Calendar No. 446

114TH CONGRESS 2D SESSION

S. 2555

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

IN THE SENATE OF THE UNITED STATES

February 11, 2016

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

APRIL 28, 2016

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
- 6 Limiting Excessive and Needless Obstacles to Wireless
- 7 Act" or the "MOBILE NOW Act".

1	(b) Table of Contents of contents of
2	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 evaluation. Sec. 5. Reports on 3 gigahertz bands. Sec. 6. Distributed antenna systems and small cell infrastructure. Sec. 7. Communications facilities deployment on Federal property. Sec. 8. Dig once. 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. Rules of construction. Sec. 17. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.
3	SEC. 2. DEFINITIONS.
4	In this Act:
5	(1) Appropriate committees of con-
6	GRESS.—The term "appropriate committees of Con-
7	gress'' means
8	(A) the Committee on Commerce, Science,
9	and Transportation of the Senate;
10	(B) the Committee on Energy and Com-
11	merce of the House of Representatives; and
12	(C) each committee of the Senate or of the
13	House of Representatives with jurisdiction over
14	a Federal entity affected by the applicable sec-
15	tion in which the term appears.
16	(2) Commission.—The term "Commission"
17	means the Federal Communications Commission.

- 1 (3) FEDERAL ENTITY.—The term "Federal en2 tity" has the meaning given the term in section
 3 113(l) of the National Telecommunications and In4 formation Administration Organization Act (47
 5 U.S.C. 923(l)).
- 6 (4) NTIA.—The term "NTIA" means the Na-7 tional Telecommunications and Information Admin-8 istration of the Department of Commerce.
- 9 (5) OMB.—The term "OMB" means the Office 10 of Management and Budget.
- 11 (6) SECRETARY.—The term "Secretary" means 12 the Secretary of Commerce.
- 13 SEC. 3. MAKING 500 MEGAHERTZ AVAILABLE.
- 14 (a) REQUIREMENTS.—
- (1) In General.—Consistent with the Presi-15 16 dential Memorandum of June 28, 2010, entitled 17 "Unleashing the Wireless Broadband Revolution" 18 and establishing a goal of making a total of 500 19 megahertz of Federal and non-Federal spectrum 20 available for wireless broadband use by 2020, not 21 later than December 31, 2020, the Secretary, work-22 ing through the NTIA, and the Commission shall 23 make available a total of at least 255 megahertz of 24 Federal and non-Federal spectrum below the fre-

1	quency of 6000 megahertz for mobile and fixed wire-
2	less broadband use.
3	(2) AVAILABILITY.—The spectrum made avail-
4	able under paragraph (1) shall be made available to
5	be licensed by the Commission for exclusive use, or
6	made available on a licensed or unlicensed basis for
7	shared use by non-Federal and Federal users, to en-
8	able the deployment of wireless broadband services.
9	(3) Non-Eligible Bands.—For purposes of
10	satisfying the requirement under paragraph (1), the
11	following spectrum bands shall not be counted:
12	(A) The band between 1695 and 1710
13	megahertz.
14	(B) The band between 1755 and 1780
15	megahertz.
16	(C) The band between 2155 and 2180
17	megahertz.
18	(D) The band between 3550 and 3700
19	megahertz.
20	(4) Relocation prioritized over shar-
21	ING.—This section shall be carried out in accordance
22	with section 113(j) of the National Telecommuni-
23	cations and Information Administration Organiza-
24	tion Act (47 U.S.C. 923(j)).

1	(5) Considerations.—In making spectrum
2	available under this section, the Secretary and Com-
3	mission shall consider—
4	(A) the need to preserve critical existing
5	and planned Federal Government capabilities;
6	(B) the impact on existing State, local, and
7	tribal government capabilities;
8	(C) the international implications; and
9	(D) the need for appropriate enforcement
10	mechanisms and authorities.
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-

1	2000, or any other relevant statutory requirement
2	applicable to the reallocation of Federal spectrum.
3	SEC. 4. MILLIMETER WAVE EVALUATION.
4	(a) FEASIBILITY ASSESSMENT.—Not later than 18
5	months after the date of enactment of this Act or Decem
6	ber 31, 2017, whichever comes earlier, the NTIA, in con
7	sultation with the Commission, shall conduct a feasibility
8	assessment regarding the impact of authorizing mobile or
9	fixed terrestrial wireless operations, including for ad
10	vanced mobile service operations, on Federal entities and
11	operations in any of the following frequencies with Federa
12	allocations:
13	(1) The band between 24250 and 24450 mega
14	hertz.
15	(2) The band between 25050 and 25250 mega
16	hertz.
17	(3) The band between 31800 and 33400 mega
18	hertz.
19	(4) The band between 42000 and 42500 mega
20	hertz.
21	(5) The band between 71000 and 76000 mega
22	hertz.
23	(6) The band between 81000 and 86000 mega
24	hertz.

1	(b) REQUIREMENTS.—In conducting the feasibility
2	assessment under subsection (a), the NTIA shall—
3	(1) consult directly with Federal entities with
4	respect to frequencies with Federal allocations iden-
5	tified in that subsection;
6	(2) consider what, if any, impact authorizing
7	mobile or fixed terrestrial wireless operations, in-
8	eluding advanced mobile services operations, in any
9	of the bands described in that subsection would have
10	on an affected Federal entity;
11	(3) consider how the bands described in that
12	subsection may be used to provide commercial wire-
13	less broadband service, including whether—
14	(A) such spectrum may be best used for li-
15	censed or unlicensed services, or some combina-
16	tion thereof; and
17	(B) to permit additional licensed oper-
18	ations in such bands on a shared basis; and
19	(4) identify any bands, or a portion thereof, de-
20	scribed in that subsection that the NTIA assessment
21	determines are feasible for authorizing for mobile or
22	fixed terrestrial wireless operations, including any
23	advanced mobile service operations.
24	(e) Report to Congress.—Not later than 30 days
25	after the date the feasibility assessment under subsection

1	(a) is complete, the NTIA shall submit to the appropriate
2	committees of Congress a report on the feasibility assess
3	ment.
4	(d) FCC Proceeding.—Not later than 2 years after
5	the date of enactment of this Act, the Commission, in con
6	sultation with the NTIA, shall publish a notice of proposed
7	rulemaking to consider service rules to authorize mobile
8	or fixed terrestrial wireless operations, including for ad
9	vanced mobile service operations, in the following radio
10	frequency bands:
11	(1) The band between 24250 and 24450 mega
12	hertz, except for any frequencies with Federal alloca
13	tions.
14	(2) The band between 25050 and 25250 mega
15	hertz, except for any frequencies with Federal alloca
16	tions.
17	(3) The band between 31800 and 33400 mega
18	hertz, except for any frequencies with Federal alloca
19	tions.
20	(4) The band between 42000 and 42500 mega
21	hertz, except for any frequencies with Federal alloca
22	tions.
23	(5) The band between 71000 and 76000 mega
24	hertz, except for any frequencies with Federal alloca
25	tions.

1	(6) The band between 81000 and 86000 mega-
2	hertz, except for any frequencies with Federal alloca-
3	tions.
4	(7) Any bands identified as feasible under sub-
5	section $(b)(4)$.
6	(e) Considerations.—In conducting the rule-
7	making under subsection (d), the Commission shall—
8	(1) consult with Federal entities via the NTIA
9	regarding the bands described in subsection $(d)(7)$;
10	(2) consider how the bands described in sub-
11	section (d) may be used to provide commercial wire-
12	less broadband service, including whether—
13	(A) such spectrum may be best used for li-
14	censed or unlicensed services, or some combina-
15	tion thereof; and
16	(B) to permit additional licensed oper-
17	ations in such bands on a shared basis; and
18	(3) include technical characteristics under
19	which the bands described in subsection (d) may be
20	employed for mobile or fixed terrestrial wireless op-
21	erations, including any appropriate coexistence re-
22	quirements.
23	SEC. 5. REPORTS ON 3 GIGAHERTZ BANDS.
24	(a) Between 3100 Megahertz and 3550 Mega-
25	HERTZ.—Not later than 3 years after the date of enact-

- 1 ment of this Act, and in consultation with the Commission
- 2 and the head of each affected Federal agency (or a des-
- 3 ignee thereof), the Secretary shall submit to the President
- 4 and the appropriate committees of Congress a report eval-
- 5 uating the feasibility of allowing commercial wireless serv-
- 6 ices, licensed or unlicensed, to share use of the frequencies
- 7 between 3100 megahertz and 3550 megahertz.
- 8 (b) Between 3700 Megahertz and 4200 Mega-
- 9 HERTZ.—Not later than 3 years after the date of enact-
- 10 ment of this Act, and in consultation with the Secretary
- 11 and the head of each affected Federal agency (or a des-
- 12 ignee thereof), the Commission shall submit to the Presi-
- 13 dent and the appropriate committees of Congress a report
- 14 evaluating the feasibility of allowing commercial wireless
- 15 services, licensed or unlicensed, to share use of the fre-
- 16 quencies between 3700 megahertz and 4200 megahertz.
- 17 (e) REQUIREMENTS.—A report under subsection (a)
- 18 or subsection (b) shall include the following:
- 19 (1) An assessment of the operations of Federal
- 20 entities that operate Federal Government stations
- 21 authorized to use the frequencies described in that
- 22 subsection.
- 23 (2) An assessment of the possible impacts of
- such sharing on Federal and non-Federal users al-

1	ready operating on the frequencies described in that
2	subsection.
3	(3) The criteria that may be necessary to en-
4	sure shared licensed or unlicensed services would not
5	cause harmful interference to Federal or non-Fed-
6	eral users already operating in the frequencies de-
7	scribed in that subsection.
8	(4) If such sharing is feasible, an identification
9	of which of the frequencies described in that sub-
10	section are most suitable for sharing with commer-
11	cial wireless services.
12	(d) Plans for Auction of Certain Spectrum.
13	The Commission shall include any spectrum identified
14	under subsection (e)(4) for assignment of new licenses for
15	non-Federal use in a report under section 1006 of the
16	Spectrum Pipeline Act of 2015 (Public Law 114–74; 129
17	Stat. 621) if—
18	(1) that spectrum is suitable for allocation by
19	competitive bidding of new licenses for non-Federal
20	licensed use;
21	(2) that spectrum otherwise meets the require-
22	ments of the proposed plan for the assignment of
23	new licenses for non-Federal use of certain spectrum
24	under section 1006 of the Spectrum Pipeline Act of
25	2015 (Public Law 114-74; 129 Stat. 621); and

1	(3) the identification of that spectrum under
2	subsection (e)(4) occurs after the requirements
3	under section 3 have been met.
4	SEC. 6. DISTRIBUTED ANTENNA SYSTEMS AND SMALL CELL
5	INFRASTRUCTURE.
6	Not later than December 31, 2016, the Commission
7	shall take action in its Program Alternatives for Small
8	Wireless Communications Facility Deployments pro-
9	eeeding (WT Docket 15–180).
10	SEC. 7. COMMUNICATIONS FACILITIES DEPLOYMENT ON
11	FEDERAL PROPERTY.
12	(a) In General.—Section 6409 of the Middle Class
13	Tax Relief and Job Creation Act of 2012 (47 U.S.C.
14	1455) is amended by striking subsections (b), (c), and (d)
15	and inserting the following:
16	"(b) FEDERAL EASEMENTS AND RIGHTS-OF-WAY.—
17	"(1) Grant.—If an executive agency, a State,
18	a political subdivision or agency of a State, or a per-
19	son, firm, or organization applies for the grant of an
20	easement or right-of-way to, in, over, or on a build-
21	ing or other property owned by the Federal Govern-
22	ment for the right to install, construct, modify, or
23	maintain a communications facility installation, the
24	executive agency having control of the building or
25	other property may grant to the applicant, on behalf

of the Federal Government, subject to paragraph (5), an easement or right-of-way to perform such installation, construction, modification, or maintenance.

"(2) APPLICATION.—

"(A) IN GENERAL. The Administrator of General Services shall develop a common form for applications for easements and rights-of-way under paragraph (1) for all executive agencies that, except as provided in subparagraph (B), shall be used by all executive agencies and applicants with respect to the buildings or other property of each such agency.

"(B) EXCEPTION.—The requirement under subparagraph (A) for an executive agency to use the common form developed by the Administrator of General Services shall not apply to an executive agency if the head of an executive agency notifies the Administrator that the executive agency uses a substantially similar application.

"(3) FEE.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall establish a fee for the

1	grant of an easement or right-of-way pursuant
2	to paragraph (1) that is based on direct cost re-
3	covery.
4	"(B) Exceptions.—The Administrator of
5	General Services may establish exceptions to
6	the fee amount required under subparagraph
7	(A)—
8	"(i) in consideration of the public ben-
9	efit provided by a grant of an easement or
10	right-of-way; 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
15	to paragraph (3) may be made available, as provided
16	in appropriations Acts, to such agency to cover the
17	costs of granting the easement or right-of-way.
18	"(5) Timely consideration of applica-
19	TIONS.—
20	"(A) In General.—Within a reasonable
21	period of time after the date on which an execu-
22	tive agency receives a duly filed application for
23	an easement or right-of-way under this sub-
24	section, the 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 ex-
6	ecutive 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) Explanation of Delay.—If an ex-
11	ecutive agency has not granted or denied an ap-
12	plication under subparagraph (A) before the
13	date that is 150 days after the date that the ex-
14	ecutive agency received a duly filed application,
15	the executive agency shall notify the applicant
16	in writing, including a clear statement of the
17	reasons for the delay.
18	"(D) Applicability of environmental
19	LAWS.—Nothing in this paragraph shall be con-
20	strued to relieve an executive agency of the re-
21	quirements of the National Historic Preserva-
22	tion Act (16 U.S.C. 470 et seq.) or the Na-
23	tional Environmental Policy Act of 1969 (42
24	U.S.C. 4321 et seq.).

1	"(E) Point of contact.—Upon receiving
2	an application under subparagraph (A), an ex-
3	ecutive agency shall designate 1 or more appro-
4	priate individuals within the executive agency to
5	act as a point of contact with the applicant.
6	"(c) Master Contracts for Communications
7	FACILITY INSTALLATION SITINGS.—
8	"(1) In General.—Notwithstanding section
9	704 of the Telecommunications Act of 1996 (Public
10	Law 104-104; 110 Stat. 151) or any other provision
11	of law, the Administrator of General Services shall—
12	"(A) develop 1 or more master contracts
13	that shall govern the placement of communica-
14	tions facility installation on buildings and other
15	property owned by the Federal Government;
16	and
17	"(B) in developing the master contract or
18	contracts, standardize the treatment of the
19	placement of communications facility installa-
20	tion on building rooftops or facades, the place-
21	ment of communications facility installation on
22	rooftops or inside buildings, the technology used
23	in connection with communications facility in-
24	stallation placed on Federal buildings and other
25	property, and any other key issues the Adminis-

1 trator of General Services considers appro-2 priate.

"(2) APPLICABILITY.—The master contract or contracts developed by the Administrator of General Services under paragraph (1) shall apply to all publicly accessible buildings and other property owned by the Federal Government, unless the Administrator of General Services decides that issues with respect to the siting of a communications facility installation on a specific building or other property warrant nonstandard treatment of such building or other property.

"(3) APPLICATION.—

"(A) IN GENERAL.—The Administrator of General Services shall develop a common form or set of forms for communications facility installation siting applications that, except as provided in subparagraph (B), shall be used by all executive agencies and applicants with respect to the buildings and other property of each such agency.

"(B) EXCEPTION.—The requirement under subparagraph (A) for an executive agency to use the common form or set of forms developed 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 or right-of-way that was made or granted under
8	section 6409 of the Middle Class Tax Relief and Job Cre-
9	ation Act of 2012 (47 U.S.C. 1455) before the effective
10	date of this Act shall continue, subject to that section as
11	in effect on the day before such effective date.
12	SEC. 8. DIG ONCE.
13	(a) Policy.—It is the policy of the United States to
14	encourage the deployment of communications facilities
15	and services because of the benefits to interstate com-
16	merce from investment in and use of such communications
17	facilities and services.
18	(b) Sense of Congress.—It is the sense of Con-
19	gress that Federal agencies should endeavor to create pol-
20	iey that—
21	(1) evaluates and provides for the inclusion of
22	broadband conduit installation in federally funded
23	highway construction projects:

1	(2) provides for such inclusion without nega-
2	tively impacting the safety, operations, and mainte-
3	nance of the highway facility, its users, or others;
4	(3) promotes investment and competition by en-
5	suring that communications providers may access
6	such conduit on a nondiscriminatory basis; and
7	(4) limits any burden on State departments of
8	transportation incurred by the inclusion of
9	broadband conduit in such projects.
10	SEC. 9. NATIONAL BROADBAND FACILITIES ASSET DATA-
11	BASE.
12	(a) Definitions.—In this section:
13	(1) Communications facility installa-
14	TION.—The term "communications facility installa-
15	tion" includes—
15 16	tion" includes— (A) any infrastructure, including any
16	(A) any infrastructure, including any
16 17	(A) any infrastructure, including any transmitting device, tower, or support structure,
16 17 18	(A) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling,
16 17 18	(A) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, eabling, power sources, shelters, or cabinets, associated
16 17 18 19 20	(A) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets, associated with the licensed or permitted unlicensed wire-
16 17 18 19 20 21	(A) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets, associated with the licensed or permitted unlicensed wireless or wireline transmission of writings, signs,

1	(i) is designed for the purpose of
2	emitting radio frequency;
3	(ii) is designed to be operated, or is
4	operating, from a fixed location pursuant
5	to authorization by the Federal Commu-
6	nications Commission or is using duly au-
7	thorized devices that do not require indi-
8	vidual licenses; and
9	(iii) is added to a tower, building, or
10	other structure.
11	(2) COVERED PROPERTY.—The term "covered
12	property"—
13	(A) means any real property capable of
14	supporting a communications facility installa-
15	tion; and
16	(B) includes any interest in real property
17	described in subparagraph (A) .
18	(3) Database.—The term "database" means
19	the database established under subsection (b).
20	(4) EXECUTIVE AGENCY.—The term "Executive
21	agency" has the meaning given the term in section
22	105 of title 5, United States Code.
23	(b) Database Established.—Not later than June
24	30, 2018, the Director of the Office of Science and Tech-
25	nology Policy, in consultation with the Chairman of the

1	Federal Communications Commission, Assistant Secretary
2	of Commerce for Communications and Information, Under
3	Secretary of Commerce for Standards and Technology,
4	Administrator of General Services, and Director of the Of-
5	fice of Management and Budget, shall—
6	(1) establish and operate a single database of
7	any covered property that is owned, leased, or other-
8	wise managed by an Executive agency;
9	(2) make the database available to—
10	(A) any entity that—
11	(i) constructs or operates communica-
12	tions facility installations; or
13	(ii) provides communications service;
14	and
15	(B) any other entity that the Director of
16	the Office of Science and Technology Policy de-
17	termines is appropriate; and
18	(3) establish a process for withholding data
19	from the database for national security, public safe-
20	ty, or other national strategic concerns in accord-
21	ance with existing statutory authority and Executive
22	order mandates with respect to handling and protec-
23	tion of such information.
24	(e) Public Comment.—

1	(1) In General.—Not later than 30 days after
2	the date of enactment of the MOBILE NOW Act,
3	the Director of the Office of Science and Technology
4	Policy shall seek public comment to inform the es-
5	tablishment and operation of the database.
6	(2) Contents.—In seeking public comment
7	under paragraph (1), the Director shall include a re-
8	quest for recommendations on—
9	(A) criteria that make real property capa-
10	ble of supporting communications facility instal-
11	lations;
12	(B) types of information related to covered
13	property that should be included in the data-
14	base;
15	(C) an interface by which accessibility to
16	the database for all users will be appropriately
17	efficient and secure; and
18	(D) other information the Director deter-
19	mines necessary to establish and operate the
20	database.
21	(d) Federal Agencies.—
22	(1) Initial provision of information.—Not
23	later than 90 days after the date on which the data-
24	base is established under subsection (b), the head of
25	an Executive agency shall provide to the Director of

the Office of Science and Technology Policy, in a manner and format to be determined by the Director, such information as the Director determines appropriate with respect to covered property owned, leased, or otherwise managed by the Executive agency.

(2) CHANGE TO INFORMATION PREVIOUSLY PROVIDED.—In the case of any change to information provided to the Director of the Office of Science and Technology Policy by the head of an Executive agency under paragraph (1), the head of the Executive agency shall provide updated information to the Director not later than 30 days after the date of the change.

(3) Subsequently acquires covered property.—If an Executive agency acquires covered property after the date on which the database is established under subsection (b), the head of the Executive agency shall provide to the Director of the Office of Science and Technology Policy the information required under paragraph (1) with respect to the covered property not later than 30 days after the date of the acquisition.

24 (e) STATE AND LOCAL GOVERNMENTS.—The Direc-25 tor of the Office of Science and Technology Policy shall

- 1 make the database available to State and local govern-
- 2 ments so that such governments may provide to the Direc-
- 3 tor for inclusion in the database similar information to
- 4 the information required under paragraph (1) regarding
- 5 covered property owned, leased, or otherwise managed by
- 6 such governments.

7 (f) Database Updates.—

- 8 (1) Timely inclusion.—After the establish-
- 9 ment of the database, the Director of the Office of
- 10 Science and Technology Policy shall ensure that in-
- 11 formation provided under subsection (d) or sub-
- section (e) is included in the database not later than
- 7 days after the date on which the Director receives
- 14 the information.
- 15 (2) Date of addition or update.—Informa-
- 16 tion in the database relating to covered property
- shall include the date on which the information was
- 18 added or most recently updated.
- 19 (g) REPORT.—Not later than 180 days after the date
- 20 the Director of the Office of Science and Technology Pol-
- 21 iev seeks public comment under subsection (e)(1), the Di-
- 22 rector shall submit to the Committee on Commerce,
- 23 Science, and Transportation of the Senate and the Com-
- 24 mittee on Energy and Commerce of the House of Rep-
- 25 resentatives a report on the progress in establishing the

1	database under this section. The Director shall update the
2	report annually until the date that the database is fully
3	operational.
4	SEC. 10. REALLOCATION INCENTIVES.
5	(a) In General.—Not later than 18 months after
6	the date of enactment of this Act, the Secretary, in con-
7	sultation with the Commission, the Director of OMB, and
8	the head of each affected Federal agency (or a designee
9	thereof) shall submit to the appropriate committees of
10	Congress a report that includes legislative or regulatory
11	recommendations to incentivize a Federal entity to relin-
12	quish, or share with Federal or non-Federal users, Federal
13	spectrum for the purpose of allowing commercial wireless
14	broadband services to operate on that Federal spectrum.
15	(b) Post-Auction Payments.—
16	(1) REPORT.—In preparing the report under
17	subsection (a), the Secretary shall—
18	(A) consider whether permitting eligible
19	Federal entities that are implementing a transi-
20	tion plan submitted under section 113(h) of the
21	National Telecommunications and Information
22	Administration Organization Act (47 U.S.C.
23	923(h)) to accept payments could result in ac-
24	eess to the eligible frequencies that are being

reallocated for exclusive non-Federal use or

1	shared use sooner than would otherwise occur
2	without such payments; and
3	(B) include the findings under subpara-
4	graph (A), including the analysis under para-
5	graph (2) and any recommendations for legisla-
6	tion, in the report.
7	(2) Analysis.—In considering payments under
8	paragraph $(1)(\Lambda)$, the Secretary shall conduct an
9	analysis of whether and how such payments would
10	affect—
11	(A) bidding in auctions conducted under
12	section 309(j) of the Communications Act of
13	1934 (47 U.S.C. 309(j)) of such eligible fre-
14	quencies; and
15	(B) receipts collected from the auctions de-
16	scribed in subparagraph (A).
17	(3) Definitions.—In this subsection:
18	(A) PAYMENT.—The term "payment"
19	means a payment in eash or in-kind by any
20	auction winner, or any person affiliated with an
21	auction winner, of eligible frequencies during
22	the period after eligible frequencies have been
23	reallocated by competitive bidding under section
24	309(j) of the Communications Act of 1934 (47
25	U.S.C. 309(j)) but prior to the completion of

1	relocation or sharing transition of such eligible
2	frequencies per transition plans approved by the
3	Technical Panel.
4	(B) ELIGIBLE FREQUENCIES.—The term
5	"eligible frequencies" has the meaning given
6	the term in section 113(g)(2) of the National
7	Telecommunications and Information Adminis-
8	tration Organization Act (47 U.S.C. 923(g)(2)).
9	SEC. 11. BIDIRECTIONAL SHARING STUDY.
10	(a) In General.—Not later than 1 year after the
11	date of enactment of this Act, including an opportunity
12	for public comment, the Commission, in collaboration with
13	the NTIA, shall—
14	(1) conduct a bidirectional sharing study to de-
15	termine the best means of providing Federal entities
16	flexible access to non-Federal spectrum on a shared
17	basis across a range of short-, mid-, and long-range
18	timeframes, including for intermittent purposes like
19	emergency use; and
20	(2) submit to Congress a report on the study
21	under paragraph (1), including any recommenda-
22	tions for legislation or proposed regulations.
23	(b) Considerations.—In conducting the study
24	under subsection (a), the Commission shall consider how
25	to balance the regulatory certainty that commercial spec-

- 1 trum users and Federal entities need to make longer-term
- 2 investment decisions for shared access to be viable.
- 3 SEC. 12. UNLICENSED SERVICES IN GUARD BANDS.
- 4 (a) In General.—After a feasibility assessment and
- 5 public notice and comment, and in consultation with the
- 6 Secretary and the head of each affected Federal agency
- 7 (or a designee thereof), the Commission shall adopt rules
- 8 that permit unlicensed services where feasible to use any
- 9 frequencies that are designated as guard bands to protect
- 10 frequencies allocated after the date of enactment of this
- 11 Act by competitive bidding under section 309(j) of the
- 12 Communications Act of 1934 (47 U.S.C. 309(j)), includ-
- 13 ing spectrum that acts as a duplex gap between transmit
- 14 and receive frequencies.
- 15 (b) Limitation.—The Commission may not permit
- 16 any use of a guard band under this section that would
- 17 cause harmful interference to a licensed service or a Fed-
- 18 eral service operating in the guard band or in an adjacent
- 19 band.
- 20 (e) Rule of Construction.—Nothing in this sec-
- 21 tion shall be construed as limiting the Commission or the
- 22 Secretary from making spectrum available for licensed or
- 23 unlicensed use under section 3 or available for unlicensed
- 24 use in any spectrum band under existing rules and regula-
- 25 tions.

1 SEC. 13. PRE-AUCTION FUNDING.

2	Section 118(d)(3)(B)(i)(II) of the National Tele-
3	communications and Information Administration Organi-
4	zation Act (47 U.S.C. 928(d)(3)(B)(i)(II)) is amended by
5	striking "5 years" and inserting "8 years".
6	SEC. 14. IMMEDIATE TRANSFER OF FUNDS.
7	Section 118(e)(1) of the National Telecommuni-
8	eations and Information Administration Organization Act
9	(47 U.S.C. 928(e)(1)) is amended by adding at the end
10	the following:
11	"(D) At the request of an eligible Federal
12	entity, the Director of OMB may transfer the
13	amount under subparagraph (A) immediately—
14	"(i) after the frequencies are reallo-
15	cated by competitive bidding under section
16	309(j) of the Communications Act of 1934
17	(47 U.S.C. 309(j)); or
18	"(ii) in the case of an incumbent Fed-
19	eral entity that is incurring relocation or
20	sharing costs to accommodate sharing
21	spectrum frequencies with another Federal
22	entity, after the frequencies from which the
23	other eligible Federal entity is relocating
24	are reallocated by competitive bidding
25	under section 309(j) of the Communica-
26	tions Act of 1934 (47 U.S.C. 309(j)), with-

1	out regard to the availability of such sums
2	in the Fund.
3	"(E) Prior to the deposit of proceeds into
4	the Fund from an auction, the Director of
5	OMB may borrow from the Treasury the
6	amount under subparagraph (A) for a transfer
7	under subparagraph (D). The Treasury shall
8	immediately be reimbursed, without interest,
9	from funds deposited into the Fund.".
10	SEC. 15. AMENDMENTS TO THE SPECTRUM PIPELINE ACT
11	OF 2015.
12	Section 1008 of the Spectrum Pipeline Act of 2015
13	(Public Law 114-74; 129 Stat. 584) is amended in the
14	matter preceding paragraph (1) by inserting ", after an
15	opportunity for public comment," after "the Commission".
16	SEC. 16. RULES OF CONSTRUCTION.
16 17	SEC. 16. RULES OF CONSTRUCTION. (a) RANGES OF FREQUENCIES.—Each range of fre-
17	
17 18	(a) Ranges of Frequencies.—Each range of fre-
17 18	(a) RANGES OF FREQUENCIES.—Each range of frequencies described in this Act shall be construed to be in-
17 18 19	(a) RANGES OF FREQUENCIES.—Each range of frequencies described in this Act shall be construed to be inclusive of the upper and lower frequencies in the range.
17 18 19 20 21	(a) RANGES OF FREQUENCIES.—Each range of frequencies described in this Act shall be construed to be inclusive of the upper and lower frequencies in the range. (b) ASSESSMENT OF ELECTROMAGNETIC SPECTRUM
17 18 19 20 21	(a) RANGES OF FREQUENCIES.—Each range of frequencies described in this Act shall be construed to be inclusive of the upper and lower frequencies in the range. (b) ASSESSMENT OF ELECTROMAGNETIC SPECTRUM REALLOCATION.—Nothing in this Act shall be construed

- 1 section 1062(a) of the National Defense Authorization Act
- 2 for Fiscal Year 2000.
- 3 SEC. 17. RELATIONSHIP TO MIDDLE CLASS TAX RELIEF
- 4 AND JOB CREATION ACT OF 2012.
- 5 Nothing in this Act shall be construed to limit, re-
- 6 striet, or eircumvent in any way the implementation of the
- 7 nationwide public safety broadband network defined in
- 8 section 6001 of title VI of the Middle Class Tax Relief
- 9 and Job Creation Act of 2012 (47 U.S.C. 1401) or any
- 10 rules implementing that network under title VI of that Act
- 11 (47 U.S.C. 1401 et seq.).
- 12 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
- 13 (a) Short Title.—This Act may be cited as the
- 14 "Making Opportunities for Broadband Investment and
- 15 Limiting Excessive and Needless Obstacles to Wireless Act"
- 16 or the "MOBILE NOW Act".
- 17 (b) Table of Contents of this
- 18 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 quard 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.
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)).

1	(4) NTIA.—The term "NTIA" means the Na-
2	tional Telecommunications and Information Admin-
3	istration of the Department of Commerce.
4	(5) OMB.—The term "OMB" means the Office of
5	Management and Budget.
6	(6) Secretary.—The term "Secretary" means
7	the Secretary of Commerce.
8	SEC. 3. MAKING 500 MEGAHERTZ AVAILABLE.
9	(a) Requirements.—
10	(1) In General.—Consistent with the Presi-
11	dential Memorandum of June 28, 2010, entitled
12	"Unleashing the Wireless Broadband Revolution" and
13	establishing a goal of making a total of 500 megahertz
14	of Federal and non-Federal spectrum available on a
15	licensed or unlicensed basis for wireless broadband use
16	by 2020, not later than December 31, 2020, the Sec-
17	retary, working through the NTIA, and the Commis-
18	sion shall make available a total of at least 255 mega-
19	hertz of Federal and non-Federal spectrum below the
20	frequency of 6000 megahertz for mobile and fixed
21	wireless broadband use.
22	(2) Unlicensed and licensed use.—Of the
23	spectrum made available under paragraph (1), not

less than—

1	(A) 100 megahertz shall be made available
2	on an unlicensed basis; and
3	(B) 100 megahertz shall be made available
4	on an exclusive, licensed basis for commercial
5	mobile use, subject to the Commission's regu-
6	latory purview to implement exclusive licensing
7	in a flexible manner, including consideration of
8	continued use of such spectrum by incumbent
9	Federal or non-Federal entities in designated ge-
10	ographic areas indefinitely.
11	(3) Non-eligible spectrum.—For purposes of
12	satisfying the requirement under paragraph (1), the
13	following spectrum shall not be counted:
14	(A) The frequencies between 1695 and 1710
15	megahertz.
16	(B) The frequencies between 1755 and 1780
17	megahertz.
18	(C) The frequencies between 2155 and 2180
19	megahertz.
20	(D) The frequencies between 3550 and 3700
21	megahertz.
22	(E) Spectrum that the Commission deter-
23	mines had more than de minimis mobile or fixed
24	wireless broadband operations within the band

1	on the day before the date of enactment of this
2	Act.
3	(4) Relocation prioritized over sharing.—
4	This section shall be carried out in accordance with
5	section 113(j) of the National Telecommunications
6	and Information Administration Organization Act
7	(47 U.S.C. 923(j)).
8	(5) Considerations.—In making spectrum
9	available under this section, the Secretary and Com-
10	mission shall consider—
11	(A) the need to preserve critical existing
12	and planned Federal Government capabilities;
13	(B) the impact on existing State, local, and
14	$tribal\ government\ capabilities;$
15	(C) the international implications;
16	(D) the need for appropriate enforcement
17	mechanisms and authorities; and
18	(E) the importance of the deployment of
19	wireless broadband services in rural areas of the
20	United States.
21	(b) Rules of Construction.—Nothing in this sec-
22	tion shall be construed—
23	(1) to impair or otherwise affect the functions of
24	the Director of OMB relating to budgetary, adminis-
25	trative, or legislative proposals;

1	(2) to require the disclosure of classified informa-
2	tion, law enforcement sensitive information, or other
3	information that must be protected in the interest of
4	national security; or
5	(3) to affect any requirement under section 156
6	of the National Telecommunications and Information
7	Administration Organization Act (47 U.S.C. 921
8	note), as added by section 1062(a) of the National De-
9	fense Authorization Act for Fiscal Year 2000, or any
10	other relevant statutory requirement applicable to the
11	$real location\ of\ Federal\ spectrum.$
12	SEC. 4. MILLIMETER WAVE SPECTRUM.
13	(a) Feasibility Assessment.—Not later than 18
14	months after the date of enactment of this Act, the NTIA,
15	in consultation with the Commission, shall conduct a feasi-
16	bility assessment regarding the impact, on Federal entities
17	and operations in any of the following bands, of authorizing
18	mobile or fixed terrestrial wireless operations, including for
19	advanced mobile service operations, in the following bands:
20	(1) The band between 31800 and 33400 mega-
21	hertz.
22	(2) The band between 71000 and 76000 mega-
23	hertz.

(3) The band between 81000 and 86000 mega-

hertz.

24

1	(b) Requirements.—In conducting the feasibility as-
2	sessment under subsection (a), the NTIA shall—
3	(1) consult directly with Federal entities with re-
4	spect to frequencies allocated to Federal use by such
5	entities in the bands identified in that subsection;
6	(2) consider what, if any, impact authorizing
7	mobile or fixed terrestrial wireless operations, includ-
8	ing advanced mobile services operations, in any of
9	such frequencies would have on an affected Federal
10	entity; and
11	(3) identify any such frequencies in the bands
12	described in that subsection that the NTIA assessment
13	determines are feasible for authorizing for mobile or
14	fixed terrestrial wireless operations, including any
15	advanced mobile service operations.
16	(c) Report to Congress and the Commission.—
17	Not later than 30 days after the date the feasibility assess-
18	ment under subsection (a) is complete, the NTIA shall sub-
19	mit to the appropriate committees of Congress a report on
20	the feasibility assessment and provide a copy to the Com-
21	mission.
22	(d) FCC Proceeding.—Not later than 2 years after
23	the date of enactment of this Act or 90 days after the date
24	it receives the feasibility assessment under subsection (c),
25	whichever is earlier, the Commission, in consultation with

1	the NTIA, shall publish a notice of proposed rulemaking
2	to consider service rules to authorize mobile or fixed terres-
3	trial wireless operations, including for advanced mobile
4	service operations, in the following radio frequency bands:
5	(1) The band between 24250 and 24450 mega-
6	hertz.
7	(2) The band between 25050 and 25250 mega-
8	hertz.
9	(3) The band between 31800 and 33400 mega-
10	hertz, except for any frequencies with Federal alloca-
11	tions.
12	(4) The band between 42000 and 42500 mega-
13	hertz.
14	(5) The band between 71000 and 76000 mega-
15	hertz, except for any frequencies with Federal alloca-
16	tions.
17	(6) The band between 81000 and 86000 mega-
18	hertz, except for any frequencies with Federal alloca-
19	tions.
20	(7) Any frequencies with Federal allocations
21	$identified\ as\ feasible\ under\ subsection\ (b) (3).$
22	(e) Considerations.—In conducting a rulemaking
23	under subsection (d), the Commission shall—

1	(1) consult with Federal entities via the NTIA
2	regarding the frequencies described in subsection
3	(d)(7);
4	(2) consider how the bands described in sub-
5	section (d) may be used to provide commercial wire-
6	less broadband service, including whether—
7	(A) such spectrum may be best used for li-
8	censed or unlicensed services, or some combina-
9	tion thereof; and
10	(B) to permit additional licensed operations
11	in such bands on a shared basis; and
12	(3) include technical characteristics under which
13	the bands described in subsection (d) may be em-
14	ployed for mobile or fixed terrestrial wireless oper-
15	ations, including any appropriate coexistence require-
16	ments.
17	SEC. 5. 3 GIGAHERTZ SPECTRUM.
18	(a) Between 3100 Megahertz and 3550 Mega-
19	HERTZ.—Not later than 18 months after the date of enact-
20	ment of this Act, and in consultation with the Commission
21	and the head of each affected Federal agency (or a designee
22	thereof), the Secretary shall submit to the Commission and
23	the appropriate committees of Congress a report evaluating
24	the feasibility of allowing commercial wireless services, li-

1	censed or unlicensed, to share use of the frequencies between
2	3100 megahertz and 3550 megahertz.
3	(b) Between 3700 Megahertz and 4200 Mega-
4	HERTZ.—Not later than 18 months after the date of enact-
5	ment of this Act, after notice and an opportunity for public
6	comment, and in consultation with the Secretary and the
7	head of each affected Federal agency (or a designee thereof),
8	the Commission shall submit to the Secretary and the ap-
9	propriate committees of Congress a report evaluating the
10	feasibility of allowing commercial wireless services, licensed
11	or unlicensed, to share use of the frequencies between 3700
12	megahertz and 4200 megahertz.
13	(c) Requirements.—A report under subsection (a) or
14	subsection (b) shall include the following:
15	(1) An assessment of the operations of Federal
16	entities that operate Federal Government stations au-
17	thorized to use the frequencies described in that sub-
18	section.
19	(2) An assessment of the possible impacts of such
20	sharing on Federal and non-Federal users already op-
21	erating on the frequencies described in that sub-
22	section.
23	(3) The criteria that may be necessary to ensure
24	shared licensed or unlicensed services would not cause

 $harmful\ interference\ to\ Federal\ or\ non-Federal\ users$

- already operating in the frequencies described in that
 subsection.
- (4) If such sharing is feasible, an identification
 of which of the frequencies described in that subsection
 are most suitable for sharing with commercial wireless services through the assignment of new licenses by
 competitive bidding, for sharing with unlicensed operations, or through a combination of licensing and un-
- 10 (d) Commission Action.—The Commission, in con-
- 11 sultation with the NTIA, shall seek public comment on the
- 12 reports required under subsections (a) and (b), including
- 13 regarding the bands identified in such reports as feasible
- 14 pursuant to subsection (c)(4).

licensed operations.

- 15 SEC. 6. DISTRIBUTED ANTENNA SYSTEMS AND SMALL CELL
- 16 *INFRASTRUCTURE*.
- 17 Not later than December 31, 2016, the Commission
- 18 shall take action in its Program Alternatives for Small
- 19 Wireless Communications Facility Deployments proceeding
- 20 (WT Docket 15–180).
- 21 SEC. 7. COMMUNICATIONS FACILITIES DEPLOYMENT ON
- 22 FEDERAL PROPERTY.
- 23 (a) In General.—Section 6409 of the Middle Class
- 24 Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455)

1 is amended by striking subsections (b), (c), and (d) and 2 inserting the following:

3 "(b) Federal Easements, Rights-of-way, and 4 Leases.—

"(1) GRANT.—If an executive agency, a State, a political subdivision or agency of a State, or a person, firm, or organization applies for the grant of an easement, right-of-way, or lease to, in, over, or on a building or other property owned by the Federal Government for the right to install, construct, modify, or maintain a communications facility installation, the executive agency having control of the building or other property may grant to the applicant, on behalf of the Federal Government, subject to paragraph (5), an easement, right-of-way, or lease to perform such installation, construction, modification, or maintenance.

"(2) APPLICATION.—

"(A) IN GENERAL.—The Administrator of General Services shall develop a common form for applications for easements, rights-of-way, and leases under paragraph (1) for all executive agencies that, except as provided in subparagraph (B), shall be used by all executive agencies

1	and applicants with respect to the buildings or
2	other property of each such agency.
3	"(B) Exception.—The requirement under
4	subparagraph (A) for an executive agency to use
5	the common form developed by the Administrator
6	of General Services shall not apply to an execu-
7	tive agency if the head of an executive agency
8	notifies the Administrator that the executive
9	agency uses a substantially similar application.
10	"(3) Fee.—
11	"(A) In general.—Notwithstanding any
12	other provision of law, the Administrator of Gen-
13	eral Services shall establish a fee for the grant of
14	an easement, right-of-way, or lease pursuant to
15	paragraph (1) that is based on direct cost recov-
16	ery.
17	"(B) Exceptions.—The Administrator of
18	General Services may establish exceptions to the
19	fee amount required under subparagraph (A)—
20	"(i) in consideration of the public ben-
21	efit provided by a grant of an easement,
22	right-of-way, or lease; and
23	"(ii) in the interest of expanding wire-
24	less and broadband coverage.

1	"(4) USE OF FEES COLLECTED.—Any fee
2	amounts collected by an executive agency pursuant to
3	paragraph (3) may be made available, as provided in
4	appropriations Acts, to such agency to cover the costs
5	of granting the easement, right-of-way, or lease.
6	"(5) Timely consideration of applica-
7	TIONS.—
8	"(A) In General.—Not later than 270
9	days after the date on which an executive agency
10	receives a duly filed application for an easement,
11	right-of-way, or lease under this subsection, the
12	executive agency shall—
13	"(i) grant or deny, on behalf of the
14	Federal Government, the application; and
15	"(ii) notify the applicant of the grant
16	or denial.
17	"(B) Explanation of Denial.—If an exec-
18	utive agency denies an application under sub-
19	paragraph (A), the executive agency shall notify
20	the applicant in writing, including a clear state-
21	ment of the reasons for the denial.
22	"(C) Applicability of environmental
23	LAWS.—Nothing in this paragraph shall be con-
24	strued to relieve an executive agency of the re-
25	quirements of the National Historic Preservation

1	Act (16 U.S.C. 470 et seq.) or the National Envi-
2	ronmental Policy Act of 1969 (42 U.S.C. 4321 et
3	seq.).
4	"(D) Point of contact.—Upon receiving
5	an application under subparagraph (A), an exec-
6	utive agency shall designate 1 or more appro-
7	priate individuals within the executive agency to
8	act as a point of contact with the applicant.
9	"(c) Master Contracts for Communications Fa-
10	CILITY INSTALLATION SITINGS.—
11	"(1) In General.—Notwithstanding section 704
12	of the Telecommunications Act of 1996 (Public Law
13	104-104; 110 Stat. 151) or any other provision of
14	law, the Administrator of General Services shall—
15	"(A) develop 1 or more master contracts
16	that shall govern the placement of communica-
17	tions facility installation on buildings and other
18	property owned by the Federal Government; and
19	"(B) in developing the master contract or
20	contracts, standardize the treatment of the place-
21	ment of communications facility installation on
22	building rooftops or facades, the placement of
23	communications facility installation on rooftops
24	or inside buildings, the technology used in con-
25	nection with communications facility installa-

tion placed on Federal buildings and other prop erty, and any other key issues the Administrator
 of General Services considers appropriate.

"(2) Applicability.—The master contract or contracts developed by the Administrator of General Services under paragraph (1) shall apply to all publicly accessible buildings and other property owned by the Federal Government, unless the Administrator of General Services decides that issues with respect to the siting of a communications facility installation on a specific building or other property warrant nonstandard treatment of such building or other property.

"(3) APPLICATION.—

"(A) In General.—The Administrator of General Services shall develop a common form or set of forms for communications facility installation siting applications that, except as provided in subparagraph (B), shall be used by all executive agencies and applicants with respect to the buildings and other property of each such agency.

"(B) EXCEPTION.—The requirement under subparagraph (A) for an executive agency to use the common form or set of forms developed by the

1	Administrator of General Services shall not
2	apply to an executive agency if the head of the
3	executive agency notifies the Administrator that
4	the executive agency uses a substantially similar
5	application.
6	"(d) Definitions.—In this section:
7	"(1) Communications facility installa-
8	TION.—The term 'communications facility installa-
9	tion' includes—
10	"(A) any infrastructure, including any
11	transmitting device, tower, or support structure,
12	and any equipment, switches, wiring, cabling,
13	power sources, shelters, or cabinets, associated
14	with the licensed or permitted unlicensed wireless
15	or wireline transmission of writings, signs, sig-
16	nals, data, images, pictures, and sounds of all
17	kinds; and
18	"(B) any antenna or apparatus that—
19	"(i) is designed for the purpose of
20	$emitting\ radio\ frequency;$
21	"(ii) is designed to be operated, or is
22	operating, from a fixed location pursuant to
23	authorization by the Commission or is
24	using duly authorized devices that do not
25	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 ease-
7	ment, right-of-way, or lease that was made or granted under
8	section 6409 of the Middle Class Tax Relief and Job Cre-
9	ation Act of 2012 (47 U.S.C. 1455) before the effective date
10	of this Act shall continue, subject to that section as in effect
11	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 "commu-
16	nications facility installation" has the meaning given
17	the term in section 6409(d) of the Middle Class Tax
18	Relief and Job Creation Act of 2012 (47 U.S.C.
19	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 NTIA,
23	in coordination with the Department of the Inte-
24	rior, the Department of Agriculture, the Depart-
25	ment of Defense, the Department of Transpor-

1	tation, the Office of Management and Budget,
2	and the General Services Administration, shall
3	develop recommendations to streamline the proc-
4	ess for considering applications by those agencies
5	under section 6409(b) of the Middle Class Tax
6	Relief and Job Creation Act of 2012 (47 U.S.C.
7	1455(b)), as amended by subsection (a).
8	(B) Requirements for recommenda-
9	TIONS.—The recommendations developed under
10	subparagraph (A) shall include—
11	(i) procedures for the tracking of appli-
12	cations described in subparagraph (A);
13	(ii) methods by which to reduce the
14	amount of time between the receipt of an
15	application and the issuance of a final deci-
16	sion on an application; and
17	(iii) policies to expedite renewals of an
18	easement, license, or other authorization to
19	locate a communications facility installa-
20	tion on land managed by the agencies de-
21	scribed in subparagraph (A).
22	(C) Report to congress.—Not later than
23	2 years after the date on which the recommenda-
24	tions required under subparagraph (A) are devel-
25	oped, the NTIA shall submit to the Committee on

1	Commerce, Transportation, and Science of the
2	Senate and the Committee on Energy and Com-
3	merce of the House of Representatives a report
4	that describes—
5	(i) the status of the implementation of
6	the recommendations developed pursuant to
7	subparagraph (B); and
8	(ii) any improvements to the process
9	for considering applications described in
10	subparagraph (A) that have resulted from
11	those recommendations, including in par-
12	ticular the speed at which such applications
13	are reviewed and a final determination is
14	is sued.
15	SEC. 8. BROADBAND INFRASTRUCTURE DEPLOYMENT.
16	(a) Finding Regarding Federal and State De-
17	PARTMENTS OF TRANSPORTATION.—Congress finds that it
18	is the policy of the United States for the Department of
19	Transportation and State departments of transportation—
20	(1) to adjust or otherwise develop right-of-way
21	policies for Federal-aid highways to effectively accom-
22	$modate\ broadband\ in frastructure;$
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 necessary
11	to evaluate and carry out projects relating to the
12	proper and effective installation and operation of
13	$broad band\ in frastructure.$
14	(2) Broadband infrastructure.—The term
15	"broadband infrastructure" means any buried or aer-
16	ial facility, and any wireless or wireline connection,
17	that enables users to send and receive voice, video,
18	data, graphics, or any combination thereof.
19	(3) Broadband infrastructure entity.—The
20	term 'broadband infrastructure entity' means any
21	entity that—
22	(A) installs, owns, or operates broadband
23	infrastructure; and
24	(B) provides broadband services to the pub-
25	lic in a manner consistent with the public inter-

1	est, convenience, and necessity, as determined by
2	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	(c) Broadband Infrastructure Deployment.—To
8	facilitate the installation of broadband infrastructure and
9	achieve the policy described in subsection (a), the Secretary
10	of Transportation shall ensure that each State that receives
11	funds under chapter 1 of title 23, United States Code, meets
12	the following requirements:
13	(1) Broadband coordination.—The State de-
14	partment of transportation, in coordination with ap-
15	propriate State agencies, shall—
16	(A) identify a broadband utility coordi-
17	nator that is responsible for coordinating the
18	broadband infrastructure right-of-way needs of
19	the State with Federal-aid highway projects car-
20	ried out in the State;
21	(B) establish a process for the registration
22	of broadband infrastructure entities that seek to
23	be included in those broadband infrastructure
24	right-of-way coordination efforts within the
25	State:

1	(C) coordinate initiatives carried out under
2	this section with other statewide telecommuni-
3	cation and broadband plans and State and local
4	transportation and land use plans; and
5	(D) include in the State broadband infra-
6	structure coordination plan strategies to mini-
7	mize repeated excavations that involve the instal-
8	lation of broadband infrastructure in a right-of-
9	way.
10	(2) Priority.—In providing for the installation
11	of broadband infrastructure in the right-of-way of an
12	applicable Federal-aid highway under this subsection,
13	the State department of transportation shall carry
14	out any appropriate measures to ensure that any ex-
15	isting broadband infrastructure entities are not dis-
16	advantaged, as compared to other broadband infra-
17	structure entities, with respect to the program under
18	this subsection.
19	(d) Effect of Section.—This section applies only
20	to activities for which obligations or expenditures are ini-
21	tially approved on or after the date of enactment of this
22	Act.
23	SEC. 9. NATIONAL BROADBAND FACILITIES ASSET DATA-
24	BASE.
25	(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 Federal Communica-
18	tions Commission or is using duly author-
19	ized devices that do not require individual
20	licenses; and
21	(iii) is added to a tower, building, or
22	other structure.
23	(2) Covered property.—The term "covered
24	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	Federal Communications Commission, Assistant Secretary
15	of Commerce for Communications and Information, Under
16	Secretary of Commerce for Standards and Technology, Ad-
17	ministrator of General Services, and Director of the Office
18	of Management and Budget, shall—
19	(1) establish and operate a single database of
20	any covered property that is owned, leased, or other-
21	wise managed by an Executive agency;
22	(2) make the database available to—
23	(A) any entity that—
24	(i) constructs or operates communica-
25	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 the MOBILE NOW Act, the
15	Director of the Office of Science and Technology Pol-
16	icy shall seek public comment to inform the establish-
17	ment and operation 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

(3) Subsequently acquires property.—If an Executive agency acquires covered property after

under paragraph (1), the head of the Executive agen-

cy shall provide updated information to the Director

not later than 30 days after the date of the change.

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the date on which the database is established under subsection (b), the head of the Executive agency shall provide to the Director of the Office of Science and Technology Policy the information required under paragraph (1) with respect to the covered property not later than 30 days after the date of the acquisition.

(e) State and Local Governments.—

(1) In General.—The Director of the Office of Science and Technology Policy (referred to in this subsection as the "Director") shall make the database available to State and local governments so that such governments may provide to the Director for inclusion in the database similar information to the information required under subsection (d)(1) regarding covered property owned, leased, or otherwise managed by such governments.

(2) Report on incentivizing participation By State and local governments.—

(A) In GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Chairman of the Commission, the Assistant Secretary of Commerce for Communications and Information, the Under Secretary of Commerce for Standards and

Technology, the Administrator of General Services, and the Director of the Office of Management and Budget, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on potential ways to incentivize State and local governments to provide to the Director for inclusion in the database similar information to the information required under subsection (d)(1) regarding covered property owned, leased, or otherwise managed by such governments pursuant to paragraph (1) of this subsection or through other means.

- (B) Considerations.—The Director, in preparing the report under subparagraph (A), shall—
 - (i) consult with State and local governments, or their representatives, to identify for inclusion in the report the most cost-effective options for State and local governments to collect and provide the information described in subparagraph (A), including utilizing and leveraging State broadband 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).

years after the date on which the database is established under this section, the Director shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives an update to the report required under subparagraph (A) that identifies State and local governments that have contributed to the database and provides recommendations on ways to further incentivize participation by State and local governments pursuant to paragraph (1) of this subsection or through other means.

(f) Database Updates.—

(1) Timely inclusion.—After the establishment of the database, the Director of the Office of Science and Technology Policy shall ensure that information provided under subsection (d) or subsection (e) is in-

- 1 cluded in the database not later than 7 days after the
- 2 date on which the Director receives the information.
- 3 (2) Date of addition or update.—Informa-
- 4 tion in the database relating to covered property shall
- 5 include the date on which the information was added
- 6 or most recently updated.
- 7 (g) REPORT.—Not later than 180 days after the date
- 8 the Director of the Office of Science and Technology Policy
- 9 seeks public comment under subsection (c)(1), the Director
- 10 shall submit to the Committee on Commerce, Science, and
- 11 Transportation of the Senate and the Committee on Energy
- 12 and Commerce of the House of Representatives a report on
- 13 the progress in establishing the database under this section.
- 14 The Director shall update the report annually until the date
- 15 that the database is fully operational. After the database
- 16 is fully operational and for the next 5 years thereafter, the
- 17 Director shall provide annual reports regarding the use of
- 18 the database, recommendations of how the database may
- 19 provide additional utility to the entities described in sub-
- 20 section (b)(2), if any recommendations are warranted, and
- 21 how previous recommendations have been implemented.
- 22 SEC. 10. REALLOCATION INCENTIVES.
- 23 (a) In General.—Not later than 18 months after the
- 24 date of enactment of this Act, the Secretary, in consultation
- 25 with the Commission, the Director of OMB, and the head

1	of each affected Federal agency (or a designee thereof), after
2	notice and an opportunity for public comment, shall submit
3	to the appropriate committees of Congress a report that in-
4	cludes legislative or regulatory recommendations to
5	incentivize a Federal entity to relinquish, or share with
6	Federal or non-Federal users, Federal spectrum for the pur-
7	pose of allowing commercial wireless broadband services to
8	operate on that Federal spectrum.
9	(b) Post-Auction Payments.—
10	(1) Report.—In preparing the report under
11	subsection (a), the Secretary shall—
12	(A) consider whether permitting eligible
13	Federal entities that are implementing a transi-
14	tion plan submitted under section 113(h) of the
15	National Telecommunications and Information
16	Administration Organization Act (47 U.S.C.
17	923(h)) to accept payments could result in access
18	to the eligible frequencies that are being reallo-
19	cated for exclusive non-Federal use or shared use
20	sooner than would otherwise occur without such
21	payments; and
22	(B) include the findings under subpara-
23	graph (A), including the analysis under para-
24	graph (2) and any recommendations for legisla-
25	tion, in the report.

1	(2) Analysis.—In considering payments under
2	paragraph (1)(A), the Secretary shall conduct an
3	analysis of whether and how such payments would af-
4	fect—
5	(A) bidding in auctions conducted under
6	section 309(j) of the Communications Act of
7	1934 (47 U.S.C. 309(j)) of such eligible fre-
8	quencies; and
9	(B) receipts collected from the auctions de-
10	scribed in subparagraph (A).
11	(3) Definitions.—In this subsection:
12	(A) Payment.—The term "payment" means
13	a payment in cash or in-kind by any auction
14	winner, or any person affiliated with an auction
15	winner, of eligible frequencies during the period
16	after eligible frequencies have been reallocated by
17	competitive bidding under section 309(j) of the
18	Communications Act of 1934 (47 U.S.C. 309(j))
19	but prior to the completion of relocation or shar-
20	ing transition of such eligible frequencies per
21	transition plans approved by the Technical
22	Panel.
23	(B) Eligible frequencies.—The term
24	"eligible frequencies" has the meaning given the

 $term\ in\ section\ 113(g)(2)\ of\ the\ National\ Tele-$

1	communications and Information Administra-
2	tion Organization Act (47 U.S.C. $923(g)(2)$).
3	SEC. 11. BIDIRECTIONAL SHARING STUDY.
4	(a) In General.—Not later than 1 year after the date
5	of enactment of this Act, including an opportunity for pub-
6	lic comment, the Commission, in collaboration with the
7	NTIA, shall—
8	(1) conduct a bidirectional sharing study to de-
9	termine the best means of providing Federal entities
10	flexible access to non-Federal spectrum on a shared
11	basis across a range of short-, mid-, and long-range
12	timeframes, including for intermittent purposes like
13	emergency use; and
14	(2) submit to Congress a report on the study
15	under paragraph (1), including any recommendations
16	for legislation or proposed regulations.
17	(b) Considerations.—In conducting the study under
18	subsection (a), the Commission shall—
19	(1) consider the regulatory certainty that com-
20	mercial spectrum users and Federal entities need to
21	make longer-term investment decisions for shared ac-
22	cess to be viable; and
23	(2) evaluate any barriers to voluntary commer-
24	cial arrangements in which non-Federal users could
25	provide access to Federal entities.

1 SEC. 12. UNLICENSED SERVICES IN GUARD BANDS.

- 2 (a) In General.—After public notice and comment,
- 3 and in consultation with the Secretary and the head of each
- 4 affected Federal agency (or a designee thereof), with respect
- 5 to frequencies allocated for Federal use, the Commission
- 6 shall adopt rules that permit unlicensed services where fea-
- 7 sible to use any frequencies that are designated as guard
- 8 bands to protect frequencies allocated after the date of enact-
- 9 ment of this Act by competitive bidding under section 309(j)
- 10 of the Communications Act of 1934 (47 U.S.C. 309(j)), in-
- 11 cluding spectrum that acts as a duplex gap between trans-
- 12 mit and receive frequencies.
- 13 (b) Limitation.—The Commission may not permit
- 14 any use of a guard band under this section that would cause
- 15 harmful interference to a licensed service or a Federal serv-
- 16 ice operating in the guard band or in an adjacent band.
- 17 (c) Rule of Construction.—Nothing in this section
- 18 shall be construed as limiting the Commission or the Sec-
- 19 retary from otherwise making spectrum available for li-
- 20 censed or unlicensed use in any frequency band in addition
- 21 to guard bands, including under section 3, consistent with
- 22 their statutory jurisdictions.
- 23 SEC. 13. PRE-AUCTION FUNDING.
- Section 118(d)(3)(B)(i)(II) of the National Tele-
- 25 communications and Information Administration Organi-

zation Act (47 U.S.C. 928(d)(3)(B)(i)(II)) is amended by striking "5 years" and inserting "8 years". 3 SEC. 14. IMMEDIATE TRANSFER OF FUNDS. 4 Section 118(e)(1) of the National Telecommunications and Information Administration Organization Act (47 6 U.S.C. 928(e)(1)) is amended by adding at the end the fol-7 lowing: 8 "(D) At the request of an eligible Federal 9 entity, the Director of OMB may transfer the 10 amount under subparagraph (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 Federal entity that is incurring relocation or 16 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	"(E) Prior to the deposit of proceeds into
2	the Fund from an auction, the Director of OMB
3	may borrow from the Treasury the amount
4	under subparagraph (A) for a transfer under
5	subparagraph (D). The Treasury shall imme-
6	diately be reimbursed, without interest, from
7	funds deposited into the Fund.".
8	SEC. 15. AMENDMENTS TO THE SPECTRUM PIPELINE ACT
9	OF 2015.
10	Section 1008 of the Spectrum Pipeline Act of 2015
11	(Public Law 114–74; 129 Stat. 584) is amended in the mat-
12	ter preceding paragraph (1) by inserting ", after notice and
13	an opportunity for public comment," after "the Commis-
14	sion".
15	SEC. 16. GAO ASSESSMENT OF UNLICENSED SPECTRUM
16	AND WI-FI USE IN LOW-INCOME NEIGHBOR-
17	HOODS.
18	(a) Study.—
19	(1) In general.—The Comptroller General of
20	the United States shall conduct a study to evaluate
21	the availability of broadband Internet access using
22	unlicensed spectrum and wireless networks in low in-
23	$come\ neighborhoods.$

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 school-aged children in such neighbor-
8	hoods;
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. 17. 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	cludina—

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. 18. 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. 19. NATIONAL PLAN FOR UNLICENSED SPECTRUM.			

(a) DEFINITIONS.—In this section:

26

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 Fund has sufficient funds to
9	cover—
10	(A) the costs described in paragraph (1);
11	and
12	(B) other expenditures allowed of the Fund
13	under section 118 of the National Telecommuni-
14	cations and Information Administration Organi-
15	zation Act (47 U.S.C. 928).
16	(e) Report Required.—
17	(1) In General.—Not later than 1 year after
18	the date of enactment of this Act, the Commission
19	shall submit to the appropriate committees of Con-
20	gress a report that describes the plan developed under
21	this section, including any recommendations for legis-
22	lative change.
23	(2) Publication on commission website.—
24	Not later than the date on which the Commission sub-
25	mits the report under paragraph (1), the Commission

1	shall make the report publicly available on the website
2	of the Commission.
3	SEC. 20. SPECTRUM CHALLENGE PRIZE.
4	(a) FINDINGS.—Congress finds the following:
5	(1) The future competitiveness and global tech-
6	nology leadership of the United States depend, in
7	part, upon the availability and efficient use of spec-
8	trum.
9	(2) Dramatic improvement in spectrum effi-
10	ciency would spur innovation, investment, and eco-
11	$nomic\ growth.$
12	(3) Radio frequency spectrum is vital for emer-
13	gency communications, national security, law enforce-
14	ment, aviation, maritime safety, space communica-
15	tions, and numerous other Federal functions.
16	(4) Prize competitions can spur innovation in
17	the private and public sectors.
18	(b) Definition of Prize Competition.—In this sec-
19	tion, the term "prize competition" means a prize competi-
20	tion conducted by the Secretary under subsection $(c)(1)$.
21	(c) Spectrum Challenge Prize.—
22	(1) In General.—The Secretary, in consultation
23	with the Assistant Secretary of Commerce for Com-
24	munications and Information and the Under Sec-
25	retary of Commerce for Standards and Technology,

1	shall, subject to the availability of funds for prize
2	competitions under this section—
3	(A) conduct prize competitions to dramati-
4	cally accelerate the development and commer-
5	cialization of technology that improves spectrum
6	efficiency and is capable of cost-effective deploy-
7	ment; and
8	(B) define a measurable set of performance
9	goals for participants in the prize competitions
10	to demonstrate their solutions on a level playing
11	field while making a significant advancement
12	over the current state of the art.
13	(2) Authority of Secretary.—In carrying
14	out paragraph (1), the Secretary may—
15	(A) enter into a grant, contract, cooperative
16	agreement, or other agreement with a private
17	sector for-profit or nonprofit entity to administer
18	the prize competitions;
19	(B) invite the Defense Advanced Research
20	Projects Agency, the Commission, the National
21	Aeronautics and Space Administration, the Na-
22	tional Science Foundation, or any other Federal
23	agency to provide advice and assistance in the
24	design or administration of the prize competi-
25	tions; and

1	(C) award not more than \$5,000,000, in the
2	aggregate, to the winner or winners of the prize
3	competitions.
4	(d) Criteria.—Not later than 180 days after the date
5	on which funds for prize competitions are made available
6	pursuant to this section, the Commission shall publish a
7	technical paper on spectrum efficiency providing criteria
8	that may be used for the design of the prize competitions.
9	(e) Authorization of Appropriations.—There are
10	authorized to be appropriated such sums as may be nec-
11	essary to carry out this section.
12	SEC. 21. WIRELESS TELECOMMUNICATIONS TAX AND FEE
13	COLLECTION FAIRNESS.
14	(a) Short Title.—This section may be cited as the
15	"Wireless Telecommunications Tax and Fee Collection
16	Fairness Act of 2016".
17	(b) FINDINGS.—Congress finds the following:
18	(1) A State may designate an in-State or out-of-
19	State person as a collection agent for the State and
20	impose upon the person a duty to collect certain taxes
21	and fees for wireless telecommunications services from
22	residents of the State.
23	(2) States have the sovereign right to tax their
	(2) States have the sovereigh right to tax their
24	citizens, subject to the Constitution of the United

- to tax interstate commerce or to impose taxes or other
 obligations on citizens of other States without limitation.
 - (3) A collection agent for a State may feasibly collect taxes and fees from a customer in connection with a financial transaction to which the agent and customer are parties.
 - (4) Congress can help ensure against unreasonable burdens on interstate commerce by prohibiting each State from imposing a duty on any person to serve as a collection agent for the State unless the collection is in connection with a financial transaction.

 (c) DEFINITIONS.—In this section:
 - (1) FINANCIAL TRANSACTION.—The term "financial transaction" means a transaction in which the purchaser or user of a wireless telecommunications service upon whom a tax, fee, or surcharge is imposed gives cash, credit, or any other exchange of monetary value or consideration to the person who is required to collect or remit the tax, fee, or surcharge.
 - (2) Local jurisdiction" means a political subdivision of a State.
 - (3) STATE.—The term "State" means any of the several States, the District of Columbia, and any territory or possession of the United States.

- 1 (4) STATE OR LOCAL JURISDICTION.—The term
 2 "State or local jurisdiction" includes any govern3 mental entity or person acting on behalf of a State
 4 or local jurisdiction that has the authority to assess,
 5 impose, levy, or collect taxes or fees.
 6 (5) Wireless Telecommunications serv-
 - (5) Wireless telecommunications service"

 ICE.—The term "wireless telecommunications service"

 means a commercial mobile radio service, as defined in section 20.3 of title 47, Code of Federal Regulations, or any successor thereto.

(d) Financial Transaction Requirement.—

- (1) In General.—A State, or a local jurisdiction of a State, may not require a person to collect from, or remit on behalf of, any other person a State or local tax, fee, or surcharge imposed on a purchaser or user with respect to the purchase or use of any wireless telecommunications service within the State unless the collection or remittance is in connection with a financial transaction between—
 - (A) the person that the State or local jurisdiction requires to collect or remit the tax, fee, or surcharge; and
- (B) the purchaser or user of the wireless telecommunications service.

1 (2) RULE OF CONSTRUCTION.—Nothing in this 2 subsection shall be construed to affect the right of a 3 State or local jurisdiction to require the collection of 4 any tax, fee, or surcharge in connection with a finan-5 cial transaction.

(e) Enforcement.—

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- (1) Private right of action.—Any person aggrieved by a violation of subsection (d) may bring a civil action in an appropriate district court of the United States for equitable relief in accordance with paragraph (2) of this subsection.
- (2) Jurisdiction of district courts.—Not-12 withstanding section 1341 of title 28, United States 13 14 Code, or the constitution or laws of any State, the 15 district courts of the United States shall have juris-16 diction, without regard to the amount in controversy 17 or citizenship of the parties, to grant such mandatory 18 or prohibitive injunctive relief, interim equitable re-19 lief, and declaratory judgments as may be necessary 20 to prevent, restrain, or terminate any acts in viola-21 tion of subsection (d).

22 SEC. 22. RULES OF CONSTRUCTION.

23 (a) RANGES OF FREQUENCIES.—Each range of fre-24 quencies described in this Act shall be construed to be inclu-25 sive of the upper and lower frequencies in the range.

- 1 (b) Assessment of Electromagnetic Spectrum
- 2 Reallocation.—Nothing in this Act shall be construed to
- 3 affect any requirement under section 156 of the National
- 4 Telecommunications and Information Administration Or-
- 5 ganization Act (47 U.S.C. 921 note), as added by section
- 6 1062(a) of the National Defense Authorization Act for Fis-
- 7 cal Year 2000.
- 8 SEC. 23. RELATIONSHIP TO MIDDLE CLASS TAX RELIEF AND
- 9 **JOB CREATION ACT OF 2012.**
- Nothing in this Act shall be construed to limit, restrict,
- 11 or circumvent in any way the implementation of the na-
- 12 tionwide public safety broadband network defined in section
- 13 6001 of title VI of the Middle Class Tax Relief and Job
- 14 Creation Act of 2012 (47 U.S.C. 1401) or any rules imple-
- 15 menting that network under title VI of that Act (47 U.S.C.
- 16 1401 et seq.).

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114TH CONGRESS S. 2555

A BILL

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

APRIL 28, 2016

Reported with an amendment