 emitting radio frequency;

20 “(ii) is designed to be operated, or is
21 operating, from a fixed location pursuant
22 to authorization by the Commission or is
23 using duly authorized devices that do not
24 require individual licenses; and

1 “(iii) is added to a tower, building, or
2 other structure.

3 ~~“(2) EXECUTIVE AGENCY.—~~The term ‘executive
4 agency’ has the meaning given such term in section
5 102 of title 40, United States Code.”.

6 (b) SAVINGS PROVISION.—An application for an
7 easement, right-of-way, or lease that was made or granted
8 under section 6409 of the Middle Class Tax Relief and
9 Job Creation Act of 2012 (47 U.S.C. 1455) before the
10 effective date of this Act shall continue, subject to that
11 section as in effect on the day before such effective date.

12 (c) STREAMLINING BROADBAND FACILITY APPLICA-
13 TIONS.—

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

20 (2) RECOMMENDATIONS.—

21 (A) IN GENERAL.—Not later than 2 years
22 after the date of enactment of this Act, the
23 NTIA, in coordination with the Department of
24 the Interior, the Department of Agriculture, the
25 Department of Defense, the Department of

1 Transportation, the Office of Management and
2 Budget, and the General Services Administra-
3 tion, shall develop recommendations to stream-
4 line the process for considering applications by
5 those agencies under section 6409(b) of the
6 Middle Class Tax Relief and Job Creation Act
7 of 2012 (47 U.S.C. 1455(b)), as amended by
8 subsection (a).

9 (B) REQUIREMENTS FOR RECOMMENDA-
10 TIONS.—The recommendations developed under
11 subparagraph (A) shall include—

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

14 (ii) methods by which to reduce the
15 amount of time between the receipt of an
16 application and the issuance of a final de-
17 cision on an application; and

18 (iii) policies to expedite renewals of an
19 easement, license, or other authorization to
20 locate a communications facility installa-
21 tion on land managed by the agencies de-
22 scribed in subparagraph (A).

23 (C) REPORT TO CONGRESS.—Not later
24 than 2 years after the date on which the rec-
25 ommendations required under subparagraph

1 (A) are developed, the NTLA shall submit to the
2 Committee on Commerce, Science, and Trans-
3 portation of the Senate and the Committee on
4 Energy and Commerce of the House of Rep-
5 resentatives a report that describes—

6 (i) the status of the implementation of
7 the recommendations developed under sub-
8 paragraph (A); and

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

16 **SEC. 8. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

17 (a) UNITED STATES POLICY.—It is the policy of the
18 United States for the Department of Transportation and
19 State departments of transportation—

20 (1) to adjust or otherwise develop right-of-way
21 policies for Federal-aid highways to effectively ac-
22 commodate broadband infrastructure;

23 (2) to ensure the safe and efficient accommoda-
24 tion of broadband infrastructure in the public right-
25 of-way;

1 (3) to include broadband stakeholders in the
2 transportation planning process; and

3 (4) to coordinate highway construction plans
4 with other statewide telecommunications and
5 broadband plans.

6 (b) DEFINITIONS.—In this section:

7 (1) APPROPRIATE STATE AGENCY.—The term
8 “appropriate State agency” means a State govern-
9 mental agency that is recognized by the executive
10 branch of the State as having the experience nec-
11 essary to evaluate and carry out projects relating to
12 the proper and effective installation and operation of
13 broadband infrastructure.

14 (2) BROADBAND INFRASTRUCTURE.—The term
15 “broadband infrastructure” means any buried or
16 aerial facility, and any wireless or wireline connec-
17 tion, that enables users to send and receive voice,
18 video, data, graphics, or any combination thereof.

19 (3) BROADBAND INFRASTRUCTURE ENTITY.—
20 The term “broadband infrastructure entity” means
21 any entity that—

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

24 (B) provides broadband services to the
25 public in a manner consistent with the public

1 interest, convenience, and necessity, as deter-
 2 mined by the State.

3 (4) STATE.—The term “State” means—

4 (A) a State;

5 (B) the District of Columbia; and

6 (C) the Commonwealth of Puerto Rico.

7 (e) BROADBAND INFRASTRUCTURE DEPLOYMENT.—

8 To facilitate the installation of broadband infrastructure
 9 and achieve the policy described in subsection (a), the Sec-
 10 retary of Transportation shall ensure that each State that
 11 receives funds under chapter 1 of title 23, United States
 12 Code, meets the following requirements:

13 (1) BROADBAND COORDINATION.—The State
 14 department of transportation, in coordination with
 15 appropriate State agencies, shall—

16 (A) identify a broadband utility coordi-
 17 nator, that may have additional responsibilities,
 18 whether in the State department of transpor-
 19 tation or in another State agency, and that is
 20 responsible for coordinating the broadband in-
 21 frastructure right-of-way needs of the State
 22 with Federal-aid highway projects carried out in
 23 the State;

24 (B) establish a process for the registration
 25 of broadband infrastructure entities that seek

1 to be included in those broadband infrastruc-
2 ture right-of-way coordination efforts within the
3 State;

4 (C) coordinate initiatives carried out under
5 this section with other statewide telecommuni-
6 cation and broadband plans and State and local
7 transportation and land use plans; and

8 (D) develop strategies to minimize re-
9 peated excavations that involve the installation
10 of broadband infrastructure in a right-of-way.

11 (2) PRIORITY.—If a State chooses to provide
12 for the installation of broadband infrastructure in
13 the right-of-way of an applicable Federal-aid high-
14 way under this subsection in a given case, the State
15 department of transportation shall carry out any ap-
16 propriate measures to ensure that any existing
17 broadband infrastructure entities are not disadvan-
18 taged, as compared to other broadband infrastruc-
19 ture entities, with respect to the program under this
20 subsection.

21 (d) EFFECT OF SECTION.—This section applies only
22 to activities for which obligations or expenditures are ini-
23 tially approved on or after the date of enactment of this
24 Act. Nothing in this section establishes a mandate or re-
25 quirement, or authorizes the Secretary to establish a man-

1 date or requirement, that a State install broadband infra-
 2 structure in a highway right-of-way.

3 **SEC. 9. NATIONAL BROADBAND FACILITIES ASSET DATA-**
 4 **BASE.**

5 (a) DEFINITIONS.—In this section:

6 (1) COMMUNICATIONS FACILITY INSTALLA-
 7 TION.—The term “communications facility installa-
 8 tion” includes—

9 (A) any infrastructure, including any
 10 transmitting device, tower, or support structure,
 11 and any equipment, switches, wiring, cabling,
 12 power sources, shelters, or cabinets, associated
 13 with the licensed or permitted unlicensed wire-
 14 less or wireline transmission of writings, signs,
 15 signals, data, images, pictures, and sounds of
 16 all kinds; and

17 (B) any antenna or apparatus that—

18 (i) is designed for the purpose of
 19 emitting radio frequency;

20 (ii) is designed to be operated, or is
 21 operating, from a fixed location pursuant
 22 to authorization by the Federal Commu-
 23 nications Commission or is using duly au-
 24 thorized devices that do not require indi-
 25 vidual licenses; and

1 (iii) is added to a tower, building, or
 2 other structure.

3 (2) COVERED PROPERTY.—The term “covered
 4 property”—

5 (A) means any real property capable of
 6 supporting a communications facility installa-
 7 tion; and

8 (B) includes any interest in real property
 9 described in subparagraph (A).

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

12 (4) EXECUTIVE AGENCY.—The term “Executive
 13 agency” has the meaning given the term in section
 14 105 of title 5, United States Code.

15 (b) DATABASE ESTABLISHED.—Not later than June
 16 30, 2018, the Director of the Office of Science and Tech-
 17 nology Policy, in consultation with the Chairman of the
 18 Commission, Assistant Secretary of Commerce for Com-
 19 munications and Information, Under Secretary of Com-
 20 merce for Standards and Technology, Administrator of
 21 General Services, and Director of OMB, shall—

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

25 (2) make the database available to—

1 (A) any entity that—

2 (i) constructs or operates communica-
3 tions facility installations; or

4 (ii) provides communications service;
5 and

6 (B) any other entity that the Director of
7 the Office of Science and Technology Policy de-
8 termines is appropriate; and

9 (3) establish a process for withholding data
10 from the database for national security, public safe-
11 ty, or other national strategic concerns in accord-
12 ance with existing statutory authority and Executive
13 order mandates with respect to handling and protec-
14 tion of such information.

15 (c) PUBLIC COMMENT.—

16 (1) IN GENERAL.—Not later than 30 days after
17 the date of enactment of the MOBILE NOW Act,
18 the Director of the Office of Science and Technology
19 Policy shall seek public comment to inform the es-
20 tablishment and operation of the database.

21 (2) CONTENTS.—In seeking public comment
22 under paragraph (1), the Director shall include a re-
23 quest for recommendations on—

1 (A) criteria that make real property capa-
2 ble of supporting communications facility instal-
3 lations;

4 (B) types of information related to covered
5 property that should be included in the data-
6 base;

7 (C) an interface by which accessibility to
8 the database for all users will be appropriately
9 efficient and secure; and

10 (D) other information the Director deter-
11 mines necessary to establish and operate the
12 database.

13 (d) FEDERAL AGENCIES.—

14 (1) INITIAL PROVISION OF INFORMATION.—Not
15 later than 90 days after the date on which the data-
16 base is established under subsection (b), the head of
17 an Executive agency shall provide to the Director of
18 the Office of Science and Technology Policy, in a
19 manner and format to be determined by the Direc-
20 tor, such information as the Director determines ap-
21 propriate with respect to covered property owned,
22 leased, or otherwise managed by the Executive agen-
23 cy.

24 (2) CHANGE TO INFORMATION PREVIOUSLY
25 PROVIDED.—In the case of any change to informa-

1 tion provided to the Director of the Office of Science
2 and Technology Policy by the head of an Executive
3 agency under paragraph (1), the head of the Execu-
4 tive agency shall provide updated information to the
5 Director not later than 30 days after the date of the
6 change.

7 (3) ~~SUBSEQUENTLY ACQUIRED PROPERTY.—If~~
8 an Executive agency acquires covered property after
9 the date on which the database is established under
10 subsection (b), the head of the Executive agency
11 shall provide to the Director of the Office of Science
12 and Technology Policy the information required
13 under paragraph (1) with respect to the covered
14 property not later than 30 days after the date of the
15 acquisition.

16 (c) ~~STATE AND LOCAL GOVERNMENTS.—~~

17 (1) ~~IN GENERAL.—The Director of the Office of~~
18 Science and Technology Policy (referred to in this
19 subsection as the “Director”) shall make the data-
20 base available to State and local governments so
21 that such governments may provide to the Director
22 for inclusion in the database similar information to
23 the information required under subsection (d)(1) re-
24 garding covered property owned, leased, or otherwise
25 managed by such governments.

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

3 (A) IN GENERAL.—Not later than 1 year
4 after the date of enactment of this Act, the Di-
5 rector, in consultation with the Chairman of the
6 Commission, the Assistant Secretary of Com-
7 merce for Communications and Information,
8 the Under Secretary of Commerce for Stand-
9 ards and Technology, the Administrator of Gen-
10 eral Services, and the Director of OMB, shall
11 submit to the Committee on Commerce,
12 Science, and Transportation of the Senate and
13 the Committee on Energy and Commerce of the
14 House of Representatives a report on potential
15 ways to incentivize State and local governments
16 to provide to the Director for inclusion in the
17 database similar information to the information
18 required under subsection (d)(1) regarding cov-
19 ered property owned, leased, or otherwise man-
20 aged by such governments pursuant to para-
21 graph (1) of this subsection or through other
22 means.

23 (B) CONSIDERATIONS.—The Director, in
24 preparing the report under subparagraph (A),
25 shall—

1 (i) consult with State and local gov-
2 ernments, or their representatives, to iden-
3 tify for inclusion in the report the most
4 cost-effective options for State and local
5 governments to collect and provide the in-
6 formation described in subparagraph (A),
7 including utilizing and leveraging State
8 broadband initiatives and programs; and

9 (ii) make recommendations on ways
10 the Federal Government can assist State
11 and local governments in collecting and
12 providing the information described in sub-
13 paragraph (A).

14 (C) REPORT UPDATE.—Not later than 2
15 years after the date on which the database is
16 established under this section, the Director
17 shall submit to the Committee on Commerce,
18 Science, and Transportation of the Senate and
19 the Committee on Energy and Commerce of the
20 House of Representatives an update to the re-
21 port required under subparagraph (A) that
22 identifies State and local governments that have
23 contributed to the database and recommends
24 ways to further incentivize participation by
25 State and local governments pursuant to para-

1 graph (1) of this subsection or through other
2 means.

3 (f) DATABASE UPDATES.—

4 (1) TIMELY INCLUSION.—After the establish-
5 ment of the database, the Director of the Office of
6 Science and Technology Policy shall ensure that in-
7 formation provided under subsection (d) or sub-
8 section (e) is included in the database not later than
9 7 days after the date on which the Director receives
10 the information.

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

15 (g) REPORT.—Not later than 180 days after the date
16 the Director of the Office of Science and Technology Pol-
17 icy seeks public comment under subsection (e)(1), the Di-
18 rector shall submit to the Committee on Commerce,
19 Science, and Transportation of the Senate and the Com-
20 mittee on Energy and Commerce of the House of Rep-
21 resentatives a report on the progress in establishing the
22 database under this section. The Director shall update the
23 report annually until the date that the database is fully
24 operational. After the database is fully operational and for
25 the next 5 years thereafter, the Director shall provide an-

1 nual reports regarding the use of the database, rec-
2 ommendations of how the database may provide additional
3 utility to the entities described in subsection (b)(2), if any
4 recommendations are warranted, and how previous rec-
5 ommendations have been implemented.

6 **SEC. 10. REALLOCATION INCENTIVES.**

7 (a) IN GENERAL.—Not later than 18 months after
8 the date of enactment of this Act, the Secretary, in con-
9 sultation with the Commission, the Director of OMB, and
10 the head of each affected Federal agency (or a designee
11 thereof), after notice and an opportunity for public com-
12 ment, shall submit to the appropriate committees of Con-
13 gress a report that includes legislative or regulatory rec-
14 ommendations to incentivize a Federal entity to relinquish,
15 or share with Federal or non-Federal users, Federal spec-
16 trum for the purpose of allowing commercial wireless
17 broadband services to operate on that Federal spectrum.

18 (b) ~~POST-AUCTION PAYMENTS.~~—

19 (1) ~~REPORT.~~—In preparing the report under
20 subsection (a), the Secretary shall—

21 (A) consider whether permitting eligible
22 Federal entities that are implementing a transi-
23 tion plan submitted under section 113(h) of the
24 National Telecommunications and Information
25 Administration Organization Act (47 U.S.C.

1 ~~923(h))~~ to accept payments could result in ac-
2 cess to the eligible frequencies that are being
3 reallocated for exclusive non-Federal use or
4 shared use sooner than would otherwise occur
5 without such payments; and

6 (B) include the findings under subpara-
7 graph (A); including the analysis under para-
8 graph (2) and any recommendations for legisla-
9 tion, in the report.

10 (2) ANALYSIS.—In considering payments under
11 paragraph (1)(A), the Secretary shall conduct an
12 analysis of whether and how such payments would
13 affect—

14 (A) bidding in auctions conducted under
15 section ~~309(j)~~ of the Communications Act of
16 1934 (47 U.S.C. ~~309(j)~~) of such eligible fre-
17 quencies; and

18 (B) receipts collected from the auctions de-
19 scribed in subparagraph (A).

20 (3) DEFINITIONS.—In this subsection:

21 (A) PAYMENT.—The term “payment”
22 means a payment in cash or in-kind by any
23 auction winner, or any person affiliated with an
24 auction winner, of eligible frequencies during
25 the period after eligible frequencies have been

1 reallocated by competitive bidding under section
 2 309(j) of the Communications Act of 1934 (47
 3 U.S.C. 309(j)) but prior to the completion of
 4 relocation or sharing transition of such eligible
 5 frequencies per transition plans approved by the
 6 Technical Panel.

7 (B) ELIGIBLE FREQUENCIES.—The term
 8 “eligible frequencies” has the meaning given
 9 the term in section 113(g)(2) of the National
 10 Telecommunications and Information Adminis-
 11 tration Organization Act (47 U.S.C. 923(g)(2)).

12 **SEC. 11. BIDIRECTIONAL SHARING STUDY.**

13 (a) IN GENERAL.—Not later than 1 year after the
 14 date of enactment of this Act, including an opportunity
 15 for public comment, the Commission, in collaboration with
 16 the NTIA, shall—

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

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

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

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

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

10 **SEC. 12. UNLICENSED SERVICES IN GUARD BANDS.**

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

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

1 eral service operating in the guard band or in an adjacent
2 band.

3 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion shall be construed as limiting the Commission or the
5 Secretary from otherwise making spectrum available for
6 licensed or unlicensed use in any frequency band in addi-
7 tion to guard bands, including under section 3, consistent
8 with their statutory jurisdictions.

9 **SEC. 13. PRE-AUCTION FUNDING.**

10 Section 118(d)(3)(B)(i)(II) of the National Tele-
11 communications and Information Administration Organi-
12 zation Act (47 U.S.C. 928(d)(3)(B)(i)(II)) is amended by
13 striking “5 years” and inserting “8 years”.

14 **SEC. 14. IMMEDIATE TRANSFER OF FUNDS.**

15 Section 118(e)(1) of the National Telecommuni-
16 cations and Information Administration Organization Act
17 (47 U.S.C. 928(e)(1)) is amended by adding at the end
18 the following:

19 “(D) At the request of an eligible Federal
20 entity, the Director of OMB may transfer the
21 amount under subparagraph (A) immediately—

22 “(i) after the frequencies are reallo-
23 cated by competitive bidding under section
24 309(j) of the Communications Act of 1934
25 (47 U.S.C. 309(j)); or

1 “(ii) in the case of an incumbent Fed-
2 eral entity that is incurring relocation or
3 sharing costs to accommodate sharing
4 spectrum frequencies with another Federal
5 entity, after the frequencies from which the
6 other eligible Federal entity is relocating
7 are reallocated by competitive bidding
8 under section 309(j) of the Communica-
9 tions Act of 1934 (47 U.S.C. 309(j)), with-
10 out regard to the availability of such sums
11 in the Fund.

12 “(E) Prior to the deposit of proceeds into
13 the Fund from an auction, the Director of
14 OMB may borrow from the Treasury the
15 amount under subparagraph (A) for a transfer
16 under subparagraph (D). The Treasury shall
17 immediately be reimbursed, without interest,
18 from funds deposited into the Fund.”.

19 **SEC. 15. AMENDMENTS TO THE SPECTRUM PIPELINE ACT**
20 **OF 2015.**

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

1 **SEC. 16. GAO ASSESSMENT OF UNLICENSED SPECTRUM**
2 **AND WI-FI USE IN LOW-INCOME NEIGHBOR-**
3 **HOODS.**

4 (a) STUDY.—

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

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

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

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

21 (C) how to overcome any barriers described
22 in subparagraph (B), including through incen-
23 tives, policies, or requirements that would in-
24 crease the availability of unlicensed spectrum
25 and related technologies in low-income neigh-
26 borhoods; and

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

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

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

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

17 **SEC. 17. RULEMAKING RELATED TO PARTITIONING OR**
18 **DISAGGREGATING LICENSES.**

19 (a) DEFINITIONS.—In this section—

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

24 (A) has not more than 1,500 employees (as
25 determined under section 121.106 of title 13,

1 Code of Federal Regulations, or any successor
2 thereto); and

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

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

7 (A) a city, town, or incorporated area that
8 has a population of more than 20,000 inhab-
9 itants; or

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

13 (b) RULEMAKING.—

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

24 (A) in order to—

1 (i) provide services consistent with the
2 license; and

3 (ii) make unused spectrum available
4 to—

5 (I) an unaffiliated covered small
6 carrier; or

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

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

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

13 (ii) spectrum availability for covered
14 small carriers.

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

19 (A) whether reduced performance require-
20 ments with respect to spectrum obtained
21 through the program would facilitate deploy-
22 ment of advanced telecommunications services
23 in the areas covered by the program;

24 (B) what conditions may be needed on
25 transfers of spectrum under the program to

1 allow covered small carriers that obtain spec-
 2 trum under the program to build out the spec-
 3 trum in a reasonable period of time;

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

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

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

13 (D) the administrative feasibility of—

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

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

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

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

7 **SEC. 18. UNLICENSED SPECTRUM POLICY.**

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

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

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

15 (3) to promote spectrum policy that makes
16 available on an unlicensed basis radio frequency
17 bands sufficient to meet consumer demand for unli-
18 censed wireless broadband operations.

19 (b) COMMISSION RESPONSIBILITIES.—The Commis-
20 sion shall ensure that the efforts of the Commission re-
21 lated to spectrum allocation and assignment make avail-
22 able on an unlicensed basis radio frequency bands suffi-
23 cient to meet demand for unlicensed wireless broadband
24 operations if doing so is, after taking into account the fu-
25 ture needs of other spectrum users—

1 (1) reasonable; and

2 (2) in the public interest.

3 (c) COMMISSION ACTION.—Not later than 18 months
4 after the date of enactment of this Act, the Commission
5 shall take action to implement subsection (b).

6 **SEC. 19. NATIONAL PLAN FOR UNLICENSED SPECTRUM.**

7 (a) DEFINITIONS.—In this section:

8 (1) SPECTRUM RELOCATION FUND.—The term
9 “Spectrum Relocation Fund” means the Fund es-
10 tablished under section 118 of the National Tele-
11 communications and Information Administration Or-
12 ganization Act (47 U.S.C. 928).

13 (2) UNLICENSED OPERATIONS.—The term “un-
14 licensed operations” means the use of spectrum on
15 a non-exclusive basis under—

16 (A) part 15 of title 47, Code of Federal
17 Regulations; or

18 (B) licensing by rule under part 96 of title
19 47, Code of Federal Regulations.

20 (b) NATIONAL PLAN.—Not later than 1 year after
21 the date of enactment of this Act, the Commission, in con-
22 sultation with the NTIA, shall develop a national plan for
23 making additional radio frequency bands available for un-
24 licensed operations.

1 (e) REQUIREMENTS.—The plan developed under this
2 section shall—

3 (1) identify an approach that ensures that con-
4 sumers have access to additional spectrum to con-
5 duct unlicensed operations in a range of radio fre-
6 quencies to meet consumer demand;

7 (2) recommend specific actions by the Commis-
8 sion and the NTLA to permit unlicensed operations
9 in additional radio frequency ranges that the Com-
10 mission finds—

11 (A) are consistent with the statement of
12 policy under section 18(a);

13 (B) will—

14 (i) expand opportunities for unli-
15 censed operations in a spectrum band; or

16 (ii) otherwise improve spectrum utili-
17 zation and intensity of use of bands where
18 unlicensed operations are already per-
19 mitted;

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

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

1 ~~(3)~~ examine additional ways, with respect to ex-
2 isting and planned databases or spectrum access sys-
3 tems designed to promote spectrum sharing and ac-
4 cess to spectrum for unlicensed operations—

5 (A) to improve accuracy and efficacy;

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

8 (C) to protect sensitive Government infor-
9 mation.

10 ~~(d) SPECTRUM RELOCATION FUND.—~~To be included
11 as part of the plan developed under this section, the NTIA
12 shall share with the Commission recommendations about
13 how to reform the Spectrum Relocation Fund—

14 ~~(1)~~ to address costs incurred by Federal entities
15 related to sharing radio frequency bands with radio
16 technologies conducting unlicensed operations; and

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

19 (A) the costs described in paragraph ~~(1)~~;
20 and

21 (B) other expenditures allowed of the
22 Spectrum Relocation Fund under section 118 of
23 the National Telecommunications and Informa-
24 tion Administration Organization Act (~~47~~
25 U.S.C. 928).

1 (e) REPORT REQUIRED.—

2 (1) IN GENERAL.—Not later than 1 year after
3 the date of enactment of this Act, the Commission
4 shall submit to the appropriate committees of Con-
5 gress a report that describes the plan developed
6 under this section, including any recommendations
7 for legislative change.

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

13 **SEC. 20. SPECTRUM CHALLENGE PRIZE.**

14 (a) FINDINGS.—Congress finds the following:

15 (1) The future competitiveness and global tech-
16 nology leadership of the United States depend, in
17 part, upon the availability and efficient use of spec-
18 trum.

19 (2) Dramatic improvement in spectrum effi-
20 ciency would spur innovation, investment, and eco-
21 nomic growth.

22 (3) Radio frequency spectrum is vital for emer-
23 gency communications, national security, law en-
24 forcement, aviation, maritime safety, space commu-
25 nications, and numerous other Federal functions.

1 (4) Prize competitions can spur innovation in
2 the private and public sectors.

3 (b) DEFINITION OF PRIZE COMPETITION.—In this
4 section, the term “prize competition” means a prize com-
5 petition conducted by the Secretary under subsection
6 (e)(1).

7 (c) SPECTRUM CHALLENGE PRIZE.—

8 (1) IN GENERAL.—The Secretary, in consulta-
9 tion with the Assistant Secretary of Commerce for
10 Communications and Information and the Under
11 Secretary of Commerce for Standards and Tech-
12 nology, shall, subject to the availability of funds for
13 prize competitions under this section—

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

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

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

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

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

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

15 (d) CRITERIA.—Not later than 180 days after the
16 date on which funds for prize competitions are made avail-
17 able pursuant to this section, the Commission shall publish
18 a technical paper on spectrum efficiency providing criteria
19 that may be used for the design of the prize competitions.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as may be
22 necessary to carry out this section.

1 **SEC. 21. WIRELESS TELECOMMUNICATIONS TAX AND FEE**
2 **COLLECTION FAIRNESS.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Wireless Telecommunications Tax and Fee Collection
5 Fairness Act”.

6 (b) **FINDINGS.**—Congress makes the following find-
7 ings:

8 (1) A State may designate an in-State or out-
9 of-State person as a collection agent for the State
10 and impose upon the person a duty to collect certain
11 taxes and fees for wireless telecommunications serv-
12 ices from residents of the State.

13 (2) States have the sovereign right to tax their
14 citizens, subject to the Constitution of the United
15 States and Federal law. States do not have the right
16 to tax interstate commerce or to impose taxes or
17 other obligations on citizens of other States without
18 limitation.

19 (3) A collection agent for a State may feasibly
20 collect taxes and fees from a customer in connection
21 with a financial transaction to which the agent and
22 customer are parties.

23 (4) Congress can help ensure against unreason-
24 able burdens on interstate commerce by prohibiting
25 each State from imposing a duty on any person to
26 serve as a collection agent for the State unless the

1 collection is in connection with a financial trans-
2 action.

3 (c) DEFINITIONS.—In this section:

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

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

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

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

22 (5) WIRELESS TELECOMMUNICATIONS SERV-
23 ICE.—The term “wireless telecommunications serv-
24 ice” means a commercial mobile radio service, as de-

1 fined in section 20.3 of title 47, Code of Federal
2 Regulations, or any successor thereto.

3 ~~(d) FINANCIAL TRANSACTION REQUIREMENT.—~~

4 ~~(1) IN GENERAL.—A State, or a local jurisdic-~~
5 ~~tion of a State, may not require a person to collect~~
6 ~~from, or remit on behalf of, any other person a State~~
7 ~~or local tax, fee, or surcharge imposed on a pur-~~
8 ~~chaser or user with respect to the purchase or use~~
9 ~~of any wireless telecommunications service within~~
10 ~~the State unless the collection or remittance is in~~
11 ~~connection with a financial transaction between—~~

12 ~~(A) the person that the State or local jurisdic-~~
13 ~~tion requires to collect or remit the tax, fee,~~
14 ~~or surcharge; and~~

15 ~~(B) the purchaser or user of the wireless~~
16 ~~telecommunications service.~~

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

22 ~~(e) ENFORCEMENT.—~~

23 ~~(1) PRIVATE RIGHT OF ACTION.—Any person~~
24 ~~aggrieved by a violation of subsection (d) may bring~~
25 ~~a civil action in an appropriate district court of the~~

1 United States for equitable relief in accordance with
2 paragraph (2) of this subsection.

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

13 **SEC. 22. RULES OF CONSTRUCTION.**

14 ~~(a) RANGES OF FREQUENCIES.—Each range of fre-~~
15 ~~quencies described in this Act shall be construed to be in-~~
16 ~~clusive of the upper and lower frequencies in the range.~~

17 ~~(b) ASSESSMENT OF ELECTROMAGNETIC SPECTRUM~~
18 ~~REALLOCATION.—Nothing in this Act shall be construed~~
19 ~~to affect any requirement under section 156 of the Na-~~
20 ~~tional Telecommunications and Information Administra-~~
21 ~~tion Organization Act (47 U.S.C. 921 note), as added by~~
22 ~~section 1062(a) of the National Defense Authorization Act~~
23 ~~for Fiscal Year 2000.~~

1 **SEC. 23. RELATIONSHIP TO MIDDLE CLASS TAX RELIEF**
 2 **AND JOB CREATION ACT OF 2012.**

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

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

11 (a) *SHORT TITLE.*—*This Act may be cited as the*
 12 *“Making Opportunities for Broadband Investment and*
 13 *Limiting Excessive and Needless Obstacles to Wireless Act”*
 14 *or the “MOBILE NOW Act”.*

15 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 16 *Act is as follows:*

- Sec. 1. Short title; table of contents.*
- Sec. 2. Definitions.*
- Sec. 3. Making 500 megahertz available.*
- Sec. 4. Millimeter wave spectrum.*
- Sec. 5. 3 gigahertz spectrum.*
- Sec. 6. Communications facilities deployment on Federal property.*
- Sec. 7. Broadband infrastructure deployment.*
- Sec. 8. National broadband facilities asset database.*
- Sec. 9. Reallocation incentives.*
- Sec. 10. Bidirectional sharing study.*
- Sec. 11. Unlicensed services in guard bands.*
- Sec. 12. Pre-auction funding.*
- Sec. 13. Immediate transfer of funds.*
- Sec. 14. Amendments to the Spectrum Pipeline Act of 2015.*
- Sec. 15. GAO assessment of unlicensed spectrum and Wi-Fi use in low-income neighborhoods.*
- Sec. 16. Rulemaking related to partitioning or disaggregating licenses.*
- Sec. 17. Unlicensed spectrum policy.*
- Sec. 18. National plan for unlicensed spectrum.*
- Sec. 19. Spectrum challenge prize.*
- Sec. 20. Wireless telecommunications tax and fee collection fairness.*

Sec. 21. Rules of construction.

Sec. 22. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—

4 *The term “appropriate committees of Congress”*
5 *means—*

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

8 (B) *the Committee on Energy and Com-*
9 *merce of the House of Representatives; and*

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

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

16 (3) *FEDERAL ENTITY.*—*The term “Federal enti-*
17 *ty” has the meaning given the term in section 113(l)*
18 *of the National Telecommunications and Information*
19 *Administration Organization Act (47 U.S.C. 923(l)).*

20 (4) *NTIA.*—*The term “NTIA” means the Na-*
21 *tional Telecommunications and Information Admin-*
22 *istration of the Department of Commerce.*

23 (5) *OMB.*—*The term “OMB” means the Office of*
24 *Management and Budget.*

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

3 **SEC. 3. MAKING 500 MEGAHERTZ AVAILABLE.**

4 (a) *REQUIREMENTS.*—

5 (1) *IN GENERAL.*—*Consistent with the Presi-*
6 *dential Memorandum of June 28, 2010, entitled*
7 *“Unleashing the Wireless Broadband Revolution” and*
8 *establishing a goal of making a total of 500 megahertz*
9 *of Federal and non-Federal spectrum available on a*
10 *licensed or unlicensed basis for wireless broadband use*
11 *by 2020, not later than December 31, 2020, the Sec-*
12 *retary, working through the NTIA, and the Commis-*
13 *sion shall make available a total of at least 255 mega-*
14 *hertz of Federal and non-Federal spectrum below the*
15 *frequency of 6000 megahertz for mobile and fixed*
16 *wireless broadband use.*

17 (2) *UNLICENSED AND LICENSED USE.*—*Of the*
18 *spectrum made available under paragraph (1), not*
19 *less than—*

20 (A) *100 megahertz shall be made available*
21 *on an unlicensed basis; and*

22 (B) *100 megahertz shall be made available*
23 *on an exclusive, licensed basis for commercial*
24 *mobile use, pursuant to the Commission’s au-*
25 *thority to implement such licensing in a flexible*

1 manner, and subject to potential continued use
2 of such spectrum by incumbent Federal entities
3 in designated geographic areas indefinitely or for
4 such length of time stipulated in transition plans
5 approved by the Technical Panel under section
6 113(h) of the National Telecommunications and
7 Information Administration Organization Act
8 (47 U.S.C. 923(h)) for those incumbent entities
9 to be relocated to alternate spectrum.

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

13 (A) The frequencies between 1695 and 1710
14 megahertz.

15 (B) The frequencies between 1755 and 1780
16 megahertz.

17 (C) The frequencies between 2155 and 2180
18 megahertz.

19 (D) The frequencies between 3550 and 3700
20 megahertz.

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

1 (4) *RELOCATION PRIORITIZED OVER SHARING.*—
2 *This section shall be carried out in accordance with*
3 *section 113(j) of the National Telecommunications*
4 *and Information Administration Organization Act*
5 *(47 U.S.C. 923(j)).*

6 (5) *CONSIDERATIONS.*—*In making spectrum*
7 *available under this section, the Secretary and Com-*
8 *mission shall consider—*

9 (A) *the need to preserve critical existing*
10 *and planned Federal Government capabilities;*

11 (B) *the impact on existing State, local, and*
12 *tribal government capabilities;*

13 (C) *the international implications;*

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

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

19 (b) *RULES OF CONSTRUCTION.*—*Nothing in this sec-*
20 *tion shall be construed—*

21 (1) *to impair or otherwise affect the functions of*
22 *the Director of OMB relating to budgetary, adminis-*
23 *trative, or legislative proposals;*

24 (2) *to require the disclosure of classified informa-*
25 *tion, law enforcement sensitive information, or other*

1 *information that must be protected in the interest of*
2 *national security; or*

3 *(3) to affect any requirement under section 156*
4 *of the National Telecommunications and Information*
5 *Administration Organization Act (47 U.S.C. 921*
6 *note), as added by section 1062(a) of the National De-*
7 *fense Authorization Act for Fiscal Year 2000, or any*
8 *other relevant statutory requirement applicable to the*
9 *reallocation of Federal spectrum.*

10 **SEC. 4. MILLIMETER WAVE SPECTRUM.**

11 *(a) FEASIBILITY ASSESSMENT.—Not later than 18*
12 *months after the date of enactment of this Act, the NTIA,*
13 *in consultation with the Commission, shall conduct a feasi-*
14 *bility assessment regarding the impact, on Federal entities*
15 *and operations in any of the following bands, of authorizing*
16 *mobile or fixed terrestrial wireless operations, including for*
17 *advanced mobile service operations, in the following bands:*

18 *(1) The band between 31800 and 33400 mega-*
19 *hertz.*

20 *(2) The band between 71000 and 76000 mega-*
21 *hertz.*

22 *(3) The band between 81000 and 86000 mega-*
23 *hertz.*

24 *(b) REQUIREMENTS.—In conducting the feasibility as-*
25 *essment under subsection (a), the NTIA shall—*

1 (1) *consult directly with Federal entities with re-*
2 *spect to frequencies allocated to Federal use by such*
3 *entities in the bands identified in that subsection;*

4 (2) *consider what, if any, impact authorizing*
5 *mobile or fixed terrestrial wireless operations, includ-*
6 *ing advanced mobile services operations, in any of*
7 *such frequencies would have on an affected Federal*
8 *entity; and*

9 (3) *identify any such frequencies in the bands*
10 *described in that subsection that the NTIA assessment*
11 *determines are feasible for authorizing for mobile or*
12 *fixed terrestrial wireless operations, including any*
13 *advanced mobile service operations.*

14 (c) *REPORT TO CONGRESS AND THE COMMISSION.—*
15 *Not later than 30 days after the date the feasibility assess-*
16 *ment under subsection (a) is complete, the NTIA shall sub-*
17 *mit to the appropriate committees of Congress a report on*
18 *the feasibility assessment and provide a copy to the Com-*
19 *mission.*

20 (d) *FCC PROCEEDING.—Not later than 2 years after*
21 *the date of enactment of this Act or 90 days after the date*
22 *it receives the feasibility assessment under subsection (c),*
23 *whichever is earlier, the Commission, in consultation with*
24 *the NTIA, shall publish a notice of proposed rulemaking*
25 *to consider service rules to authorize mobile or fixed terres-*

1 *trial wireless operations, including for advanced mobile*
2 *service operations, in the following radio frequency bands:*

3 (1) *The band between 24250 and 24450 mega-*
4 *hertz.*

5 (2) *The band between 25050 and 25250 mega-*
6 *hertz.*

7 (3) *The band between 31800 and 33400 mega-*
8 *hertz, except for any frequencies with Federal alloca-*
9 *tions.*

10 (4) *The band between 42000 and 42500 mega-*
11 *hertz.*

12 (5) *The band between 71000 and 76000 mega-*
13 *hertz, except for any frequencies with Federal alloca-*
14 *tions.*

15 (6) *The band between 81000 and 86000 mega-*
16 *hertz, except for any frequencies with Federal alloca-*
17 *tions.*

18 (7) *Any frequencies with Federal allocations*
19 *identified as feasible under subsection (b)(3).*

20 (e) *CONSIDERATIONS.—In conducting a rulemaking*
21 *under subsection (d), the Commission shall—*

22 (1) *consult with Federal entities via the NTIA*
23 *regarding the frequencies described in subsection*
24 *(d)(7);*

1 (2) *consider how the bands described in sub-*
 2 *section (d) may be used to provide commercial wire-*
 3 *less broadband service, including whether—*

4 (A) *such spectrum may be best used for li-*
 5 *censed or unlicensed services, or some combina-*
 6 *tion thereof; and*

7 (B) *to permit additional licensed operations*
 8 *in such bands on a shared basis; and*

9 (3) *include technical characteristics under which*
 10 *the bands described in subsection (d) may be em-*
 11 *ployed for mobile or fixed terrestrial wireless oper-*
 12 *ations, including any appropriate coexistence require-*
 13 *ments.*

14 **SEC. 5. 3 GIGAHERTZ SPECTRUM.**

15 (a) *BETWEEN 3100 MEGAHERTZ AND 3550 MEGA-*
 16 *HERTZ.—Not later than 18 months after the date of enact-*
 17 *ment of this Act, and in consultation with the Commission*
 18 *and the head of each affected Federal agency (or a designee*
 19 *thereof), the Secretary shall submit to the Commission and*
 20 *the appropriate committees of Congress a report evaluating*
 21 *the feasibility of allowing commercial wireless services, li-*
 22 *censed or unlicensed, to share use of the frequencies between*
 23 *3100 megahertz and 3550 megahertz.*

24 (b) *BETWEEN 3700 MEGAHERTZ AND 4200 MEGA-*
 25 *HERTZ.—Not later than 18 months after the date of enact-*

1 *ment of this Act, after notice and an opportunity for public*
2 *comment, and in consultation with the Secretary and the*
3 *head of each affected Federal agency (or a designee thereof),*
4 *the Commission shall submit to the Secretary and the ap-*
5 *propriate committees of Congress a report evaluating the*
6 *feasibility of allowing commercial wireless services, licensed*
7 *or unlicensed, to share use of the frequencies between 3700*
8 *megahertz and 4200 megahertz.*

9 *(c) REQUIREMENTS.—A report under subsection (a) or*
10 *(b) shall include the following:*

11 *(1) An assessment of the operations of Federal*
12 *entities that operate Federal Government stations au-*
13 *thorized to use the frequencies described in that sub-*
14 *section.*

15 *(2) An assessment of the possible impacts of such*
16 *sharing on Federal and non-Federal users already op-*
17 *erating on the frequencies described in that sub-*
18 *section.*

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

24 *(4) If such sharing is feasible, an identification*
25 *of which of the frequencies described in that subsection*

1 *are most suitable for sharing with commercial wire-*
 2 *less services through the assignment of new licenses by*
 3 *competitive bidding, for sharing with unlicensed oper-*
 4 *ations, or through a combination of licensing and un-*
 5 *licensed operations.*

6 *(d) COMMISSION ACTION.—The Commission, in con-*
 7 *sultation with the NTIA, shall seek public comment on the*
 8 *reports required under subsections (a) and (b), including*
 9 *regarding the bands identified in such reports as feasible*
 10 *pursuant to subsection (c)(4).*

11 **SEC. 6. COMMUNICATIONS FACILITIES DEPLOYMENT ON**
 12 **FEDERAL PROPERTY.**

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

17 *“(b) FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND*
 18 *LEASES.—*

19 *“(1) GRANT.—If an executive agency, a State, a*
 20 *political subdivision or agency of a State, or a per-*
 21 *son, firm, or organization applies for the grant of an*
 22 *easement, right-of-way, or lease to, in, over, or on a*
 23 *building or other property owned by the Federal Gov-*
 24 *ernment for the right to install, construct, modify, or*
 25 *maintain a communications facility installation, the*

1 *executive agency having control of the building or*
2 *other property may grant to the applicant, on behalf*
3 *of the Federal Government, subject to paragraph (5),*
4 *an easement, right-of-way, or lease to perform such*
5 *installation, construction, modification, or mainte-*
6 *nance.*

7 “(2) *APPLICATION.—*

8 “(A) *IN GENERAL.—The Administrator of*
9 *General Services shall develop a common form*
10 *for applications for easements, rights-of-way,*
11 *and leases under paragraph (1) for all executive*
12 *agencies that, except as provided in subpara-*
13 *graph (B), shall be used by all executive agencies*
14 *and applicants with respect to the buildings or*
15 *other property of each such agency.*

16 “(B) *EXCEPTION.—The requirement under*
17 *subparagraph (A) for an executive agency to use*
18 *the common form developed by the Administrator*
19 *of General Services shall not apply to an execu-*
20 *tive agency if the head of an executive agency*
21 *notifies the Administrator that the executive*
22 *agency uses a substantially similar application.*

23 “(3) *FEE.—*

24 “(A) *IN GENERAL.—Notwithstanding any*
25 *other provision of law, the Administrator of Gen-*

1 *eral Services shall establish a fee for the grant of*
 2 *an easement, right-of-way, or lease pursuant to*
 3 *paragraph (1) that is based on direct cost recov-*
 4 *ery.*

5 “(B) *EXCEPTIONS.—The Administrator of*
 6 *General Services may establish exceptions to the*
 7 *fee amount required under subparagraph (A)—*

8 *“(i) in consideration of the public ben-*
 9 *efit provided by a grant of an easement,*
 10 *right-of-way, or lease; and*

11 *“(ii) in the interest of expanding wire-*
 12 *less and broadband coverage.*

13 “(4) *USE OF FEES COLLECTED.—Any fee*
 14 *amounts collected by an executive agency pursuant to*
 15 *paragraph (3) may be made available, as provided in*
 16 *appropriations Acts, to such agency to cover the costs*
 17 *of granting the easement, right-of-way, or lease.*

18 “(5) *TIMELY CONSIDERATION OF APPLICA-*
 19 *TIONS.—*

20 *“(A) IN GENERAL.—Not later than 270*
 21 *days after the date on which an executive agency*
 22 *receives a duly filed application for an easement,*
 23 *right-of-way, or lease under this subsection, the*
 24 *executive agency shall—*

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

3 “(ii) notify the applicant of the grant
4 or denial.

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

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

17 “(D) POINT OF CONTACT.—Upon receiving
18 an application under subparagraph (A), an execu-
19 tive agency shall designate one or more appro-
20 priate individuals within the executive agency to
21 act as a point of contact with the applicant.

22 “(c) MASTER CONTRACTS FOR COMMUNICATIONS FA-
23 CILITY INSTALLATION SITINGS.—

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

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

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

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

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

1 *standard treatment of such building or other prop-*
2 *erty.*

3 “(3) *APPLICATION.—*

4 “(A) *IN GENERAL.—The Administrator of*
5 *General Services shall develop a common form or*
6 *set of forms for communications facility installa-*
7 *tion siting applications that, except as provided*
8 *in subparagraph (B), shall be used by all execu-*
9 *utive agencies and applicants with respect to the*
10 *buildings and other property of each such agen-*
11 *cy.*

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

20 “(d) *DEFINITIONS.—In this section:*

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

24 “(A) *any infrastructure, including any*
25 *transmitting device, tower, or support structure,*

1 *and any equipment, switches, wiring, cabling,*
 2 *power sources, shelters, or cabinets, associated*
 3 *with the licensed or permitted unlicensed wireless*
 4 *or wireline transmission of writings, signs, sig-*
 5 *nals, data, images, pictures, and sounds of all*
 6 *kinds; and*

7 “(B) *any antenna or apparatus that—*

8 “(i) *is designed for the purpose of*
 9 *emitting radio frequency;*

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

15 “(iii) *is added to a tower, building, or*
 16 *other structure.*

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

20 “(b) *SAVINGS PROVISION.—An application for an ease-*
 21 *ment, right-of-way, or lease that was made or granted under*
 22 *section 6409 of the Middle Class Tax Relief and Job Cre-*
 23 *ation Act of 2012 (47 U.S.C. 1455) before the date of enact-*
 24 *ment of this Act shall continue, subject to that section as*
 25 *in effect on the day before such date of enactment.*

1 (c) *STREAMLINING BROADBAND FACILITY APPLICA-*
2 *TIONS.—*

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

9 (2) *RECOMMENDATIONS.—*

10 (A) *IN GENERAL.—Not later than 2 years*
11 *after the date of enactment of this Act, the NTIA,*
12 *in coordination with the Department of the Inte-*
13 *rior, the Department of Agriculture, the Depart-*
14 *ment of Defense, the Department of Transpor-*
15 *tation, OMB, and the General Services Adminis-*
16 *tration, shall develop recommendations to*
17 *streamline the process for considering applica-*
18 *tions by those agencies under section 6409(b) of*
19 *the Middle Class Tax Relief and Job Creation*
20 *Act of 2012 (47 U.S.C. 1455(b)), as amended by*
21 *subsection (a).*

22 (B) *REQUIREMENTS FOR RECOMMENDA-*
23 *TIONS.—The recommendations developed under*
24 *subparagraph (A) shall include—*

1 (i) procedures for the tracking of appli-
2 cations described in subparagraph (A);

3 (ii) methods by which to reduce the
4 amount of time between the receipt of an
5 application and the issuance of a final deci-
6 sion on an application;

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

12 (iv) policies that would prioritize or
13 streamline a permit for construction in a
14 previously-disturbed right-of-way.

15 (C) *REPORT TO CONGRESS.*—Not later than
16 2 years after the date on which the recommenda-
17 tions required under subparagraph (A) are devel-
18 oped, the NTIA shall submit to the Committee on
19 Commerce, Science, and Transportation of the
20 Senate and the Committee on Energy and Com-
21 merce of the House of Representatives a report
22 that describes—

23 (i) the status of the implementation of
24 the recommendations developed under sub-
25 paragraph (A); and

1 (ii) any improvements to the process
2 for considering applications described in
3 subparagraph (A) that have resulted from
4 those recommendations, including in par-
5 ticular the speed at which such applications
6 are reviewed and a final determination is
7 issued.

8 **SEC. 7. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

9 (a) *FINDING REGARDING FEDERAL AND STATE DE-*
10 *PARTMENTS OF TRANSPORTATION.*—Congress finds that it
11 *is the policy of the United States for the Department of*
12 *Transportation and State departments of transportation—*

13 (1) *to adjust or otherwise develop right-of-way*
14 *policies for Federal-aid highways to effectively accom-*
15 *modate broadband infrastructure;*

16 (2) *to allow for the safe and efficient accommo-*
17 *dation of broadband infrastructure in the public*
18 *right-of-way; and*

19 (3) *to the extent applicable, to coordinate with*
20 *other statewide telecommunication and broadband*
21 *plans when developing a statewide transportation im-*
22 *provement program.*

23 (b) *DEFINITIONS.*—*In this section:*

24 (1) *APPROPRIATE STATE AGENCY.*—*The term*
25 *“appropriate State agency” means a State govern-*

1 *mental agency that is recognized by the executive*
 2 *branch of the State as having the experience necessary*
 3 *to evaluate and carry out projects relating to the*
 4 *proper and effective installation and operation of*
 5 *broadband infrastructure.*

6 (2) *BROADBAND INFRASTRUCTURE.*—*The term*
 7 *“broadband infrastructure” means any buried, under-*
 8 *ground, or aerial facility, and any wireless or*
 9 *wireline connection, that enables users to send and re-*
 10 *ceive voice, video, data, graphics, or any combination*
 11 *thereof.*

12 (3) *BROADBAND INFRASTRUCTURE ENTITY.*—*The*
 13 *term “broadband infrastructure entity” means any*
 14 *entity that—*

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

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

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

21 (A) *a State;*

22 (B) *the District of Columbia; and*

23 (C) *the Commonwealth of Puerto Rico.*

24 (c) *BROADBAND INFRASTRUCTURE DEPLOYMENT.*—*To*
 25 *facilitate the installation of broadband infrastructure and*

1 *achieve the policy described in subsection (a), the Secretary*
2 *of Transportation shall ensure that each State that receives*
3 *funds under chapter 1 of title 23, United States Code, meets*
4 *the following requirements:*

5 (1) *BROADBAND CONSULTATION.*—*The State de-*
6 *partment of transportation, in consultation with ap-*
7 *propriate State agencies, shall—*

8 (A) *identify a broadband utility coordi-*
9 *nator, that may have additional responsibilities,*
10 *whether in the State department of transpor-*
11 *tation or in another State agency, that is re-*
12 *sponsible for facilitating the broadband infra-*
13 *structure right-of-way efforts within the State;*

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

18 (C) *establish a process to electronically no-*
19 *tify broadband infrastructure entities identified*
20 *under subparagraph (B) of the State transpor-*
21 *tation improvement program on an annual basis*
22 *and provide additional notifications as necessary*
23 *to achieve the goals of this section; and*

24 (D) *coordinate initiatives carried out under*
25 *this section with other statewide telecommuni-*

1 *cation and broadband plans and State and local*
2 *transportation and land use plans, including*
3 *strategies to minimize repeated excavations that*
4 *involve the installation of broadband infrastruc-*
5 *ture in a right-of-way.*

6 (2) *PRIORITY.*—*If a State chooses to provide for*
7 *the installation of broadband infrastructure in the*
8 *right-of-way of an applicable Federal-aid highway*
9 *project under this subsection, the State department of*
10 *transportation shall carry out any appropriate meas-*
11 *ures to ensure that any existing broadband infra-*
12 *structure entities are not disadvantaged, as compared*
13 *to other broadband infrastructure entities, with re-*
14 *spect to the program under this subsection.*

15 (d) *EFFECT OF SECTION.*—*This section applies only*
16 *to activities for which obligations or expenditures are ini-*
17 *tially approved on or after the date of enactment of this*
18 *Act. Nothing in this section establishes a mandate or re-*
19 *quirement that a State install broadband infrastructure in*
20 *a highway right-of-way.*

21 **SEC. 8. NATIONAL BROADBAND FACILITIES ASSET DATA-**
22 **BASE.**

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

1 (1) *COMMUNICATIONS FACILITY INSTALLATION.*—

2 The term “communications facility installation” in-
3 cludes—

4 (A) any infrastructure, including any
5 transmitting device, tower, or support structure,
6 and any equipment, switches, wiring, cabling,
7 power sources, shelters, or cabinets, associated
8 with the licensed or permitted unlicensed wireless
9 or wireline transmission of writings, signs, sig-
10 nals, data, images, pictures, and sounds of all
11 kinds; and

12 (B) any antenna or apparatus that—

13 (i) is designed for the purpose of emit-
14 ting radio frequency;

15 (ii) is designed to be operated, or is op-
16 erating, from a fixed location pursuant to
17 authorization by the Commission or is
18 using duly authorized devices that do not
19 require individual licenses; and

20 (iii) is added to a tower, building, or
21 other structure.

22 (2) *COVERED PROPERTY.*—The term “covered
23 property”—

1 (A) means any real property capable of
2 supporting a communications facility installa-
3 tion; and

4 (B) includes any interest in real property
5 described in subparagraph (A).

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

8 (4) EXECUTIVE AGENCY.—The term “Executive
9 agency” has the meaning given the term in section
10 105 of title 5, United States Code.

11 (b) DATABASE ESTABLISHED.—Not later than June
12 30, 2018, the Director of the Office of Science and Tech-
13 nology Policy, in consultation with the Chairman of the
14 Commission, Assistant Secretary of Commerce for Commu-
15 nications and Information, Under Secretary of Commerce
16 for Standards and Technology, Administrator of General
17 Services, and Director of OMB, shall—

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

21 (2) make the database available to—

22 (A) any entity that—

23 (i) constructs or operates communica-
24 tions facility installations; or

1 (ii) provides communications service;

2 and

3 (B) any other entity that the Director of the
4 Office of Science and Technology Policy deter-
5 mines is appropriate; and

6 (3) establish a process for withholding data from
7 the database for national security, public safety, or
8 other national strategic concerns in accordance with
9 existing statutory authority and Executive order
10 mandates with respect to handling and protection of
11 such information.

12 (c) PUBLIC COMMENT.—

13 (1) IN GENERAL.—Not later than 30 days after
14 the date of enactment of this Act, the Director of the
15 Office of Science and Technology Policy shall seek
16 public comment to inform the establishment and oper-
17 ation of the database.

18 (2) CONTENTS.—In seeking public comment
19 under paragraph (1), the Director shall include a re-
20 quest for recommendations on—

21 (A) criteria that make real property capable
22 of supporting communications facility installa-
23 tions;

24 (B) types of information related to covered
25 property that should be included in the database;

1 (C) an interface by which accessibility to
2 the database for all users will be appropriately
3 efficient and secure; and

4 (D) other information the Director deter-
5 mines necessary to establish and operate the
6 database.

7 (d) *FEDERAL AGENCIES.*—

8 (1) *INITIAL PROVISION OF INFORMATION.*—Not
9 later than 90 days after the date on which the data-
10 base is established under subsection (b), the head of
11 an Executive agency shall provide to the Director of
12 the Office of Science and Technology Policy, in a
13 manner and format to be determined by the Director,
14 such information as the Director determines appro-
15 priate with respect to covered property owned, leased,
16 or otherwise managed by the Executive agency.

17 (2) *CHANGE TO INFORMATION PREVIOUSLY PRO-*
18 *VIDED.*—In the case of any change to information
19 provided to the Director of the Office of Science and
20 Technology Policy by the head of an Executive agency
21 under paragraph (1), the head of the Executive agen-
22 cy shall provide updated information to the Director
23 not later than 30 days after the date of the change.

24 (3) *SUBSEQUENTLY ACQUIRED PROPERTY.*—If
25 an Executive agency acquires covered property after

1 *the date on which the database is established under*
2 *subsection (b), the head of the Executive agency shall*
3 *provide to the Director of the Office of Science and*
4 *Technology Policy the information required under*
5 *paragraph (1) with respect to the covered property*
6 *not later than 30 days after the date of the acquisi-*
7 *tion.*

8 *(e) STATE AND LOCAL GOVERNMENTS.—*

9 *(1) IN GENERAL.—The Director of the Office of*
10 *Science and Technology Policy (referred to in this*
11 *subsection as the “Director”) shall make the database*
12 *available to State and local governments so that such*
13 *governments may provide to the Director for inclu-*
14 *sion in the database similar information to the infor-*
15 *mation required under subsection (d)(1) regarding*
16 *covered property owned, leased, or otherwise managed*
17 *by such governments.*

18 *(2) REPORT ON INCENTIVIZING PARTICIPATION*
19 *BY STATE AND LOCAL GOVERNMENTS.—*

20 *(A) IN GENERAL.—Not later than 1 year*
21 *after the date of enactment of this Act, the Direc-*
22 *tor, in consultation with the Chairman of the*
23 *Commission, the Assistant Secretary of Com-*
24 *merce for Communications and Information, the*
25 *Under Secretary of Commerce for Standards and*

1 *Technology, the Administrator of General Serv-*
2 *ices, and the Director of OMB, shall submit to*
3 *the Committee on Commerce, Science, and*
4 *Transportation of the Senate and the Committee*
5 *on Energy and Commerce of the House of Rep-*
6 *resentatives a report on potential ways to*
7 *incentivize State and local governments to pro-*
8 *vide to the Director for inclusion in the database*
9 *similar information to the information required*
10 *under subsection (d)(1) regarding covered prop-*
11 *erty owned, leased, or otherwise managed by*
12 *such governments pursuant to paragraph (1) of*
13 *this subsection or through other means.*

14 (B) *CONSIDERATIONS.—The Director, in*
15 *preparing the report under subparagraph (A),*
16 *shall—*

17 (i) *consult with State and local govern-*
18 *ments, or their representatives, to identify*
19 *for inclusion in the report the most cost-ef-*
20 *fective options for State and local govern-*
21 *ments to collect and provide the information*
22 *described in subparagraph (A), including*
23 *utilizing and leveraging State broadband*
24 *initiatives and programs; and*

1 (ii) make recommendations on ways
2 the Federal Government can assist State
3 and local governments in collecting and
4 providing the information described in sub-
5 paragraph (A).

6 (C) *REPORT UPDATE.*—Not later than 2
7 years after the date on which the database is es-
8 tablished under this section, the Director shall
9 submit to the Committee on Commerce, Science,
10 and Transportation of the Senate and the Com-
11 mittee on Energy and Commerce of the House of
12 Representatives an update to the report required
13 under subparagraph (A) that identifies State
14 and local governments that have contributed to
15 the database and recommends ways to further
16 incentivize participation by State and local gov-
17 ernments pursuant to paragraph (1) of this sub-
18 section or through other means.

19 (f) *DATABASE UPDATES.*—

20 (1) *TIMELY INCLUSION.*—After the establishment
21 of the database, the Director of the Office of Science
22 and Technology Policy shall ensure that information
23 provided under subsection (d) or (e) is included in the
24 database not later than 7 days after the date on
25 which the Director receives the information.

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

5 (g) *REPORT.*—*Not later than 180 days after the date*
6 *the Director of the Office of Science and Technology Policy*
7 *seeks public comment under subsection (c)(1), the Director*
8 *shall submit to the Committee on Commerce, Science, and*
9 *Transportation of the Senate and the Committee on Energy*
10 *and Commerce of the House of Representatives a report on*
11 *the progress in establishing the database under this section.*
12 *The Director shall update the report annually until the date*
13 *that the database is fully operational. After the database*
14 *is fully operational and for the next 5 years thereafter, the*
15 *Director shall provide annual reports regarding the use of*
16 *the database, recommendations of how the database may*
17 *provide additional utility to the entities described in sub-*
18 *section (b)(2), if any recommendations are warranted, and*
19 *how previous recommendations have been implemented.*

20 **SEC. 9. REALLOCATION INCENTIVES.**

21 (a) *IN GENERAL.*—*Not later than 18 months after the*
22 *date of enactment of this Act, the Secretary, in consultation*
23 *with the Commission, the Director of OMB, and the head*
24 *of each affected Federal agency (or a designee thereof), after*
25 *notice and an opportunity for public comment, shall submit*

1 *to the appropriate committees of Congress a report that in-*
2 *cludes legislative or regulatory recommendations to*
3 *incentivize a Federal entity to relinquish, or share with*
4 *Federal or non-Federal users, Federal spectrum for the pur-*
5 *pose of allowing commercial wireless broadband services to*
6 *operate on that Federal spectrum.*

7 *(b) POST-AUCTION PAYMENTS.—*

8 *(1) REPORT.—In preparing the report under*
9 *subsection (a), the Secretary shall—*

10 *(A) consider whether permitting eligible*
11 *Federal entities that are implementing a transi-*
12 *tion plan submitted under section 113(h) of the*
13 *National Telecommunications and Information*
14 *Administration Organization Act (47 U.S.C.*
15 *923(h)) to accept payments could result in access*
16 *to the eligible frequencies that are being reallo-*
17 *cated for exclusive non-Federal use or shared use*
18 *sooner than would otherwise occur without such*
19 *payments; and*

20 *(B) include the findings under subpara-*
21 *graph (A), including the analysis under para-*
22 *graph (2) and any recommendations for legisla-*
23 *tion, in the report.*

24 *(2) ANALYSIS.—In considering payments under*
25 *paragraph (1)(A), the Secretary shall conduct an*

1 *analysis of whether and how such payments would af-*
2 *fect—*

3 *(A) bidding in auctions conducted under*
4 *section 309(j) of the Communications Act of*
5 *1934 (47 U.S.C. 309(j)) of such eligible fre-*
6 *quencies; and*

7 *(B) receipts collected from the auctions de-*
8 *scribed in subparagraph (A).*

9 *(3) DEFINITIONS.—In this subsection:*

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

21 *(B) ELIGIBLE FREQUENCIES.—The term*
22 *“eligible frequencies” has the meaning given the*
23 *term in section 113(g)(2) of the National Tele-*
24 *communications and Information Administra-*
25 *tion Organization Act (47 U.S.C. 923(g)(2)).*

1 **SEC. 10. BIDIRECTIONAL SHARING STUDY.**

2 (a) *IN GENERAL.*—Not later than 1 year after the date
3 of enactment of this Act, including an opportunity for pub-
4 lic comment, the Commission, in collaboration with the
5 NTIA, shall—

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

12 (2) *submit to Congress a report on the study*
13 *under paragraph (1), including any recommendations*
14 *for legislation or proposed regulations.*

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

17 (1) *consider the regulatory certainty that com-*
18 *mercial spectrum users and Federal entities need to*
19 *make longer-term investment decisions for shared ac-*
20 *cess to be viable; and*

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

24 **SEC. 11. UNLICENSED SERVICES IN GUARD BANDS.**

25 (a) *IN GENERAL.*—After public notice and comment,
26 and in consultation with the Secretary and the head of each

1 *affected Federal agency (or a designee thereof), with respect*
2 *to frequencies allocated for Federal use, the Commission*
3 *shall adopt rules that permit unlicensed services where fea-*
4 *sible to use any frequencies that are designated as guard*
5 *bands to protect frequencies allocated after the date of enact-*
6 *ment of this Act by competitive bidding under section 309(j)*
7 *of the Communications Act of 1934 (47 U.S.C. 309(j)), in-*
8 *cluding spectrum that acts as a duplex gap between trans-*
9 *mit and receive frequencies.*

10 (b) *LIMITATION.*—*The Commission may not permit*
11 *any use of a guard band under this section that would cause*
12 *harmful interference to a licensed service or a Federal serv-*
13 *ice operating in the guard band or in an adjacent band.*

14 (c) *RULE OF CONSTRUCTION.*—*Nothing in this section*
15 *shall be construed as limiting the Commission or the Sec-*
16 *retary from otherwise making spectrum available for li-*
17 *censed or unlicensed use in any frequency band in addition*
18 *to guard bands, including under section 3, consistent with*
19 *their statutory jurisdictions.*

20 **SEC. 12. PRE-AUCTION FUNDING.**

21 *Section 118(d)(3)(B)(i)(II) of the National Tele-*
22 *communications and Information Administration Organi-*
23 *zation Act (47 U.S.C. 928(d)(3)(B)(i)(II)) is amended by*
24 *striking “5 years” and inserting “8 years”.*

1 **SEC. 13. IMMEDIATE TRANSFER OF FUNDS.**

2 *Section 118(e)(1) of the National Telecommunications*
3 *and Information Administration Organization Act (47*
4 *U.S.C. 928(e)(1)) is amended by adding at the end the fol-*
5 *lowing:*

6 “(D) *At the request of an eligible Federal*
7 *entity, the Director of the Office of Management*
8 *and Budget (in this subsection referred to as*
9 *‘OMB’) may transfer the amount under subpara-*
10 *graph (A) immediately—*

11 “(i) *after the frequencies are reallo-*
12 *cated by competitive bidding under section*
13 *309(j) of the Communications Act of 1934*
14 *(47 U.S.C. 309(j)); or*

15 “(ii) *in the case of an incumbent Fed-*
16 *eral entity that is incurring relocation or*
17 *sharing costs to accommodate sharing spec-*
18 *trum frequencies with another Federal enti-*
19 *ty, after the frequencies from which the*
20 *other eligible Federal entity is relocating*
21 *are reallocated by competitive bidding*
22 *under section 309(j) of the Communications*
23 *Act of 1934 (47 U.S.C. 309(j)), without re-*
24 *gard to the availability of such sums in the*
25 *Fund.*

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

4 (A) *the availability of wireless Internet hot*
5 *spots and access to unlicensed spectrum in low-*
6 *income neighborhoods, particularly for elemen-*
7 *tary and secondary school-aged children in such*
8 *neighborhoods;*

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

12 (C) *how to overcome any barriers described*
13 *in subparagraph (B), including through incen-*
14 *tives, policies, or requirements that would in-*
15 *crease the availability of unlicensed spectrum*
16 *and related technologies in low-income neighbor-*
17 *hoods; and*

18 (D) *how to encourage home broadband*
19 *adoption by households with elementary and sec-*
20 *ondary school-age children that are in low-in-*
21 *come neighborhoods.*

22 (b) *REPORT.*—*Not later than 1 year after the date of*
23 *enactment of this Act, the Comptroller General shall submit*
24 *to the Committee on Commerce, Science, and Transpor-*

1 *tation of the Senate and the Committee on Energy and*
 2 *Commerce of the House of Representatives a report that—*

3 *(1) summarizes the findings of the study con-*
 4 *ducted under subsection (a); and*

5 *(2) makes recommendations with respect to po-*
 6 *tential incentives, policies, and requirements that*
 7 *could help achieve the goals described in subpara-*
 8 *graphs (C) and (D) of subsection (a)(2).*

9 **SEC. 16. RULEMAKING RELATED TO PARTITIONING OR**
 10 **DISAGGREGATING LICENSES.**

11 *(a) DEFINITIONS.—In this section—*

12 *(1) COVERED SMALL CARRIER.—The term “cov-*
 13 *ered small carrier” means a carrier (as defined in*
 14 *section 3 of the Communications Act of 1934 (47*
 15 *U.S.C. 153)) that—*

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

20 *(B) offers services using the facilities of the*
 21 *carrier.*

22 *(2) RURAL AREA.—The term “rural area” means*
 23 *any area other than—*

1 (A) a city, town, or incorporated area that
2 has a population of more than 20,000 inhab-
3 itants; or

4 (B) an urbanized area contiguous and adja-
5 cent to a city or town that has a population of
6 more than 50,000 inhabitants.

7 (b) *RULEMAKING.*—

8 (1) *IN GENERAL.*—Not later than 1 year after
9 the date of enactment of this Act, the Commission
10 shall initiate a rulemaking proceeding to assess
11 whether to establish a program, or modify existing
12 programs, under which a licensee that receives a li-
13 cense for the exclusive use of spectrum in a specific
14 geographic area under section 301 of the Communica-
15 tions Act of 1934 (47 U.S.C. 301) may partition or
16 disaggregate the license by sale or long-term lease—

17 (A) in order to—

18 (i) provide services consistent with the
19 license; and

20 (ii) make unused spectrum available
21 to—

22 (I) an unaffiliated covered small
23 carrier; or

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

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

3 (i) the availability of advanced tele-
4 communications services in rural areas; or
5 (ii) spectrum availability for covered
6 small carriers.

7 (2) *CONSIDERATIONS.*—In conducting the rule-
8 making proceeding under paragraph (1), the Commis-
9 sion shall consider, with respect to the program pro-
10 posed to be established under that paragraph—

11 (A) whether reduced performance require-
12 ments with respect to spectrum obtained through
13 the program would facilitate deployment of ad-
14 vanced telecommunications services in the areas
15 covered by the program;

16 (B) what conditions may be needed on
17 transfers of spectrum under the program to allow
18 covered small carriers that obtain spectrum
19 under the program to build out the spectrum in
20 a reasonable period of time;

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

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

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

7 (D) the administrative feasibility of—

8 (i) the incentives described in subpara-
9 graph (C); and

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

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

19 (4) *REQUIREMENT.*—The Commission may offer
20 a licensee incentives or reduced performance require-
21 ments under this section only if the Commission finds
22 that doing so would likely result in increased avail-
23 ability of advanced telecommunications services in a
24 rural area.

1 **SEC. 17. UNLICENSED SPECTRUM POLICY.**

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

4 (1) *to maximize the benefit to the people of the*
5 *United States of the spectrum resources of the United*
6 *States;*

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

9 (3) *to promote spectrum policy that makes avail-*
10 *able on an unlicensed basis radio frequency bands*
11 *sufficient to meet consumer demand for unlicensed*
12 *wireless broadband operations.*

13 (b) *COMMISSION RESPONSIBILITIES.*—*The Commis-*
14 *sion shall ensure that the efforts of the Commission related*
15 *to spectrum allocation and assignment make available on*
16 *an unlicensed basis radio frequency bands sufficient to meet*
17 *demand for unlicensed wireless broadband operations if*
18 *doing so is, after taking into account the future needs of*
19 *other spectrum users—*

20 (1) *reasonable; and*

21 (2) *in the public interest.*

22 (c) *COMMISSION ACTION.*—*Not later than 18 months*
23 *after the date of enactment of this Act, the Commission shall*
24 *take action to implement subsection (b).*

25 **SEC. 18. NATIONAL PLAN FOR UNLICENSED SPECTRUM.**

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

1 (1) *SPECTRUM RELOCATION FUND.*—*The term*
2 *“Spectrum Relocation Fund” means the Fund estab-*
3 *lished under section 118 of the National Tele-*
4 *communications and Information Administration Or-*
5 *ganization Act (47 U.S.C. 928).*

6 (2) *UNLICENSED OPERATIONS.*—*The term “unli-*
7 *censed operations” means the use of spectrum on a*
8 *non-exclusive basis under—*

9 (A) *part 15 of title 47, Code of Federal Reg-*
10 *ulations; or*

11 (B) *licensing by rule under part 96 of title*
12 *47, Code of Federal Regulations.*

13 (b) *NATIONAL PLAN.*—*Not later than 1 year after the*
14 *date of enactment of this Act, the Commission, in consulta-*
15 *tion with the NTIA, shall develop a national plan for mak-*
16 *ing additional radio frequency bands available for unli-*
17 *censed operations.*

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

20 (1) *identify an approach that ensures that con-*
21 *sumers have access to additional spectrum to conduct*
22 *unlicensed operations in a range of radio frequencies*
23 *to meet consumer demand;*

24 (2) *recommend specific actions by the Commis-*
25 *sion and the NTIA to permit unlicensed operations in*

1 *additional radio frequency ranges that the Commis-*
2 *sion finds—*

3 *(A) are consistent with the statement of pol-*
4 *icy under section 18(a);*

5 *(B) will—*

6 *(i) expand opportunities for unlicensed*
7 *operations in a spectrum band; or*

8 *(ii) otherwise improve spectrum utili-*
9 *zation and intensity of use of bands where*
10 *unlicensed operations are already per-*
11 *mitted;*

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

14 *(D) will not significantly impact homeland*
15 *security or national security communications*
16 *systems; and*

17 *(3) examine additional ways, with respect to ex-*
18 *isting and planned databases or spectrum access sys-*
19 *tems designed to promote spectrum sharing and access*
20 *to spectrum for unlicensed operations—*

21 *(A) to improve accuracy and efficacy;*

22 *(B) to reduce burdens on consumers, manu-*
23 *facturers, and service providers; and*

24 *(C) to protect sensitive Government infor-*
25 *mation.*

1 (d) *SPECTRUM RELOCATION FUND.*—*To be included as*
2 *part of the plan developed under this section, the NTIA*
3 *shall share with the Commission recommendations about*
4 *how to reform the Spectrum Relocation Fund—*

5 (1) *to address costs incurred by Federal entities*
6 *related to sharing radio frequency bands with radio*
7 *technologies conducting unlicensed operations; and*

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

10 (A) *the costs described in paragraph (1);*

11 *and*

12 (B) *other expenditures allowed of the Spec-*
13 *trum Relocation Fund under section 118 of the*
14 *National Telecommunications and Information*
15 *Administration Organization Act (47 U.S.C.*
16 *928).*

17 (e) *REPORT REQUIRED.*—

18 (1) *IN GENERAL.*—*Not later than 1 year after*
19 *the date of enactment of this Act, the Commission*
20 *shall submit to the appropriate committees of Con-*
21 *gress a report that describes the plan developed under*
22 *this section, including any recommendations for legis-*
23 *lative change.*

24 (2) *PUBLICATION ON COMMISSION WEBSITE.*—

25 *Not later than the date on which the Commission sub-*

1 mits the report under paragraph (1), the Commission
2 shall make the report publicly available on the website
3 of the Commission.

4 **SEC. 19. SPECTRUM CHALLENGE PRIZE.**

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

7 (b) *DEFINITION OF PRIZE COMPETITION.*—In this sec-
8 tion, the term “prize competition” means a prize competi-
9 tion conducted by the Secretary under subsection (c)(1).

10 (c) *SPECTRUM CHALLENGE PRIZE.*—

11 (1) *IN GENERAL.*—The Secretary, in consultation
12 with the Assistant Secretary of Commerce for Com-
13 munications and Information and the Under Sec-
14 retary of Commerce for Standards and Technology,
15 shall, subject to the availability of funds for prize
16 competitions under this section—

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

22 (B) define a measurable set of performance
23 goals for participants in the prize competitions
24 to demonstrate their solutions on a level playing

1 *field while making a significant advancement*
2 *over the current state of the art.*

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

5 (A) *enter into a grant, contract, cooperative*
6 *agreement, or other agreement with a private*
7 *sector for-profit or nonprofit entity to administer*
8 *the prize competitions;*

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

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

19 (d) *CRITERIA.*—*Not later than 180 days after the date*
20 *on which funds for prize competitions are made available*
21 *pursuant to this section, the Commission shall publish a*
22 *technical paper on spectrum efficiency providing criteria*
23 *that may be used for the design of the prize competitions.*

1 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 2 *authorized to be appropriated such sums as may be nec-*
 3 *essary to carry out this section.*

4 **SEC. 20. WIRELESS TELECOMMUNICATIONS TAX AND FEE**
 5 **COLLECTION FAIRNESS.**

6 (a) *SHORT TITLE.*—*This section may be cited as the*
 7 *“Wireless Telecommunications Tax and Fee Collection*
 8 *Fairness Act”.*

9 (b) *DEFINITIONS.*—*In this section:*

10 (1) *FINANCIAL TRANSACTION.*—*The term “finan-*
 11 *cial transaction” means a transaction in which the*
 12 *purchaser or user of a wireless telecommunications*
 13 *service upon whom a tax, fee, or surcharge is imposed*
 14 *gives cash, credit, or any other exchange of monetary*
 15 *value or consideration to the person who is required*
 16 *to collect or remit the tax, fee, or surcharge.*

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

19 (3) *STATE.*—*The term “State” means any of the*
 20 *several States, the District of Columbia, and any ter-*
 21 *ritory or possession of the United States.*

22 (4) *STATE OR LOCAL JURISDICTION.*—*The term*
 23 *“State or local jurisdiction” includes any govern-*
 24 *mental entity or person acting on behalf of a State*

1 or local jurisdiction that has the authority to assess,
2 impose, levy, or collect taxes or fees.

3 (5) *WIRELESS TELECOMMUNICATIONS SERV-*
4 *ICE.*—The term “wireless telecommunications service”
5 means a commercial mobile radio service, as defined
6 in section 20.3 of title 47, Code of Federal Regula-
7 tions, or any successor thereto.

8 (c) *FINANCIAL TRANSACTION REQUIREMENT.*—

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

17 (2) *RULE OF CONSTRUCTION.*—Nothing in this
18 subsection shall be construed to affect the right of a
19 State or local jurisdiction to require the collection of
20 any tax, fee, or surcharge in connection with a finan-
21 cial transaction.

22 (d) *ENFORCEMENT.*—

23 (1) *PRIVATE RIGHT OF ACTION.*—Any person ag-
24 grieved by a violation of subsection (c) may bring a
25 civil action in an appropriate district court of the

1 *United States for equitable relief in accordance with*
2 *paragraph (2) of this subsection.*

3 (2) *JURISDICTION OF DISTRICT COURTS.*—Not-
4 *withstanding section 1341 of title 28, United States*
5 *Code, or the constitution or laws of any State, the*
6 *district courts of the United States shall have juris-*
7 *isdiction, without regard to the amount in controversy*
8 *or citizenship of the parties, to grant such mandatory*
9 *or prohibitive injunctive relief, interim equitable re-*
10 *lief, and declaratory judgments as may be necessary*
11 *to prevent, restrain, or terminate any acts in viola-*
12 *tion of subsection (c).*

13 **SEC. 21. RULES OF CONSTRUCTION.**

14 (a) *RANGES OF FREQUENCIES.*—*Each range of fre-*
15 *quencies described in this Act shall be construed to be inclu-*
16 *sive of the upper and lower frequencies in the range.*

17 (b) *ASSESSMENT OF ELECTROMAGNETIC SPECTRUM*
18 *REALLOCATION.*—*Nothing in this Act shall be construed to*
19 *affect any requirement under section 156 of the National*
20 *Telecommunications and Information Administration Or-*
21 *ganization Act (47 U.S.C. 921 note), as added by section*
22 *1062(a) of the National Defense Authorization Act for Fis-*
23 *cal Year 2000.*

1 **SEC. 22. RELATIONSHIP TO MIDDLE CLASS TAX RELIEF AND**
2 **JOB CREATION ACT OF 2012.**

3 *Nothing in this Act shall be construed to limit, restrict,*
4 *or circumvent in any way the implementation of the na-*
5 *tionwide public safety broadband network defined in section*
6 *6001 of title VI of the Middle Class Tax Relief and Job*
7 *Creation Act of 2012 (47 U.S.C. 1401) or any rules imple-*
8 *menting that network under title VI of that Act (47 U.S.C.*
9 *1401 et seq.).*

Calendar No. 17

115TH CONGRESS
1ST Session

S. 19

[Report No. 115-4]

A BILL

To provide opportunities for broadband investment,
and for other purposes.

MARCH 21, 2017

Reported with an amendment