

114TH CONGRESS
1ST SESSION

S. 2211

To authorize additional uses of the Spectrum Relocation Fund.

IN THE SENATE OF THE UNITED STATES

OCTOBER 27, 2015

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

A BILL

To authorize additional uses of the Spectrum Relocation Fund.

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.**

4 This Act may be cited as the “Spectrum Relocation
5 Fund Act of 2015”.

6 **SEC. 2. ADDITIONAL USES OF SPECTRUM RELOCATION**
7 **FUND.**

8 (a) IN GENERAL.—Section 118 of the National Tele-
9 communications and Information Administration Organi-
10 zation Act (47 U.S.C. 928) is amended—

1 (1) by redesignating subsection (g) as sub-
2 section (i); and

3 (2) by inserting after subsection (f) the fol-
4 lowing:

5 “(g) ADDITIONAL PAYMENTS FOR RESEARCH AND
6 DEVELOPMENT AND PLANNING ACTIVITIES.—

7 “(1) AMOUNTS AVAILABLE.—Notwithstanding
8 subsections (c) through (e)—

9 “(A) there are appropriated from the Fund
10 on the date of the enactment of the Spectrum
11 Relocation Fund Act of 2015, and available to
12 the Director of OMB for use in accordance with
13 paragraph (2), not more than \$500,000,000
14 from amounts in the Fund on such date of en-
15 actment; and

16 “(B) there are appropriated from the
17 Fund after such date of enactment, and avail-
18 able to the Director of OMB for use in accord-
19 ance with such paragraph, not more than 10
20 percent of the amounts deposited in the Fund
21 after such date of enactment.

22 “(2) USE OF AMOUNTS.—

23 “(A) IN GENERAL.—The Director of OMB
24 may use amounts made available under para-
25 graph (1) to make payments requested by Fed-

1 eral entities for research and development, engi-
2 neering studies, economic analyses, or other
3 planning activities intended to improve the effi-
4 ciency and effectiveness of the spectrum use of
5 Federal entities in order to make available fre-
6 quencies described in subparagraph (C) for re-
7 allocation for non-Federal use or shared Fed-
8 eral and non-Federal use, or a combination
9 thereof, and for auction in accordance with
10 such reallocation.

11 “(B) SYSTEMS THAT IMPROVE EFFICIENCY
12 AND EFFECTIVENESS OF FEDERAL SPECTRUM
13 USE.—For purposes of a payment under sub-
14 paragraph (A) for activities with respect to sys-
15 tems that improve the efficiency and effective-
16 ness of the spectrum use of Federal entities,
17 such systems include the following:

18 “(i) Systems that have increased
19 functionality or that increase the ability of
20 a Federal entity to accommodate spectrum
21 sharing with non-Federal entities.

22 “(ii) Systems that consolidate func-
23 tions or services that have been provided
24 using separate systems.

1 “(iii) Non-spectrum technology or sys-
2 tems.

3 “(C) FREQUENCIES DESCRIBED.—The fre-
4 quencies described in this subparagraph are,
5 with respect to a payment under subparagraph
6 (A), frequencies that—

7 “(i) are assigned to a Federal entity;
8 and

9 “(ii) at the time of the activities con-
10 ducted with such payment, are not identi-
11 fied for auction.

12 “(D) CONDITIONS.—The Director of OMB
13 may not make a payment to a Federal entity
14 under subparagraph (A)—

15 “(i) unless—

16 “(I) the Federal entity has sub-
17 mitted to the Technical Panel estab-
18 lished under section 113(h)(3) a plan
19 describing the activities that the Fed-
20 eral entity will conduct with such pay-
21 ment;

22 “(II) the Technical Panel has ap-
23 proved such plan under subparagraph
24 (E); and

1 “(III) the Director of OMB has
2 submitted the plan approved under
3 subparagraph (E) to the congressional
4 committees described in subsection
5 (d)(2)(C); and

6 “(ii) until 60 days have elapsed after
7 submission of the plan under clause
8 (i)(III).

9 “(E) REVIEW BY TECHNICAL PANEL.—

10 “(i) IN GENERAL.—Not later than
11 120 days after a Federal entity submits a
12 plan under subparagraph (D)(i)(I) to the
13 Technical Panel established under section
14 113(h)(3), the Technical Panel shall ap-
15 prove or disapprove such plan.

16 “(ii) CRITERIA FOR REVIEW.—In con-
17 sidering whether to approve or disapprove
18 a plan under this subparagraph, the Tech-
19 nical Panel shall consider whether—

20 “(I) the activities that the Fed-
21 eral entity will conduct with the pay-
22 ment will—

23 “(aa) increase the prob-
24 ability of relocation from or shar-
25 ing of Federal spectrum;

1 “(bb) facilitate an auction
 2 intended to occur not later than
 3 8 years after the payment; and

4 “(cc) increase the net ex-
 5 pected auction proceeds in an
 6 amount not less than the time
 7 value of the amount of the pay-
 8 ment; and

9 “(II) the transfer will leave suffi-
 10 cient amounts in the Fund for the
 11 other purposes of the Fund.

12 “(3) DEFINITION OF FEDERAL ENTITY.—For
 13 purposes of this subsection, the term ‘Federal entity’
 14 has the meaning given the term in section 113(l).

15 “(h) PRIORITIZATION OF PAYMENTS.—In deter-
 16 mining whether to make payments under subsections (f)
 17 and (g), the Director of OMB shall, to the extent prac-
 18 ticable, prioritize payments under subsection (g).”.

19 (b) ADMINISTRATIVE SUPPORT FOR TECHNICAL
 20 PANEL.—Section 113(h)(3)(C) of the National Tele-
 21 communications and Information Administration Organi-
 22 zation Act (47 U.S.C. 923(h)(3)(C)) is amended by strik-
 23 ing “this subsection and subsection (i)” and inserting
 24 “this subsection, subsection (i), and section
 25 118(g)(2)(E)”.

1 (c) ELIGIBLE FEDERAL ENTITIES.—

2 (1) RELOCATION OF AND SPECTRUM SHARING
3 BY FEDERAL GOVERNMENT STATIONS.—Section 113
4 of the National Telecommunications and Informa-
5 tion Administration Organization Act (47 U.S.C.
6 923) is amended—

7 (A) in subsection (g)—

8 (i) in paragraph (1)—

9 (I) by striking “authorized to use
10 a band of eligible frequencies de-
11 scribed in paragraph (2) and”;

12 (II) by inserting “eligible” after
13 “auction of”; and

14 (III) by inserting “eligible” after
15 “reallocation of”; and

16 (ii) in paragraph (3)(A)—

17 (I) in the matter preceding clause
18 (i), by striking “previously assigned to
19 such entity or the sharing of spectrum
20 frequencies assigned to such entity”
21 and inserting “or the sharing of spec-
22 trum frequencies”;

23 (II) in clause (iv), by striking
24 “and” at the end;

1 (III) in clause (v), by striking the
 2 period and inserting “; and”; and

3 (IV) by adding at the end the fol-
 4 lowing:

5 “(vi) the costs incurred by an incum-
 6 bent Federal entity to accommodate shar-
 7 ing the spectrum frequencies assigned to
 8 such entity with a Federal entity the oper-
 9 ations of which are being relocated from el-
 10 igible frequencies described in paragraph
 11 (2).”; and

12 (B) in subsection (h)(1), by striking “au-
 13 thorized to use any such frequency”.

14 (2) SPECTRUM RELOCATION FUND.—Section
 15 118 of the National Telecommunications and Infor-
 16 mation Administration Organization Act (47 U.S.C.
 17 928) is amended—

18 (A) in subsection (c), by striking “with re-
 19 spect to” and all that follows and inserting the
 20 following: “with respect to—

21 “(1) relocation from or sharing of such eligible
 22 frequencies; or

23 “(2) in the case of an incumbent Federal entity
 24 described in section 113(g)(3)(A)(vi), accommo-
 25 dating sharing the spectrum frequencies assigned to

1 such entity with a Federal entity the operations of
2 which are being relocated from such eligible fre-
3 quencies.”; and

4 (B) in subsection (d)(3)(B)(ii), by insert-
5 ing “except in the case of an incumbent Federal
6 entity described in section 113(g)(3)(A)(vi),”
7 before “the transition plan”.

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