### <sup>115TH CONGRESS</sup> 2D SESSION H.R.4986

IN THE SENATE OF THE UNITED STATES

March 7, 2018

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

### **AN ACT**

- To amend the Communications Act of 1934 to reauthorize appropriations for the Federal Communications Commission, and for other purposes.
- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

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

- 2 (a) SHORT TITLE.—This Act may be cited as the
  3 "Repack Airwaves Yielding Better Access for Users of
- 4 Modern Services Act of 2018" or the "RAY BAUM'S Act
- 5 of 2018".
- 6 (b) TABLE OF CONTENTS.—The table of contents for

#### 7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Commission defined.

#### TITLE I—FCC REAUTHORIZATION

- Sec. 101. Authorization of appropriations.
- Sec. 102. Application and regulatory fees.
- Sec. 103. Effective date.

#### TITLE II—APPLICATION OF ANTIDEFICIENCY ACT

Sec. 201. Application of Antideficiency Act to Universal Service Program.

#### TITLE III—SECURING ACCESS TO NETWORKS IN DISASTERS

- Sec. 301. Study on network resiliency.
- Sec. 302. Access to essential service providers during federally declared emergencies.
- Sec. 303. Definitions.

#### TITLE IV—FCC CONSOLIDATED REPORTING

- Sec. 401. Communications marketplace report.
- Sec. 402. Consolidation of redundant reports; conforming amendments.
- Sec. 403. Effect on authority.
- Sec. 404. Other reports.

#### TITLE V—ADDITIONAL PROVISIONS

- Sec. 501. Independent Inspector General for FCC.
- Sec. 502. Authority of Chief Information Officer.
- Sec. 503. Spoofing prevention.
- Sec. 504. Report on promoting broadband Internet access service for veterans.
- Sec. 505. Methodology for collection of mobile service coverage data.
- Sec. 506. Accuracy of dispatchable location for 9–1–1 calls.
- Sec. 507. NTIA study on interagency process following cybersecurity incidents.
- Sec. 508. Tribal digital access.
- Sec. 509. Terms of office and vacancies.
- Sec. 510. Submission of copy of certain documents to Congress.
- Sec. 511. Joint board recommendation.
- Sec. 512. Disclaimer for press releases regarding notices of apparent liability.
- Sec. 513. Reports related to spectrum auctions.

#### TITLE VI—VIEWER PROTECTION

- Sec. 601. Reserve source for payment of TV broadcaster relocation costs.
- Sec. 602. Payment of relocation costs of television translator stations and low power television stations.
- Sec. 603. Payment of relocation costs of FM broadcast stations.
- Sec. 604. Consumer education payment.
- Sec. 605. Implementation and enforcement.
- Sec. 606. Rule of construction.

#### TITLE VII—MOBILE NOW

- Sec. 701. Short title.
- Sec. 702. Definitions.
- Sec. 703. Identifying 255 megahertz.
- Sec. 704. Millimeter wave spectrum.
- Sec. 705. 3 gigahertz spectrum.
- Sec. 706. Broadband infrastructure deployment.
- Sec. 707. Reallocation incentives.
- Sec. 708. Bidirectional sharing study.
- Sec. 709. Unlicensed services in guard bands.
- Sec. 710. Amendments to the Spectrum Pipeline Act of 2015.
- Sec. 711. GAO assessment of unlicensed spectrum and Wi-Fi use in low-income neighborhoods.
- Sec. 712. Rulemaking related to partitioning or disaggregating licenses.
- Sec. 713. Unlicensed spectrum policy.
- Sec. 714. National plan for unlicensed spectrum.
- Sec. 715. Spectrum challenge prize.
- Sec. 716. Wireless telecommunications tax and fee collection fairness.
- Sec. 717. Rules of construction.
- Sec. 718. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.
- Sec. 719. No additional funds authorized.

#### 1 SEC. 2. COMMISSION DEFINED.

2 In this Act, the term "Commission" means the Fed-

3 eral Communications Commission.

### TITLE I—FCC

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4

### REAUTHORIZATION

#### 6 SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

7 (a) IN GENERAL.—Section 6 of the Communications

8 Act of 1934 (47 U.S.C. 156) is amended to read as fol-

9 lows:

#### 1 "SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

2 "(a) AUTHORIZATION.—There are authorized to be
3 appropriated to the Commission to carry out the functions
4 of the Commission \$333,118,000 for fiscal year 2019 and
5 \$339,610,000 for fiscal year 2020.

6 "(b) OFFSETTING COLLECTIONS.—The sum appro-7 priated in any fiscal year to carry out the activities de-8 scribed in subsection (a), to the extent and in the amounts 9 provided for in Appropriations Acts, shall be derived from 10 fees authorized by section 9.".

(b) DEPOSITS OF BIDDERS TO BE DEPOSITED IN
TREASURY.—Section 309(j)(8)(C) of the Communications
Act of 1934 (47 U.S.C. 309(j)(8)(C)) is amended—

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

17 (2) in clause (i)—

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

(B) by striking the semicolon and inserting"; and";

(3) in clause (ii), by striking "; and" and inserting ", and payments representing the return of
such deposits shall not be subject to administrative

1	offset under section 3716(c) of title 31, United
2	States Code."; and
3	(4) by striking clause (iii).
4	(c) Elimination of Duplicative Authorization
5	OF APPROPRIATIONS.—
6	(1) IN GENERAL.—Section 710 of the Tele-
7	communications Act of 1996 (Public Law 104–104)
8	is repealed.
9	(2) Conforming Amendment.—The table of
10	contents in section 2 of such Act is amended by
11	striking the item relating to section 710.
12	(d) TRANSFER OF FUNDS.—On the effective date de-
13	scribed in section 103, any amounts in the account pro-
14	viding appropriations to carry out the functions of the
15	Commission that were collected in excess of the amounts
16	provided for in Appropriations Acts in any fiscal year prior
17	to such date shall be transferred to the general fund of
18	the Treasury of the United States for the sole purpose
19	of deficit reduction.
20	SEC. 102. APPLICATION AND REGULATORY FEES.
21	(a) Application Fees.—Section 8 of the Commu-
22	nications Act of 1934 (47 U.S.C. 158) is amended to read
• •	

23 as follows:

#### 1 "SEC. 8. APPLICATION FEES.

2 "(a) GENERAL AUTHORITY; ESTABLISHMENT OF
3 SCHEDULE.—The Commission shall assess and collect ap4 plication fees at such rates as the Commission shall estab5 lish in a schedule of application fees to recover the costs
6 of the Commission to process applications.

7 "(b) Adjustment of Schedule.—

"(1) IN GENERAL.—In every even-numbered 8 9 year, the Commission shall review the schedule of 10 application fees established under this section and, 11 except as provided in paragraph (2), set a new 12 amount for each fee in the schedule that is equal to 13 the amount of the fee on the date when the fee was 14 established or the date when the fee was last amended under subsection (c), whichever is later-15

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

20 "(B) rounded to the nearest \$5 increment.
21 "(2) THRESHOLD FOR ADJUSTMENT.—The
22 Commission may not adjust a fee under paragraph
23 (1) if—

24 "(A) in the case of a fee the current25 amount of which is less than \$200, the adjust-

1	ment would result in a change in the current
2	amount of less than \$10; or
3	"(B) in the case of a fee the current
4	amount of which is \$200 or more, the adjust-
5	ment would result in a change in the current
6	amount of less than 5 percent.
7	"(3) CURRENT AMOUNT DEFINED.—In para-
8	graph (2), the term 'current amount' means, with
9	respect to a fee, the amount of the fee on the date
10	when the fee was established, the date when the fee
11	was last adjusted under paragraph (1), or the date
12	when the fee was last amended under subsection (c),
13	whichever is latest.
14	"(c) Amendments to Schedule.—In addition to
15	the adjustments required by subsection (b), the Commis-
16	sion shall by rule amend the schedule of application fees
17	established under this section if the Commission deter-
18	mines that the schedule requires amendment—
19	((1) so that such fees reflect increases or de-
20	creases in the costs of processing applications at the
21	Commission; or
22	((2) so that such schedule reflects the consoli-
23	dation or addition of new categories of applications.
24	"(d) EXCEPTIONS.—

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1	"(1) Parties to which fees are not appli-
2	CABLE.—The application fees established under this
3	section shall not be applicable to—
4	"(A) a governmental entity;
5	"(B) a nonprofit entity licensed in the
6	Local Government, Police, Fire, Highway Main-
7	tenance, Forestry-Conservation, Public Safety,
8	or Special Emergency Radio radio services; or
9	"(C) a noncommercial radio station or
10	noncommercial television station.
11	"(2) Cost of collection.—If, in the judg-
12	ment of the Commission, the cost of collecting an
13	application fee established under this section would
14	exceed the amount collected, the Commission may by
15	rule eliminate such fee.
16	"(e) Deposit of Collections.—Moneys received
17	from application fees established under this section shall
18	be deposited in the general fund of the Treasury.".
19	(b) REGULATORY FEES.—Section 9 of the Commu-
20	nications Act of 1934 (47 U.S.C. 159) is amended to read
21	as follows:
22	<b>"SEC. 9. REGULATORY FEES.</b>
23	"(a) GENERAL AUTHORITY.—The Commission shall
24	assess and collect regulatory fees to recover the costs of

21 assess and concer regulatory need to recover the costs of25 carrying out the activities described in section 6(a) only

to the extent, and in the total amounts, provided for in
 Appropriations Acts.

3 "(b) ESTABLISHMENT OF SCHEDULE.—The Com-4 mission shall assess and collect regulatory fees at such 5 rates as the Commission shall establish in a schedule of 6 regulatory fees that will result in the collection, in each 7 fiscal year, of an amount that can reasonably be expected 8 to equal the amounts described in subsection (a) with re-9 spect to such fiscal year.

- 10 "(c) Adjustment of Schedule.—
- "(1) IN GENERAL.—For each fiscal year, the
  Commission shall by rule adjust the schedule of regulatory fees established under this section to—
- 14 "(A) reflect unexpected increases or de15 creases in the number of units subject to the
  16 payment of such fees; and
- 17 "(B) result in the collection of the amount18 required by subsection (b).
- 19 "(2) ROUNDING.—In making adjustments
  20 under this subsection, the Commission may round
  21 fees to the nearest \$5 increment.

"(d) AMENDMENTS TO SCHEDULE.—In addition to
the adjustments required by subsection (c), the Commission shall by rule amend the schedule of regulatory fees
established under this section if the Commission deter-

mines that the schedule requires amendment so that such 1 2 fees reflect the full-time equivalent number of employees 3 within the bureaus and offices of the Commission, ad-4 justed to take into account factors that are reasonably re-5 lated to the benefits provided to the payor of the fee by the Commission's activities. In making an amendment 6 7 under this subsection, the Commission may not change the 8 total amount of regulatory fees required by subsection (b) 9 to be collected in a fiscal year. "(e) EXCEPTIONS.— 10 11 "(1) Parties to which fees are not appli-12 CABLE.—The regulatory fees established under this 13 section shall not be applicable to— "(A) a governmental entity or nonprofit 14 15 entity; "(B) an amateur radio operator licensee 16 17 under part 97 of the Commission's rules (47 18 CFR part 97); or 19 "(C) a noncommercial radio station or 20 noncommercial television station. 21 "(2) COST OF COLLECTION.—If, in the judg-22 ment of the Commission, the cost of collecting a reg-23 ulatory fee established under this section from a 24 party would exceed the amount collected from such

party, the Commission may exempt such party from
 paying such fee.

3 "(f) DEPOSIT OF COLLECTIONS.—

4 "(1) IN GENERAL.—Amounts received from fees
5 authorized by this section shall be deposited as an
6 offsetting collection in, and credited to, the account
7 through which funds are made available to carry out
8 the activities described in section 6(a).

9 "(2) DEPOSIT OF EXCESS COLLECTIONS.—Any 10 regulatory fees collected in excess of the total 11 amount of fees provided for in Appropriations Acts 12 for a fiscal year shall be deposited in the general 13 fund of the Treasury of the United States for the 14 sole purpose of deficit reduction.".

(c) PROVISIONS APPLICABLE TO APPLICATION AND
REGULATORY FEES.—Title I of the Communications Act
of 1934 (47 U.S.C. 151 et seq.) is amended by inserting
after section 9 the following:

### 19 "SEC. 9A. PROVISIONS APPLICABLE TO APPLICATION AND 20 REGULATORY FEES.

21 "(a) JUDICIAL REVIEW PROHIBITED.—Any adjust22 ment or amendment to a schedule of fees under subsection
23 (b) or (c) of section 8 or subsection (c) or (d) of section
24 9 is not subject to judicial review.

"(b) NOTICE TO CONGRESS.—The Commission shall
 transmit to Congress notification—

3 "(1) of any adjustment under section 8(b) or
4 9(c) immediately upon the adoption of such adjust5 ment; and

6 "(2) of any amendment under section 8(c) or
7 9(d) not later than 90 days before the effective date
8 of such amendment.

9 "(c) ENFORCEMENT.—

10 "(1) PENALTIES FOR LATE PAYMENT.—The 11 Commission shall by rule prescribe an additional 12 penalty for late payment of fees under section 8 or 13 9. Such additional penalty shall be 25 percent of the 14 amount of the fee that was not paid in a timely 15 manner.

16 "(2) INTEREST ON UNPAID FEES AND PEN-17 ALTIES.—The Commission shall charge interest, at a 18 rate determined under section 3717 of title 31, 19 United States Code, on a fee under section 8 or 9 20 or an additional penalty under this subsection that 21 is not paid in a timely manner. Such section 3717 22 shall not otherwise apply with respect to such a fee 23 or penalty.

24 "(3) DISMISSAL OF APPLICATIONS OR FIL25 INGS.—The Commission may dismiss any applica-

1	tion or other filing for failure to pay in a timely
2	manner any fee under section 8 or 9 or any interest
3	or additional penalty under this subsection.
4	"(4) Revocations.—
5	"(A) IN GENERAL.—In addition to or in
6	lieu of the penalties and dismissals authorized
7	by this subsection, the Commission may revoke
8	any instrument of authorization held by any li-
9	censee that has not paid in a timely manner a
10	regulatory fee assessed under section 9 or any
11	related interest or penalty.
12	"(B) NOTICE.—Revocation action may be
13	taken by the Commission under this paragraph
14	after notice of the Commission's intent to take
15	such action is sent to the licensee by registered
16	mail, return receipt requested, at the licensee's
17	last known address. The notice shall provide the
18	licensee at least 30 days to either pay the fee,
19	interest, and any penalty or show cause why the
20	fee, interest, or penalty does not apply to the li-
21	censee or should otherwise be waived or pay-
22	ment deferred.
23	"(C) Hearing.—
24	"(i) GENERALLY NOT REQUIRED.—A
25	hearing is not required under this para-

1	graph unless the licensee's response pre-
2	sents a substantial and material question
3	of fact.
4	"(ii) Evidence and burdens.—In
5	any case where a hearing is conducted
6	under this paragraph, the hearing shall be
7	based on written evidence only, and the
8	burden of proceeding with the introduction
9	of evidence and the burden of proof shall
10	be on the licensee.
11	"(iii) Costs.—Unless the licensee
12	substantially prevails in the hearing, the
13	Commission may assess the licensee for the
14	costs of such hearing.
15	"(D) Opportunity to pay prior to
16	REVOCATION.—Any Commission order adopted
17	under this paragraph shall determine the
18	amount due, if any, and provide the licensee
19	with at least 30 days to pay that amount or
20	have its authorization revoked.
21	"(E) FINALITY.—No order of revocation
22	under this paragraph shall become final until
23	the licensee has exhausted its right to judicial
24	review of such order under section $402(b)(5)$ .

"(d) WAIVER, REDUCTION, AND DEFERMENT.—The
 Commission may waive, reduce, or defer payment of a fee
 under section 8 or 9 or an interest charge or penalty under
 this section in any specific instance for good cause shown,
 where such action would promote the public interest.

6 "(e) PAYMENT RULES.—The Commission shall by7 rule permit payment—

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

"(2) in the case of fees under section 8 or 9 in
small amounts, in advance for a number of years not
to exceed the term of the license held by the payor.
"(f) ACCOUNTING SYSTEM.—The Commission shall
develop accounting systems necessary to make the amendments authorized by sections 8(c) and 9(d).".

16 (d) TRANSITIONAL RULES.—

17 (1) APPLICATION FEES.—An application fee es-18 tablished under section 8 of the Communications Act 19 of 1934, as such section is in effect on the day be-20 fore the effective date described in section 103 of 21 this Act, shall remain in effect under section 8 of 22 the Communications Act of 1934, as amended by 23 subsection (a) of this section, until such time as the 24 Commission adjusts or amends such fee under sub-25 section (b) or (c) of such section 8, as so amended.

1 (2) REGULATORY FEES.—A regulatory fee es-2 tablished under section 9 of the Communications Act 3 of 1934, as such section is in effect on the day be-4 fore the effective date described in section 103 of 5 this Act, shall remain in effect under section 9 of 6 the Communications Act of 1934, as amended by 7 subsection (b) of this section, until such time as the 8 Commission adjusts or amends such fee under sub-9 section (c) or (d) of such section 9, as so amended. 10 (e) RULEMAKING TO AMEND SCHEDULE OF REGU-11 LATORY FEES.—

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

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

#### 1 SEC. 103. EFFECTIVE DATE.

2 This title and the amendments made by this title3 shall take effect on October 1, 2018.

# 4 TITLE II—APPLICATION OF 5 ANTIDEFICIENCY ACT

6 SEC. 201. APPLICATION OF ANTIDEFICIENCY ACT TO UNI-

#### 7 VERSAL SERVICE PROGRAM.

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

# 11 TITLE III—SECURING ACCESS TO 12 NETWORKS IN DISASTERS

13 SEC. 301. STUDY ON NETWORK RESILIENCY.

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

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

1	(2) the provision by non-telecommunications
2	service provider-owned WiFi access points of public
3	access to 9–1–1 services during times of emergency
4	when mobile service is unavailable; and
5	(3) other alternative means of providing the
6	public with access to $9-1-1$ services during times of
7	emergency when mobile service is unavailable.
8	SEC. 302. ACCESS TO ESSENTIAL SERVICE PROVIDERS DUR-
9	ING FEDERALLY DECLARED EMERGENCIES.
10	Section 427(a) of the Robert T. Stafford Disaster Re-
11	lief and Emergency Assistance Act (42 U.S.C. 5189e(a))
12	is amended—
13	(1) in paragraph $(1)$ —
14	(A) in subparagraph (A), by striking "tele-
15	communications service" and inserting "wireline
16	or mobile telephone service, Internet access
17	service, radio or television broadcasting, cable
18	service, or direct broadcast satellite service";
18 19	service, or direct broadcast satellite service"; (B) in subparagraph (E), by striking the
19	(B) in subparagraph (E), by striking the
19 20	(B) in subparagraph (E), by striking the semicolon and inserting "; or"; and
19 20 21	<ul><li>(B) in subparagraph (E), by striking the semicolon and inserting "; or"; and</li><li>(C) by redesignating subparagraphs (A)</li></ul>
19 20 21 22	<ul><li>(B) in subparagraph (E), by striking the semicolon and inserting "; or"; and</li><li>(C) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively.</li></ul>

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2 As used in this title—

3	(1) the term "mobile service" means commer-
4	cial mobile service (as defined in section 332 of the
5	Communications Act of 1934 (47 U.S.C. 332)) or
6	commercial mobile data service (as defined in section
7	6001 of the Middle Class Tax Relief and Job Cre-
8	ation Act of 2012 (47 U.S.C. 1401));
9	(2) the term "WiFi access point" means wire-
10	less Internet access using the standard designated as

11 802.11 or any variant thereof; and

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

# 18 TITLE IV—FCC CONSOLIDATED 19 REPORTING

20 SEC. 401. COMMUNICATIONS MARKETPLACE REPORT.

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

#### 24 "SEC. 13. COMMUNICATIONS MARKETPLACE REPORT.

25 "(a) IN GENERAL.—In the last quarter of every even26 numbered year, the Commission shall publish on its
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website and submit to the Committee on Energy and Com merce of the House of Representatives and the Committee
 on Commerce, Science, and Transportation of the Senate
 a report on the state of the communications marketplace.
 "(b) CONTENTS.—Each report required by sub section (a) shall—

"(1) assess the state of competition in the com-7 8 munications marketplace, including competition to 9 deliver voice, video, audio, and data services among 10 providers of telecommunications, providers of com-11 mercial mobile service (as defined in section 332), 12 multichannel video programming distributors (as defined in section 602), broadcast stations, providers 13 14 of satellite communications, Internet service pro-15 viders, and other providers of communications serv-16 ices;

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

23 "(3) assess whether laws, regulations, regulatory practices (whether those of the Federal Government, States, political subdivisions of States, In-

1 dian tribes or tribal organizations (as such terms are 2 defined in section 4 of the Indian Self-Determination 3 and Education Assistance Act (25 U.S.C. 5304)), or 4 foreign governments), or demonstrated marketplace 5 practices pose a barrier to competitive entry into the 6 communications marketplace or to the competitive 7 expansion of existing providers of communications 8 services;

9 "(4) describe the agenda of the Commission for 10 the next 2-year period for addressing the challenges 11 and opportunities in the communications market-12 place that were identified through the assessments 13 under paragraphs (1) through (3); and

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

18 "(c) EXTENSION.—If the President designates a 19 Commissioner as Chairman of the Commission during the 20 last quarter of an even-numbered year, the portion of the 21 report required by subsection (b)(4) may be published on 22 the website of the Commission and submitted to the Com-23 mittee on Energy and Commerce of the House of Rep-24 resentatives and the Committee on Commerce, Science, and Transportation of the Senate as an addendum during
 the first quarter of the following odd-numbered year.

3 "(d) Special Requirements.—

"(1) Assessing competition.—In assessing 4 5 the state of competition under subsection (b)(1), the 6 Commission shall consider all forms of competition, 7 including the effect of intermodal competition, facili-8 ties-based competition, and competition from new 9 and emergent communications services, including the 10 provision of content and communications using the 11 Internet.

"(2) ASSESSING DEPLOYMENT.—In assessing
the state of deployment under subsection (b)(2), the
Commission shall compile a list of geographical
areas that are not served by any provider of advanced telecommunications capability.

"(3) CONSIDERING SMALL BUSINESSES.—In assessing the state of competition under subsection
(b)(1) and regulatory barriers under subsection
(b)(3), the Commission shall consider market entry
barriers for entrepreneurs and other small businesses in the communications marketplace in accordance with the national policy under section 257(b).".

## 1SEC. 402. CONSOLIDATION OF REDUNDANT REPORTS; CON-2FORMING AMENDMENTS.

3 (a) ORBIT ACT REPORT.—Section 646 of the Com4 munications Satellite Act of 1962 (47 U.S.C. 765e; 114
5 Stat. 57) is repealed.

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

8 (c) INTERNATIONAL BROADBAND DATA REPORT.— 9 Section 103(b)(1) of the Broadband Data Improvement 10 Act (47 U.S.C. 1303(b)(1)) is amended by striking "the 11 assessment and report" and all that follows through "Fed-12 eral Communications Commission" and inserting "its re-13 port under section 13 of the Communications Act of 1934, 14 the Federal Communications Commission".

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

19 (1) by striking subsection (g);

20 (2) by redesignating subsection (j) as sub21 section (g); and

(3) by transferring subsection (g) (as redesig-nated) so that it appears after subsection (f).

(e) REPORT ON CABLE INDUSTRY PRICES.—Section
623(k) of the Communications Act of 1934 (47 U.S.C.
543(k)) is amended—

(1) in paragraph (1), by striking "annually
 publish" and inserting "publish with its report
 under section 13"; and

4 (2) in the heading of paragraph (2), by striking
5 "ANNUAL".

6 (f) TRIENNIAL REPORT IDENTIFYING AND ELIMI7 NATING MARKET ENTRY BARRIERS FOR ENTRE8 PRENEURS AND OTHER SMALL BUSINESSES.—Section
9 257 of the Communications Act of 1934 (47 U.S.C. 257)
10 is amended by striking subsection (c).

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

16 (h) Previously Eliminated Annual Report.—

17 (1) IN GENERAL.—Section 4 of the Commu18 nications Act of 1934 (47 U.S.C. 154) is amended—
19 (A) by striking subsection (k); and

20 (B) by redesignating subsections (l)
21 through (o) as subsections (k) through (n), re22 spectively.

23 (2) CONFORMING AMENDMENT.—Section
24 309(j)(8)(B) of the Communications Act of 1934

1	(47 U.S.C. 309(j)(8)(B)) is amended by striking the
2	last sentence.
3	(i) Additional Outdated Reports.—The Com-
4	munications Act of 1934 is further amended—
5	(1) in section 4—
6	(A) in subsection $(b)(2)(B)(ii)$ , by striking
7	"and shall furnish notice of such action" and
8	all that follows through "subject of the waiver";
9	and
10	(B) in subsection (g), by striking para-
11	graph $(2);$
12	(2) in section 215—
13	(A) by striking subsection (b); and
14	(B) by redesignating subsection (c) as sub-
15	section (b);
16	(3) in section 227(e), by striking paragraph (4);
17	(4) in section $309(j)$ —
18	(A) by striking paragraph (12); and
19	(B) in paragraph $(15)(C)$ , by striking
20	clause (iv);
21	(5) in section 331(b), by striking the last sen-
22	tence;
23	(6) in section $336(e)$ , by amending paragraph
24	(4) to read as follows:

1	"(4) REPORT.—The Commission shall annually
2	advise the Congress on the amounts collected pursu-
3	ant to the program required by this subsection.";
4	(7) in section $339(c)$ , by striking paragraph $(1)$ ;
5	(8) in section 396—
6	(A) by striking subsection (i);
7	(B) in subsection (k)—
8	(i) in paragraph (1), by striking sub-
9	paragraph (F); and
10	(ii) in paragraph (3)(B)(iii), by strik-
11	ing subclause (V);
12	(C) in subsection $(l)(1)(B)$ , by striking
13	"shall be included" and all that follows through
14	"The audit report"; and
15	(D) by striking subsection (m);
16	(9) in section $398(b)(4)$ , by striking the third
17	sentence;
18	(10) in section $624A(b)(1)$ —
19	(A) by striking "Report; regulations"
20	and inserting "REGULATIONS";
21	(B) by striking "Within 1 year after" and
22	all that follows through "on means of assuring"
23	and inserting "The Commission shall issue such
24	regulations as are necessary to assure"; and

1	(C) by striking "Within 180 days after"
2	and all that follows through "to assure such
3	compatibility."; and
4	(11) in section 713, by striking subsection (a).
5	SEC. 403. EFFECT ON AUTHORITY.
6	Nothing in this title or the amendments made by this
7	title shall be construed to expand or contract the authority
8	of the Commission.
9	SEC. 404. OTHER REPORTS.
10	Nothing in this title or the amendments made by this
11	title shall be construed to prohibit or otherwise prevent
12	the Commission from producing any additional reports
13	otherwise within the authority of the Commission.
14	TITLE V—ADDITIONAL
15	PROVISIONS
16	SEC. 501. INDEPENDENT INSPECTOR GENERAL FOR FCC.

17 (a) AMENDMENTS.—The Inspector General Act of18 1978 (5 U.S.C. App.) is amended—

19 (1) in section 8G(a)(2), by striking "the Fed-20 eral Communications Commission,"; and

- $21 \qquad (2) \text{ in section } 12-$
- (A) in paragraph (1), by inserting ", the
  Federal Communications Commission," after
  "the Chairman of the Nuclear Regulatory Commission"; and

1	(B) in paragraph (2), by inserting "the
2	Federal Communications Commission," after
3	"the Environmental Protection Agency,".

4 (b) TRANSITION RULE.—An individual serving as In5 spector General of the Commission on the date of the en6 actment of this Act pursuant to an appointment made
7 under section 8G of the Inspector General Act of 1978
8 (5 U.S.C. App.)—

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

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

#### 19 SEC. 502. AUTHORITY OF CHIEF INFORMATION OFFICER.

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

(1) the decision-making process for annual andmulti-year planning, programming, budgeting, and

1	execution decisions, related reporting requirements,
2	and reports related to information technology;
3	(2) the management, governance, and oversight
4	processes related to information technology; and
5	(3) the hiring of personnel with information
6	technology responsibilities.
7	(b) CIO APPROVAL.—The Chief Information Officer
8	of the Commission, in consultation with the Chief Finan-
9	cial Officer of the Commission and budget officials, shall
10	specify and approve the allocation of amounts appro-
11	priated to the Commission for information technology,
12	consistent with the provisions of appropriations Acts,
13	budget guidelines, and recommendations from the Direc-
14	tor of the Office of Management and Budget.
15	SEC. 503. SPOOFING PREVENTION.

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

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

1	in connection with any voice service or text mes-
2	saging service".
3	(2) COVERAGE OF TEXT MESSAGES AND VOICE
4	SERVICES.—Section 227(e)(8) of the Communica-
5	tions Act of 1934 (47 U.S.C. 227(e)(8)) is amend-
6	ed—
7	(A) in subparagraph (A), by striking "tele-
8	communications service or IP-enabled voice
9	service" and inserting "voice service or a text
10	message sent using a text messaging service";
11	(B) in the first sentence of subparagraph
12	(B), by striking "telecommunications service or
13	IP-enabled voice service" and inserting "voice
14	service or a text message sent using a text mes-
15	saging service"; and
16	(C) by striking subparagraph (C) and in-
17	serting the following:
18	"(C) TEXT MESSAGE.—The term 'text
19	message'—
20	"(i) means a message consisting of
21	text, images, sounds, or other information
22	that is transmitted to or from a device that
23	is identified as the receiving or transmit-
24	ting device by means of a 10-digit tele-
25	phone number or N11 service code;

1	"(ii) includes a short message service
2	(commonly referred to as 'SMS') message
3	and a multimedia message service (com-
4	monly referred to as 'MMS') message; and
5	"(iii) does not include—
6	"(I) a real-time, two-way voice or
7	video communication; or
8	"(II) a message sent over an IP-
9	enabled messaging service to another
10	user of the same messaging service,
11	except a message described in clause
12	(ii).
13	"(D) TEXT MESSAGING SERVICE.—The
14	term 'text messaging service' means a service
15	that enables the transmission or receipt of a
16	text message, including a service provided as
17	part of or in connection with a voice service.
18	"(E) VOICE SERVICE.—The term 'voice
19	service'—
20	"(i) means any service that is inter-
21	connected with the public switched tele-
22	phone network and that furnishes voice
23	communications to an end user using re-
24	sources from the North American Num-
25	bering Plan or any successor to the North

1	American Numbering Plan adopted by the
2	Commission under section 251(e)(1); and
3	"(ii) includes transmissions from a
4	telephone facsimile machine, computer, or
5	other device to a telephone facsimile ma-
6	chine.".
7	(3) TECHNICAL AMENDMENT.—Section 227(e)
8	of the Communications Act of 1934 (47 U.S.C.
9	227(e)) is amended in the heading by inserting
10	"MISLEADING OR" before "INACCURATE".
11	(4) Regulations.—
12	(A) IN GENERAL.—Section 227(e)(3)(A) of
13	the Communications Act of 1934 (47 U.S.C.
14	227(e)(3)(A)) is amended by striking "Not
15	later than 6 months after the date of enactment
16	of the Truth in Caller ID Act of 2009, the
17	Commission" and inserting "The Commission".
18	(B) DEADLINE.—The Commission shall
19	prescribe regulations to implement the amend-
20	ments made by this subsection not later than
21	18 months after the date of enactment of this
22	Act.
23	(5) EFFECTIVE DATE.—The amendments made
24	by this subsection shall take effect on the date that

	00
1	is 6 months after the date on which the Commission
2	prescribes regulations under paragraph (4).
3	(b) Consumer Education Materials on How To
4	Avoid Scams That Rely Upon Misleading or Inac-
5	CURATE CALLER IDENTIFICATION INFORMATION.—
6	(1) DEVELOPMENT OF MATERIALS.—Not later
7	than 1 year after the date of enactment of this Act,
8	the Commission, in coordination with the Federal
9	Trade Commission, shall develop consumer edu-
10	cation materials that provide information about—
11	(A) ways for consumers to identify scams
12	and other fraudulent activity that rely upon the
13	use of misleading or inaccurate caller identifica-
14	tion information; and
15	(B) existing technologies, if any, that a
16	consumer can use to protect against such scams
17	and other fraudulent activity.
18	(2) CONTENTS.—In developing the consumer
19	education materials under paragraph (1), the Com-
20	mission shall—
21	(A) identify existing technologies, if any,
22	that can help consumers guard themselves
23	against scams and other fraudulent activity
24	that rely upon the use of misleading or inac-

1	curate caller identification information, includ-
2	ing—
3	(i) descriptions of how a consumer
4	can use the technologies to protect against
5	such scams and other fraudulent activity;
6	and
7	(ii) details on how consumers can ac-
8	cess and use the technologies; and
9	(B) provide other information that may
10	help consumers identify and avoid scams and
11	other fraudulent activity that rely upon the use
12	of misleading or inaccurate caller identification
13	information.
14	(3) UPDATES.—The Commission shall ensure
15	that the consumer education materials required
16	under paragraph (1) are updated on a regular basis.
17	(4) WEBSITE.—The Commission shall include
18	the consumer education materials developed under
19	paragraph (1) on its website.
20	(c) GAO Report on Combating the Fraudulent
21	PROVISION OF MISLEADING OR INACCURATE CALLER
22	Identification Information.—
23	(1) IN GENERAL.—The Comptroller General of
24	the United States shall conduct a study of the ac-
25	tions the Commission and the Federal Trade Com-

1	mission have taken to combat the fraudulent provi-
2	sion of misleading or inaccurate caller identification
3	information, and the additional measures that could
4	be taken to combat such activity.
5	(2) Required considerations.—In con-
6	ducting the study under paragraph (1), the Comp-
7	troller General shall examine—
8	(A) trends in the types of scams that rely
9	on misleading or inaccurate caller identification
10	information;
11	(B) previous and current enforcement ac-
12	tions by the Commission and the Federal Trade
13	Commission to combat the practices prohibited
14	by section $227(e)(1)$ of the Communications Act
15	of 1934 (47 U.S.C. 227(e)(1));
16	(C) current efforts by industry groups and
17	other entities to develop technical standards to
18	deter or prevent the fraudulent provision of
19	misleading or inaccurate caller identification in-
20	formation, and how such standards may help
21	combat the current and future provision of mis-
22	leading or inaccurate caller identification infor-
23	mation; and
24	(D) whether there are additional actions

24 (D) whether there are additional actions
25 the Commission, the Federal Trade Commis-

1	sion, and Congress should take to combat the
2	fraudulent provision of misleading or inaccurate
3	caller identification information.
4	(3) REPORT.—Not later than 18 months after
5	the date of enactment of this Act, the Comptroller
6	General shall submit to the Committee on Energy
7	and Commerce of the House of Representatives and
8	the Committee on Commerce, Science, and Trans-
9	portation of the Senate a report on the findings of
10	the study under paragraph (1), including any rec-
11	ommendations regarding combating the fraudulent
12	provision of misleading or inaccurate caller identi-
13	fication information.

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

18 (1) the Telephone Consumer Protection Act of
19 1991 (Public Law 102–243; 105 Stat. 2394) or the
20 amendments made by that Act; or

21 (2) the CAN–SPAM Act of 2003 (15 U.S.C.
22 7701 et seq.).

**HR 4986 RFS** 

# 1SEC. 504. REPORT ON PROMOTING BROADBAND INTERNET2ACCESS SERVICE FOR VETERANS.

3 (a) VETERAN DEFINED.—In this section, the term
4 "veteran" has the meaning given the term in section 101
5 of title 38, United States Code.

6 (b) REPORT REQUIRED.—Not later than 1 year after 7 the date of the enactment of this Act, the Commission 8 shall submit to Congress a report on promoting broadband 9 Internet access service for veterans, in particular low-in-10 come veterans and veterans residing in rural areas. In 11 such report, the Commission shall—

12 (1) examine such access and how to promote13 such access; and

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

17 (c) PUBLIC NOTICE AND OPPORTUNITY TO COM-18 MENT.—In preparing the report required by subsection 19 (b), the Commission shall provide the public with notice 20 and an opportunity to comment on broadband Internet ac-21 cess service for veterans, in particular low-income veterans 22 and veterans residing in rural areas, and how to promote 23 such access.

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

26 (a) DEFINITIONS.—In this section—

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

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

8 (3) the term "coverage data" means, if com-9 mercial mobile service or commercial mobile data 10 service is available, general information about the 11 service, which may include available speed tiers, 12 radio frequency signal levels, and network and per-13 formance characteristics; and

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

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

25 (1) the Universal Service program; or

1	(2) any other similar program.
2	(c) REQUIREMENTS.—The methodology established
3	under subsection (b) shall—
4	(1) contain standard definitions for different
5	available technologies such as 2G, 3G, 4G, and 4G
6	LTE;
7	(2) enhance the consistency and robustness of
8	how the data are collected by different parties;
9	(3) improve the validity and reliability of cov-
10	erage data; and
11	(4) increase the efficiency of coverage data col-
12	lection.
13	SEC. 506. ACCURACY OF DISPATCHABLE LOCATION FOR 9-
13 14	SEC. 506. ACCURACY OF DISPATCHABLE LOCATION FOR 9- 1-1 CALLS.
14	1-1 CALLS.
14 15 16	<b>1-1 CALLS.</b> (a) PROCEEDING REQUIRED.—Not later than 18
14 15 16 17	1-1 CALLS. (a) PROCEEDING REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the
14 15 16 17	<ul><li>1-1 CALLS.</li><li>(a) PROCEEDING REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Commission shall conclude a proceeding to consider adopt-</li></ul>
14 15 16 17 18	1-1 CALLS. (a) PROCEEDING REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Commission shall conclude a proceeding to consider adopt- ing rules to ensure that the dispatchable location is con-
14 15 16 17 18 19	1-1 CALLS. (a) PROCEEDING REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Commission shall conclude a proceeding to consider adopt- ing rules to ensure that the dispatchable location is con- veyed with a 9–1–1 call, regardless of the technological
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	1-1 CALLS. (a) PROCEEDING REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Commission shall conclude a proceeding to consider adopt- ing rules to ensure that the dispatchable location is con- veyed with a 9–1–1 call, regardless of the technological platform used and including with calls from multi-line
<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	1-1 CALLS. (a) PROCEEDING REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Commission shall conclude a proceeding to consider adopt- ing rules to ensure that the dispatchable location is con- veyed with a 9–1–1 call, regardless of the technological platform used and including with calls from multi-line telephone systems (as defined in section 6502 of the Mid-

25 conducting the proceeding required by subsection (a), the

Commission may consider information and conclusions 1 2 from other Commission proceedings regarding the accu-3 racy of the dispatchable location for a 9–1–1 call, but 4 nothing in this section shall be construed to require the 5 Commission to reconsider any information or conclusion from a proceeding regarding the accuracy of the 6 7 dispatchable location for a 9–1–1 call in which the Com-8 mission has adopted rules or issued an order before the 9 date of the enactment of this Act.

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

17 (2) DISPATCHABLE LOCATION.—The term
18 "dispatchable location" means the street address of
19 the calling party, and additional information such as
20 room number, floor number, or similar information
21 necessary to adequately identify the location of the
22 calling party.

# 1SEC. 507. NTIA STUDY ON INTERAGENCY PROCESS FOL-2LOWING CYBERSECURITY INCIDENTS.

3 (a) IN GENERAL.—The Assistant Secretary of Com4 merce for Communications and Information shall complete
5 a study on how the National Telecommunications and In6 formation Administration can best coordinate the inter7 agency process following cybersecurity incidents.

8 (b) REPORT TO CONGRESS.—Not later than 18 9 months after the date of the enactment of this Act, the Assistant Secretary shall submit to the Committee on En-10 11 ergy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation 12 13 of the Senate a report detailing the findings and rec-14 ommendations of the study conducted under subsection 15 (a).

## 16 SEC. 508. TRIBAL DIGITAL ACCESS.

17 (a) TRIBAL BROADBAND DATA REPORT.—

18 (1) IN GENERAL.—Not later than 1 year after 19 the date of the enactment of this Act, the Commis-20 sion shall submit to the Committee on Energy and 21 Commerce of the House of Representatives and the 22 Committee on Commerce, Science, and Transpor-23 tation of the Senate a report evaluating broadband 24 coverage in Indian country (as defined in section 25 1151 of title 18, United States Code) and on land

1	held by a Native Corporation pursuant to the Alaska
2	Native Claims Settlement Act.
3	(2) Required assessments.—The report re-
4	quired by paragraph (1) shall include the following:
5	(A) An assessment of areas of Indian
6	country (as so defined) and land held by a Na-
7	tive Corporation pursuant to the Alaska Native
8	Claims Settlement Act that have adequate
9	broadband coverage.
10	(B) An assessment of unserved areas of
11	Indian country (as so defined) and land held by
12	a Native Corporation pursuant to the Alaska
13	Native Claims Settlement Act.
14	(b) TRIBAL BROADBAND PROCEEDING.—Not later
15	than 30 months after the date of the enactment of this
16	Act, the Commission shall complete a proceeding to ad-
17	dress the unserved areas identified in the report under
18	subsection (a).
19	SEC. 509. TERMS OF OFFICE AND VACANCIES.
20	Section 4(c) of the Communications Act of 1934 (47
21	U.S.C. 154(c)) is amended to read as follows:
22	"(c)(1) A commissioner—
23	"(A) shall be appointed for a term of 5 years;
24	"(B) except as provided in subparagraph (C),
25	may continue to serve after the expiration of the

1	fixed term of office of the commissioner until a suc-
2	cessor is appointed and has been confirmed and
3	taken the oath of office; and
4	"(C) may not continue to serve after the expira-
5	tion of the session of Congress that begins after the
6	expiration of the fixed term of office of the commis-
7	sioner.
8	"(2) Any person chosen to fill a vacancy in the Com-
9	mission—
10	"(A) shall be appointed for the unexpired term
11	of the commissioner that the person succeeds;
12	"(B) except as provided in subparagraph (C),
13	may continue to serve after the expiration of the
14	fixed term of office of the commissioner that the
15	person succeeds until a successor is appointed and
16	has been confirmed and taken the oath of office; and
17	"(C) may not continue to serve after the expira-
18	tion of the session of Congress that begins after the
19	expiration of the fixed term of office of the commis-
20	sioner that the person succeeds.
21	"(3) No vacancy in the Commission shall impair the
22	right of the remaining commissioners to exercise all the
23	powers of the Commission.".

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

6 "(o) BUDGET ESTIMATES AND REQUESTS; LEGISLA7 TIVE RECOMMENDATIONS, TESTIMONY, AND COMMENTS
8 ON LEGISLATION; SEMIANNUAL REPORTS.—

9 "(1) BUDGET ESTIMATES AND REQUESTS.—If 10 the Commission submits any budget estimate or re-11 quest to the President or the Office of Management 12 and Budget, the Commission shall concurrently 13 transmit a copy of that estimate or request to Con-14 gress.

15 "(2) LEGISLATIVE RECOMMENDATIONS, TESTI16 MONY, AND COMMENTS ON LEGISLATION.—

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

23 "(B) PROHIBITION.—No officer or agency
24 of the United States may require the Commis25 sion to submit legislative recommendations, tes26 timony, or comments on legislation to any offi-

	10
1	cer or agency of the United States for approval,
2	comments, or review prior to the submission of
3	the recommendations, testimony, or comments
4	to Congress.
5	"(3) OFFICE OF INSPECTOR GENERAL SEMI-
6	ANNUAL REPORTS.—
7	"(A) IN GENERAL.—Notwithstanding sec-
8	tion $5(b)$ of the Inspector General Act of $1978$
9	(5 U.S.C. App.), the Inspector General of the
10	Commission shall concurrently submit each
11	semiannual report required under such section
12	5(b) to the Commission and to the appropriate
13	committees or subcommittees of Congress.
14	"(B) RULE OF CONSTRUCTION.—Nothing
15	in subparagraph (A) shall be construed to mod-
16	ify the requirement for the Commission to sub-
17	mit to the appropriate committees or sub-
18	committees of Congress each such semiannual
19	report together with a report by the Commis-
20	sion under such section 5(b).".
21	SEC. 511. JOINT BOARD RECOMMENDATION.
22	The Commission may not modify, amend, or change

The Commission may not modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004, recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions
 on universal service support payments.

# 3 SEC. 512. DISCLAIMER FOR PRESS RELEASES REGARDING 4 NOTICES OF APPARENT LIABILITY.

5 The Commission shall include in any press release re6 garding the issuance of a notice of apparent liability under
7 section 503(b)(4) of the Communications Act of 1934 (47)
8 U.S.C. 503(b)(4)) a disclaimer informing consumers
9 that—

10 (1) the issuance of a notice of apparent liability11 should be treated only as allegations; and

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

#### 17 SEC. 513. REPORTS RELATED TO SPECTRUM AUCTIONS.

(a) ESTIMATE OF UPCOMING AUCTIONS.—Section
309(j) of the Communications Act of 1934 (47 U.S.C.
309(j)) is amended by adding at the end the following:

- 21 "(18) Estimate of upcoming auctions.—
- "(A) Not later than September 30, 2018,
  and annually thereafter, the Commission shall
  make publicly available an estimate of what systems of competitive bidding authorized under

1	this subsection may be initiated during the up-
2	coming 12-month period.
3	"(B) The estimate under subparagraph
4	(A) shall, to the extent possible, identify the
5	bands of frequencies the Commission expects to
6	be included in each such system of competitive
7	bidding.".
8	(b) Auction Expenditure Justification Re-
9	PORT.—Not later than April 1, 2019, and annually there-
10	after, the Commission shall provide to the appropriate
11	committees of Congress a report containing a detailed jus-
12	tification for the use of proceeds retained by the Commis-
13	sion under section $309(j)(8)(B)$ of the Communications
14	Act of 1934 (47 U.S.C. $309(j)(8)(B)$ ) for the costs of de-
15	veloping and implementing the program required by sec-
16	tion 309(j) of that Act.
17	(c) DEFINITION.—For purposes of this section, the
18	term "appropriate committees of Congress" means—
19	(1) the Committee on Commerce, Science, and
20	Transportation of the Senate;
21	(2) the Committee on Appropriations of the

- 22 Senate;
- 23 (3) the Committee on Energy and Commerce of24 the House of Representatives; and

1	(4) the Committee on Appropriations of the
2	House of Representatives.
3	TITLE VI—VIEWER PROTECTION
4	SEC. 601. RESERVE SOURCE FOR PAYMENT OF TV BROAD-
5	CASTER RELOCATION COSTS.
6	(a) Establishment of Fund.—There is estab-
7	lished in the Treasury of the United States a fund to be
8	known as the Broadcast Repack Fund.
9	(b) Availability of Funds.—
10	(1) IN GENERAL.—If the Commission makes
11	the certification described in paragraph (2), amounts
12	in the Broadcast Repack Fund shall be available to
13	the Commission to make reimbursements pursuant
14	to subsection $(b)(4)(A)(i)$ or $(b)(4)(A)(ii)$ of section
15	6403 of the Middle Class Tax Relief and Job Cre-
16	ation Act of 2012 (47 U.S.C. 1452).
17	(2) CERTIFICATION.—The certification de-
18	scribed in this paragraph is a certification from the
19	Commission to the Secretary of the Treasury that
20	the funds available in the TV Broadcaster Reloca-
21	tion Fund established under subsection (d) of such
22	section are likely to be insufficient to reimburse rea-
23	sonably incurred costs described in subsection
24	(b)(4)(A)(i) or $(b)(4)(A)(ii)$ of such section.

1 (3) AVAILABILITY FOR PAYMENTS AFTER APRIL 2 13, 2020.—Notwithstanding subsection (b)(4)(D) of 3 such section, the Commission may make payments 4 pursuant to subsection (b)(4)(A)(i) or (b)(4)(A)(i)5 of such section from the Broadcast Repack Fund 6 after April 13, 2020, if, before making any such 7 payments after such date, the Commission submits 8 to Congress a certification that such payments are 9 necessary to reimburse reasonably incurred costs de-10 scribed in such subsection.

11 (c) UNUSED FUNDS RESCINDED AND DEPOSITED12 INTO THE GENERAL FUND OF THE TREASURY.—

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

20 (2) DATE DESCRIBED.—The date described in
21 this paragraph is the earlier of—

(A) the date of a certification by the Commission under paragraph (3) that all reimbursements pursuant to subsections (b)(4)(A)(i) and

(b)(4)(A)(ii) of such section 6403 have been
 made; or

3 (B) July 3, 2022.

4 (3)CERTIFICATION.—If all reimbursements 5 to subsections (b)(4)(A)(i)pursuant and 6 (b)(4)(A)(ii) of such section 6403 have been made 7 before July 3, 2022, the Commission shall submit to 8 the Secretary of the Treasury a certification that all 9 such reimbursements have been made.

10 (d) ADMINISTRATIVE COSTS.—The amount of auction proceeds that the salaries and expenses account of 11 12 the Commission is required to retain under section 13 309(j)(8)(B) of the Communications Act of 1934 (47) U.S.C. 309(j)(8)(B), including from the proceeds of the 14 15 forward auction under section 6403 of the Middle Class 16 Tax Relief and Job Creation Act of 2012 (47 U.S.C. 17 1452), shall be sufficient to cover the administrative costs 18 incurred by the Commission in making any reimburse-19 ments out of the Broadcast Repack Fund.

20 SEC. 602. PAYMENT OF RELOCATION COSTS OF TELEVISION

- 21 TRANSLATOR STATIONS AND LOW POWER
  22 TELEVISION STATIONS.
- 23 (a) PAYMENT REQUIRED.—
- 24 (1) IN GENERAL.—From amounts made avail25 able under subsection (b)(2), the Commission shall

1	reimburse costs reasonably incurred by a television
2	translator station or low power television station on
3	or after January 1, 2017, in order for such station
4	to relocate its television service from one channel to
5	another channel or otherwise modify its facility as a
6	result of the reorganization of broadcast television
7	spectrum under subsection (b) of section 6403 of the
8	Middle Class Tax Relief and Job Creation Act of
9	2012 (47 U.S.C. 1452). Only stations that are eligi-
10	ble to file and do file an application in the Commis-
11	sion's Special Displacement Window are eligible to
12	seek reimbursement under this paragraph.
13	(2) LIMITATION.—The Commission may not
14	make reimbursements under paragraph $(1)$ for lost
15	revenues.
16	(3) Duplicative payments prohibited.—In
17	the case of a low power television station that has
18	been accorded primary status as a Class A television
19	licensee under section 73.6001(a) of title 47, Code
20	of Federal Regulations—
21	(A) if the licensee of such station has re-
22	ceived reimbursement with respect to such sta-
23	tion under subsection $(b)(4)(A)(i)$ of such sec-
24	tion 6403 (including from amounts made avail-
25	able under section 601 of this title), or from

	<b>5-</b>
1	any other source, such station may not receive
2	reimbursement under paragraph (1); and
3	(B) if such station has received reimburse-
4	ment under paragraph $(1)$ , the licensee of such
5	station may not receive reimbursement with re-
6	spect to such station under subsection
7	(b)(4)(A)(i) of such section 6403.
8	(4) Additional limitation.—The Commis-
9	sion may not make reimbursement under paragraph
10	(1) for costs incurred to resolve mutually exclusive
11	applications, including costs incurred in any auction
12	of available channels.
13	(b) FUNDING.—
14	(1) Establishment of fund.—There is es-
11	
15	tablished in the Treasury of the United States a
15	tablished in the Treasury of the United States a
15 16	tablished in the Treasury of the United States a fund to be known as the Translator and Low Power
15 16 17	tablished in the Treasury of the United States a fund to be known as the Translator and Low Power Station Relocation Fund.
15 16 17 18	<ul><li>tablished in the Treasury of the United States a fund to be known as the Translator and Low Power Station Relocation Fund.</li><li>(2) AVAILABILITY OF FUNDS.—</li></ul>
15 16 17 18 19	<ul> <li>tablished in the Treasury of the United States a fund to be known as the Translator and Low Power Station Relocation Fund.</li> <li>(2) AVAILABILITY OF FUNDS.—</li> <li>(A) IN GENERAL.—Amounts in the Trans-</li> </ul>
15 16 17 18 19 20	<ul> <li>tablished in the Treasury of the United States a fund to be known as the Translator and Low Power Station Relocation Fund.</li> <li>(2) AVAILABILITY OF FUNDS.— <ul> <li>(A) IN GENERAL.—Amounts in the Translator and Low Power Station Relocation Fund</li> </ul> </li> </ul>
<ol> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	<ul> <li>tablished in the Treasury of the United States a fund to be known as the Translator and Low Power Station Relocation Fund.</li> <li>(2) AVAILABILITY OF FUNDS.— <ul> <li>(A) IN GENERAL.—Amounts in the Translator and Low Power Station Relocation Fund shall be available to the Commission to make</li> </ul> </li> </ul>
<ol> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	<ul> <li>tablished in the Treasury of the United States a fund to be known as the Translator and Low Power Station Relocation Fund.</li> <li>(2) AVAILABILITY OF FUNDS.— <ul> <li>(A) IN GENERAL.—Amounts in the Translator and Low Power Station Relocation Fund shall be available to the Commission to make payments required by subsection (a)(1).</li> </ul> </li> </ul>

1 available to the Commission to make payments 2 required by subsection (a)(1) after April 13, 3 2020, unless, before making any such payments 4 after such date, the Commission submits to 5 Congress a certification that such payments are 6 necessary to reimburse costs reasonably in-7 curred by a television translator station or low 8 power television station on or after January 1, 9 2017, in order for such station to relocate its 10 television service from one channel to another 11 channel or otherwise modify its facility as a re-12 sult of the reorganization of broadcast television 13 spectrum under subsection (b) of section 6403 of the Middle Class Tax Relief and Job Cre-14 15 ation Act of 2012 (47 U.S.C. 1452). 16 (3) UNUSED FUNDS RESCINDED AND DEPOS-

17 ITED INTO THE GENERAL FUND OF THE TREAS-18 URY.—

(A) RESCISSION AND DEPOSIT.—If any unobligated amounts remain in the Translator and
Low Power Station Relocation Fund after the
date described in subparagraph (B), such
amounts shall be rescinded and deposited into
the general fund of the Treasury, where such

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1	amounts shall be dedicated for the sole purpose
2	of deficit reduction.
3	(B) DATE DESCRIBED.—The date de-
4	scribed in this subparagraph is the earlier of—
5	(i) the date of a certification by the
6	Commission under subparagraph (C) that
7	all reimbursements pursuant to subsection
8	(a)(1) have been made; or
9	(ii) July 3, 2023.
10	(C) CERTIFICATION.—If all reimburse-
11	ments pursuant to subsection $(a)(1)$ have been
12	made before July 3, 2023, the Commission
13	shall submit to the Secretary of the Treasury a
14	certification that all such reimbursements have
15	been made.
16	(c) Administrative Costs.—The amount of auc-
17	tion proceeds that the salaries and expenses account of
18	the Commission is required to retain under section
19	309(j)(8)(B) of the Communications Act of 1934 (47)
20	U.S.C. $309(j)(8)(B)$ , including from the proceeds of the
21	forward auction under section 6403 of the Middle Class
22	Tax Relief and Job Creation Act of 2012 (47 U.S.C.
23	1452), shall be sufficient to cover the administrative costs
24	incurred by the Commission in making any reimburse-

ments out of the Translator and Low Power Station Relo cation Fund.

3 (d) DEFINITIONS.—In this section:

4 (1) LOW POWER TELEVISION STATION.—The term "low power television station" means a low 5 6 power TV station (as defined in section 74.701 of 7 title 47, Code of Federal Regulations) that was li-8 censed and transmitting for at least 9 of the 12 9 months prior to April 13, 2017. For purposes of the 10 preceding sentence, the operation of analog and dig-11 ital companion facilities may be combined.

12 (2) TELEVISION TRANSLATOR STATION.—The term "television translator station" means a tele-13 14 vision broadcast translator station (as defined in sec-15 tion 74.701 of title 47, Code of Federal Regulations) 16 that was licensed and transmitting for at least 9 of 17 the 12 months prior to April 13, 2017. For purposes 18 of the preceding sentence, the operation of analog 19 and digital companion facilities may be combined.

20 SEC. 603. PAYMENT OF RELOCATION COSTS OF FM BROAD-

21 CAST STATIONS.

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(a) PAYMENT REQUIRED.—

(1) IN GENERAL.—From amounts made available under subsection (b)(2), the Commission shall
reimburse costs reasonably incurred by an FM

1	broadcast station for facilities necessary for such
2	station to reasonably minimize disruption of service
3	as a result of the reorganization of broadcast tele-
4	vision spectrum under subsection (b) of section $6403$
5	of the Middle Class Tax Relief and Job Creation Act
6	of 2012 (47 U.S.C. 1452).
7	(2) LIMITATION.—The Commission may not
8	make reimbursements under paragraph $(1)$ for lost
9	revenues.
10	(3) DUPLICATIVE PAYMENTS PROHIBITED.—If
11	an FM broadcast station has received a payment for
12	interim facilities from the licensee of a television
13	broadcast station that was reimbursed for such pay-
14	ment under subsection $(b)(4)(A)(i)$ of such section
15	6403 (including from amounts made available under
16	section 601 of this title), or from any other source,
17	such FM broadcast station may not receive any re-
18	imbursements under paragraph (1).
19	(b) FUNDING.—
20	(1) ESTABLISHMENT OF FUND.—There is es-
21	tablished in the Treasury of the United States a
22	fund to be known as the FM Broadcast Station Re-
23	location Fund.
24	(2) Availability of funds.—

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

5  $(\mathbf{B})$ AVAILABILITY AFTER APRIL 13, 6 2020.—Amounts in the FM Broadcast Station 7 Relocation Fund shall not be available to the 8 Commission to make payments required by sub-9 section (a)(1) after April 13, 2020, unless, be-10 fore making any such payments after such date, 11 the Commission submits to Congress a certifi-12 cation that such payments are necessary to re-13 imburse costs reasonably incurred by an FM 14 broadcast station for facilities necessary for 15 such station to reasonably minimize disruption 16 of service as a result of the reorganization of 17 broadcast television spectrum under subsection 18 (b) of section 6403 of the Middle Class Tax Re-19 lief and Job Creation Act of 2012 (47 U.S.C. 20 1452).

21 (3) UNUSED FUNDS RESCINDED AND DEPOS22 ITED INTO THE GENERAL FUND OF THE TREAS23 URY.—

24 (A) RESCISSION AND DEPOSIT.—If any un25 obligated amounts remain in the FM Broadcast

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1	Station Relocation Fund after the date de-
2	scribed in subparagraph (B), such amounts
3	shall be rescinded and deposited into the gen-
4	eral fund of the Treasury, where such amounts
5	shall be dedicated for the sole purpose of deficit
6	reduction.
7	(B) DATE DESCRIBED.—The date de-
8	scribed in this subparagraph is the earlier of—
9	(i) the date of a certification by the
10	Commission under subparagraph (C) that
11	all reimbursements pursuant to subsection
12	(a)(1) have been made; or
13	(ii) July 3, 2022.
14	(C) CERTIFICATION.—If all reimburse-
15	ments pursuant to subsection $(a)(1)$ have been
16	made before July 3, 2022, the Commission
17	shall submit to the Secretary of the Treasury a
18	certification that all such reimbursements have
19	been made.
20	(c) Administrative Costs.—The amount of auc-
21	tion proceeds that the salaries and expenses account of
22	the Commission is required to retain under section
23	309(j)(8)(B) of the Communications Act of 1934 (47)
24	U.S.C. $309(j)(8)(B)$ , including from the proceeds of the
25	forward auction under section 6403 of the Middle Class

Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1 2 1452), shall be sufficient to cover the administrative costs incurred by the Commission in making any reimburse-3 4 ments out of the FM Broadcast Station Relocation Fund. 5 (d) FM BROADCAST STATION DEFINED.—In this section, the term "FM broadcast station" has the meaning 6 7 given such term in section 73.310 of title 47, Code of Fed-8 eral Regulations, and, for an FM translator, has the 9 meaning given the term "FM translator" in section 74.1201 of such title. 10

#### 11 SEC. 604. CONSUMER EDUCATION PAYMENT.

(a) ESTABLISHMENT OF FUND.—There is estab13 lished in the Treasury of the United States a fund to be
14 known as the Broadcast Station Relocation Consumer
15 Education Fund.

16 (b) AVAILABILITY OF FUNDS.—Amounts in the Broadcast Station Relocation Consumer Education Fund 17 shall be available to the Commission to make payments 18 19 solely for the purposes of consumer education relating to 20 the reorganization of broadcast television spectrum under 21 subsection (b) of section 6403 of the Middle Class Tax 22 Relief and Job Creation Act of 2012 (47 U.S.C. 1452). 23 (c) ADMINISTRATIVE COSTS.—The amount of auc-24 tion proceeds that the salaries and expenses account of

25 the Commission is required to retain under section

309(j)(8)(B) of the Communications Act of 1934 (47) 1 U.S.C. 309(j)(8)(B), including from the proceeds of the 2 3 forward auction under section 6403 of the Middle Class 4 Tax Relief and Job Creation Act of 2012 (47 U.S.C. 5 1452), shall be sufficient to cover the administrative costs incurred by the Commission in making any payments out 6 7 of the Broadcast Station Relocation Consumer Education 8 Fund.

### 9 SEC. 605. IMPLEMENTATION AND ENFORCEMENT.

10 The Commission shall implement and enforce this 11 title as if this title is a part of the Communications Act 12 of 1934 (47 U.S.C. 151 et seq.). A violation of this title, 13 or a regulation promulgated under this title, shall be con-14 sidered to be a violation of the Communications Act of 15 1934, or a regulation promulgated under such Act, respec-16 tively.

## 17 SEC. 606. RULE OF CONSTRUCTION.

18 Nothing in this title shall alter the final transition19 phase completion date established by the Commission for20 full power and Class A television stations.

# 21 TITLE VII—MOBILE NOW

# 22 SEC. 701. SHORT TITLE.

23 This title may be cited as the "Making Opportunities24 for Broadband Investment and Limiting Excessive and

Needless Obstacles to Wireless Act" or the "MOBILE
NOW Act".
SEC. 702. DEFINITIONS.
In this title:
(1) Appropriate committees of con-
GRESS.—The term "appropriate committees of Con-
gress'' means—
(A) the Committee on Commerce, Science,
and Transportation of the Senate;
(B) the Committee on Energy and Com-
merce of the House of Representatives; and
(C) each committee of the Senate or of the
House of Representatives with jurisdiction over
a Federal entity affected by the applicable sec-
tion in which the term appears.
(2) Commission.—The term "Commission"
means the Federal Communications Commission.
(3) FEDERAL ENTITY.—The term "Federal en-
tity" has the meaning given the term in section
113(l) of the National Telecommunications and In-
formation Administration Organization Act (47
U.S.C. 923(l)).
(4) NTIA.—The term "NTIA" means the Na-
tional Telecommunications and Information Admin-
istration of the Department of Commerce.

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1	(5) OMB.—The term "OMB" means the Office
2	of Management and Budget.
3	(6) SECRETARY.—The term "Secretary" means
4	the Secretary of Commerce.
5	SEC. 703. IDENTIFYING 255 MEGAHERTZ.
6	(a) REQUIREMENTS.—
7	(1) IN GENERAL.—Not later than December 31,
8	2022, the Secretary, working through the NTIA,
9	and the Commission shall identify a total of at least
10	255 megahertz of Federal and non-Federal spectrum
11	for mobile and fixed wireless broadband use.
12	(2) Unlicensed and licensed use.—Of the
13	spectrum identified under paragraph $(1)$ , not less
14	than—
15	(A) 100 megahertz below the frequency of
16	8000 megahertz shall be identified for use on
17	an unlicensed basis;
18	(B) 100 megahertz below the frequency of
19	6000 megahertz shall be identified for use on
20	an exclusive, licensed basis for commercial mo-
21	bile use, pursuant to the Commission's author-
22	ity to implement such licensing in a flexible
23	manner, and subject to potential continued use
24	of such spectrum by incumbent Federal entities
25	in designated geographic areas indefinitely or

1	for such length of time stipulated in transition
2	plans approved by the Technical Panel under
3	section 113(h) of the National Telecommuni-
4	cations and Information Administration Organi-
5	zation Act (47 U.S.C. 923(h)) for those incum-
6	bent entities to be relocated to alternate spec-
7	trum; and
8	(C) 55 megahertz below the frequency of
9	8000 megahertz shall be identified for use on
10	either a licensed or unlicensed basis, or a com-
11	bination of licensed and unlicensed.
12	(3) Non-Eligible spectrum.—For purposes
13	of satisfying the requirement under paragraph $(1)$ ,
14	the following spectrum shall not be counted:
15	(A) The frequencies between 1695 and
16	1710 megahertz.
17	(B) The frequencies between 1755 and
18	1780 megahertz.
19	(C) The frequencies between $2155$ and
20	2180 megahertz.
21	(D) The frequencies between 3550 and
22	3700 megahertz.
23	(E) Spectrum that the Commission deter-
24	mines had more than de minimis mobile or
25	fixed wireless broadband operations within the

band on the day before the date of enactment
 of this Act.

3 (4) TREATMENT OF CERTAIN OTHER SPEC4 TRUM.—Spectrum identified pursuant to this section
5 may include eligible spectrum, if any, identified after
6 the date of enactment of this Act pursuant to title
7 X of the Bipartisan Budget Act of 2015 (Public
8 Law 114–74).

9 (5)SPECTRUM MADE AVAILABLE ON AND 10 AFTER FEBRUARY 11, 2016.—Any spectrum that 11 has been made available for licensed or unlicensed 12 use on and after February 11, 2016, and that other-13 wise satisfies the requirements of this section may 14 be counted towards the requirements of this sub-15 section.

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

(7) CONSIDERATIONS.—In identifying spectrum
for use under this section, the Secretary, working
through the NTIA, and Commission shall consider—
(A) the need to preserve critical existing
and planned Federal Government capabilities;

1	(B) the impact on existing State, local, and
2	tribal government capabilities;
3	(C) the international implications;
4	(D) the need for appropriate enforcement
5	mechanisms and authorities; and
6	(E) the importance of the deployment of
7	wireless broadband services in rural areas of the
8	United States.
9	(b) RULES OF CONSTRUCTION.—Nothing in this sec-
10	tion shall be construed—
11	(1) to impair or otherwise affect the functions
12	of the Director of OMB relating to budgetary, ad-
13	ministrative, or legislative proposals;
14	(2) to require the disclosure of classified infor-
15	mation, law enforcement sensitive information, or
16	other information that must be protected in the in-
17	terest of national security; or
18	(3) to affect any requirement under section 156
19	of the National Telecommunications and Informa-
20	tion Administration Organization Act (47 U.S.C.
21	921 note), as added by section 1062(a) of the Na-
22	tional Defense Authorization Act for Fiscal Year
23	2000, or any other relevant statutory requirement
24	applicable to the reallocation of Federal spectrum.

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#### 1 SEC. 704. MILLIMETER WAVE SPECTRUM.

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

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

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

14 (A) such spectrum may be best used for li15 censed or unlicensed services, or some combina16 tion thereof; and

17 (B) to permit additional licensed oper-18 ations in such band on a shared basis; and

19 (2) include technical characteristics under
20 which the band described in subsection (a) may be
21 employed for mobile or fixed terrestrial wireless op22 erations, including any appropriate coexistence re23 quirements.

24 (c) SPECTRUM MADE AVAILABLE ON AND AFTER
25 FEBRUARY 11, 2016.—Any spectrum that has been made
26 available for licensed or unlicensed use on or after Feb-HR 4986 RFS ruary 11, 2016, and that otherwise satisfies the require ments of section 703 may be counted towards the require ments of section 703(a).

### 4 SEC. 705. 3 GIGAHERTZ SPECTRUM.

5 (a) Between 3100 Megahertz and 3550 Mega-HERTZ.—Not later than 24 months after the date of en-6 7 actment of this Act, and in consultation with the Commis-8 sion and the head of each affected Federal agency (or a 9 designee thereof), the Secretary, working through the 10 NTIA, shall submit to the Commission and the appro-11 priate committees of Congress a report evaluating the feasibility of allowing commercial wireless services, licensed 12 13 or unlicensed, to share use of the frequencies between 3100 megahertz and 3550 megahertz. 14

15 (b) Between 3700 Megahertz and 4200 Mega-HERTZ.—Not later than 18 months after the date of en-16 17 actment of this Act, after notice and an opportunity for public comment, and in consultation with the Secretary, 18 working through the NTIA, and the head of each affected 19 20 Federal agency (or a designee thereof), the Commission 21 shall submit to the Secretary and the appropriate commit-22 tees of Congress a report evaluating the feasibility of al-23 lowing commercial wireless services, licensed or unli-24 censed, to use or share use of the frequencies between 25 3700 megahertz and 4200 megahertz.

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

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

7 (2) An assessment of the possible impacts of
8 such sharing on Federal and non-Federal users al9 ready operating on the frequencies described in that
10 subsection.

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

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

(d) COMMISSION ACTION.—The Commission, in consultation with the NTIA, shall seek public comment on
the reports required under subsections (a) and (b), includ-

1 ing regarding the bands identified in such report as fea-2 sible pursuant to subsection (c)(4).

3 SEC. 706. BROADBAND INFRASTRUCTURE DEPLOYMENT.

#### 4 (a) DEFINITIONS.—In this section:

5 (1) APPROPRIATE STATE AGENCY.—The term 6 "appropriate State agency" means a State govern-7 mental agency that is recognized by the executive 8 branch of the State as having the experience nec-9 essary to evaluate and carry out projects relating to 10 the proper and effective installation and operation of 11 broadband infrastructure.

(2) BROADBAND INFRASTRUCTURE.—The term
"broadband infrastructure" means any buried, underground, or aerial facility, and any wireless or
wireline connection, that enables users to send and
receive voice, video, data, graphics, or any combination thereof.

18 (3) BROADBAND INFRASTRUCTURE ENTITY.—
19 The term "broadband infrastructure entity" means
20 any entity that—

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

23 (B) provides broadband services in a man24 ner consistent with the public interest, conven-

1	ience, and necessity, as determined by the
2	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	(b) Broadband Infrastructure Deployment.—
8	To facilitate the installation of broadband infrastructure,
9	the Secretary of Transportation shall promulgate regula-
10	tions to ensure that each State that receives funds under
11	chapter 1 of title 23, United States Code, meets the fol-
12	lowing requirements:
13	(1) BROADBAND CONSULTATION.—The State
14	department of transportation, in consultation with
15	appropriate State agencies, shall—
16	(A) identify a broadband utility coordi-
17	nator, that may have additional responsibilities,
18	whether in the State department of transpor-
19	tation or in another State agency, that is re-
20	sponsible for facilitating the broadband infra-
21	structure right-of-way efforts within the State;
22	(B) establish a process for the registration
23	of broadband infrastructure entities that seek
24	to be included in those broadband infrastruc-

ture right-of-way facilitation efforts within the State;

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

9 (D) coordinate initiatives carried out under 10 this section with other statewide telecommuni-11 cation and broadband plans and State and local 12 transportation and land use plans, including 13 strategies to minimize repeated excavations that 14 involve the installation of broadband infrastruc-15 ture in a right-of-way.

(2) PRIORITY.—If a State chooses to provide 16 17 for the installation of broadband infrastructure in 18 the right-of-way of an applicable Federal-aid high-19 way project under this subsection, the State depart-20 ment of transportation shall carry out any appro-21 priate measures to ensure that any existing 22 broadband infrastructure entities are not disadvan-23 taged, as compared to other broadband infrastruc-24 ture entities, with respect to the program under this 25 subsection.

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1 (c) EFFECT OF SECTION.—This section applies only to activities for which Federal obligations or expenditures 2 are initially approved on or after the date regulations 3 4 under subsection (b) become effective. Nothing in this sec-5 tion establishes a mandate or requirement that a State install or allow the installation of broadband infrastruc-6 7 ture in a highway right-of-way. Nothing in this section au-8 thorizes the Secretary of Transportation to withhold or re-9 serve funds or approval of a project under title 23, United 10 States Code.

#### 11 SEC. 707. REALLOCATION INCENTIVES.

12 (a) IN GENERAL.—Not later than 24 months after 13 the date of enactment of this Act, the Assistant Secretary 14 of Commerce for Communications and Information, in 15 consultation with the Commission, the Director of OMB, and the head of each affected Federal agency (or a des-16 ignee thereof), after notice and an opportunity for public 17 18 comment, shall submit to the appropriate committees of 19 Congress a report that includes legislative or regulatory recommendations to incentivize a Federal entity to relin-20 21 quish, or share with Federal or non-Federal users, Federal 22 spectrum for the purpose of allowing commercial wireless 23 broadband services to operate on that Federal spectrum. (b) Post-Auction Payments.— 24

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

4 (A) consider whether permitting eligible 5 Federal entities that are implementing a transi-6 tion plan submitted under section 113(h) of the 7 National Telecommunications and Information 8 Administration Organization Act (47 U.S.C. 9 923(h)) to accept payments could result in ac-10 cess to the eligible frequencies that are being 11 reallocated for exclusive non-Federal use or 12 shared use sooner than would otherwise occur 13 without such payments; and

14 (B) include the findings under subpara15 graph (A), including the analysis under para16 graph (2) and any recommendations for legisla17 tion, in the report.

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

23 (A) bidding in auctions conducted under
24 section 309(j) of the Communications Act of

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1	1934 (47 U.S.C. 309(j)) of such eligible fre-
2	quencies; and
3	(B) receipts collected from the auctions de-
4	scribed in subparagraph (A).
5	(3) DEFINITIONS.—In this subsection:
6	(A) PAYMENT.—The term "payment"
7	means a payment in cash or in-kind by any
8	auction winner, or any person affiliated with an
9	auction winner, of eligible frequencies during
10	the period after eligible frequencies have been
11	reallocated by competitive bidding under section
12	309(j) of the Communications Act of 1934 (47
13	U.S.C. $309(j)$ ) but prior to the completion of
14	relocation or sharing transition of such eligible
15	frequencies per transition plans approved by the
16	Technical Panel.
17	(B) ELIGIBLE FREQUENCIES.—The term
18	"eligible frequencies" has the meaning given
19	the term in section $113(g)(2)$ of the National
20	Telecommunications and Information Adminis-
21	tration Organization Act (47 U.S.C. 923(g)(2)).
22	SEC. 708. BIDIRECTIONAL SHARING STUDY.
23	(a) IN GENERAL.—Not later than 18 months after
24	the date of enactment of this Act, including an oppor-

tunity for public comment, the Commission, in collabora tion with the NTIA, shall—

3 (1) conduct a bidirectional sharing study to de4 termine the best means of providing Federal entities
5 flexible access to non-Federal spectrum on a shared
6 basis across a range of short-, mid-, and long-range
7 timeframes, including for intermittent purposes like
8 emergency use; and

9 (2) submit to Congress a report on the study
10 under paragraph (1), including any recommenda11 tions for legislation or proposed regulations.

12 (b) CONSIDERATIONS.—In conducting the study13 under subsection (a), the Commission shall—

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

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

#### 21 SEC. 709. UNLICENSED SERVICES IN GUARD BANDS.

(a) IN GENERAL.—After public notice and comment,
and in consultation with the Assistant Secretary of Commerce for Communications and Information and the head
of each affected Federal agency (or a designee thereof),

with respect to frequencies allocated for Federal use, the 1 2 Commission shall adopt rules that permit unlicensed serv-3 ices where feasible to use any frequencies that are des-4 ignated as guard bands to protect frequencies allocated 5 after the date of enactment of this Act by competitive bidding under section 309(j) of the Communications Act of 6 7 1934 (47 U.S.C. 309(j)), including spectrum that acts as 8 a duplex gap between transmit and receive frequencies.

9 (b) LIMITATION.—The Commission may not permit 10 any use of a guard band under this section that would 11 cause harmful interference to a licensed service or a Fed-12 eral service.

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

# 20SEC. 710. AMENDMENTS TO THE SPECTRUM PIPELINE ACT21OF 2015.

Section 1008 of the Spectrum Pipeline Act of 2015
(Public Law 114–74; 129 Stat. 584) is amended in the
matter preceding paragraph (1) by inserting ", after no-

tice and an opportunity for public comment," after "the
 Commission".

3	SEC. 711. GAO ASSESSMENT OF UNLICENSED SPECTRUM
4	AND WI-FI USE IN LOW-INCOME NEIGHBOR-
5	HOODS.
6	(a) Study.—
7	(1) IN GENERAL.—The Comptroller General of
8	the United States shall conduct a study to evaluate
9	the availability of broadband Internet access using
10	unlicensed spectrum and wireless networks in low-in-
11	come neighborhoods.
12	(2) REQUIREMENTS.—In conducting the study
13	under paragraph (1), the Comptroller General shall
14	consider and evaluate—
15	(A) the availability of wireless Internet hot
16	spots and access to unlicensed spectrum in low-
17	income neighborhoods, particularly for elemen-
18	tary and secondary school-aged children in such
19	neighborhoods;
20	(B) any barriers preventing or limiting the
21	deployment and use of wireless networks in low-
22	income neighborhoods;
23	(C) how to overcome any barriers described
24	in subparagraph (B), including through incen-
25	tives, policies, or requirements that would in-

1	crease the availability of unlicensed spectrum
2	and related technologies in low-income neigh-
3	borhoods; and
4	(D) how to encourage home broadband
5	adoption by households with elementary and
6	secondary school-age children that are in low-
7	income neighborhoods.
8	(b) REPORT.—Not later than 1 year after the date
9	of enactment of this Act, the Comptroller General shall
10	submit to the Committee on Commerce, Science, and
11	Transportation of the Senate and the Committee on En-
12	ergy and Commerce of the House of Representatives a re-
13	port that—
14	(1) summarizes the findings of the study con-
15	ducted under subsection (a); and
16	(2) makes recommendations with respect to po-
17	tential incentives, policies, and requirements that
18	could help achieve the goals described in subpara-
19	graphs (C) and (D) of subsection $(a)(2)$ .
20	SEC. 712. RULEMAKING RELATED TO PARTITIONING OR
21	DISAGGREGATING LICENSES.
22	(a) DEFINITIONS.—In this section:
23	(1) COVERED SMALL CARRIER.—The term
24	"covered small carrier" means a carrier (as defined

1	in section 3 of the Communications Act of $1934$ (47
2	U.S.C. 153)) that—
3	(A) has not more than 1,500 employees (as
4	determined under section 121.106 of title 13,
5	Code of Federal Regulations, or any successor
6	thereto); and
7	(B) offers services using the facilities of
8	the carrier.
9	(2) RURAL AREA.—The term "rural area"
10	means any area other than—
11	(A) a city, town, or incorporated area that
12	has a population of more than 20,000 inhab-
13	itants; or
14	(B) an urbanized area contiguous and ad-
15	jacent to a city or town that has a population
16	of more than 50,000 inhabitants.
17	(b) Rulemaking.—
18	(1) IN GENERAL.—Not later than 1 year after
19	the date of enactment of this Act, the Commission
20	shall initiate a rulemaking proceeding to assess
21	whether to establish a program, or modify existing
22	programs, under which a licensee that receives a li-
23	cense for the exclusive use of spectrum in a specific
24	geographic area under section 301 of the Commu-
25	nications Act of 1934 (47 U.S.C. 301) may partition

1	or disaggregate the license by sale or long-term
2	lease
3	(A) in order to—
4	(i) provide services consistent with the
5	license; and
6	(ii) make unused spectrum available
7	to—
8	(I) an unaffiliated covered small
9	carrier; or
10	(II) an unaffiliated carrier to
11	serve a rural area; and
12	(B) if the Commission finds that such a
13	program would promote—
14	(i) the availability of advanced tele-
15	communications services in rural areas; or
16	(ii) spectrum availability for covered
17	small carriers.
18	(2) Considerations.—In conducting the rule-
19	making proceeding under paragraph (1), the Com-
20	mission shall consider, with respect to the program
21	proposed to be established under that paragraph—
22	(A) whether reduced performance require-
23	ments with respect to spectrum obtained
24	through the program would facilitate deploy-

1	ment of advanced telecommunications services
2	in the areas covered by the program;
3	(B) what conditions may be needed on
4	transfers of spectrum under the program to
5	allow covered small carriers that obtain spec-
6	trum under the program to build out the spec-
7	trum in a reasonable period of time;
8	(C) what incentives may be appropriate to
9	encourage licensees to lease or sell spectrum, in-
10	cluding-
11	(i) extending the term of a license
12	granted under section 301 of the Commu-
13	nications Act of 1934 (47 U.S.C. 301); or
14	(ii) modifying performance require-
15	ments of the license relating to the leased
16	or sold spectrum; and
17	(D) the administrative feasibility of—
18	(i) the incentives described in sub-
19	paragraph (C); and
20	(ii) other incentives considered by the
21	Commission that further the goals of this
22	section.
23	(3) Forfeiture of spectrum.—If a party
24	fails to meet any build out requirements set by the
25	Commission for any spectrum sold or leased under

this section, the right to the spectrum shall be for feited to the Commission unless the Commission
 finds that there is good cause for the failure of the
 party.

5 (4) REQUIREMENT.—The Commission may 6 offer a licensee incentives or reduced performance 7 requirements under this section only if the Commis-8 sion finds that doing so would likely result in in-9 creased availability of advanced telecommunications 10 services in a rural area.

#### 11 SEC. 713. UNLICENSED SPECTRUM POLICY.

12 (a) STATEMENT OF POLICY.—It is the policy of the13 United States—

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

17 (2) to advance innovation and investment in18 wireless broadband services; and

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

(b) COMMISSION RESPONSIBILITIES.—The Commis24 sion shall ensure that the efforts of the Commission re25 lated to spectrum allocation and assignment made avail-

able on an unlicensed basis radio frequency bands to ad dress demand for unlicensed wireless broadband oper ations if doing so is, after taking into account the future
 needs of homeland security, national security, and other
 spectrum users—

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

8 (c) RULE OF CONSTRUCTION.—Nothing in this sec-9 tion confers any additional rights on unlicensed users or 10 users licensed by rule under part 96 of title 47, Code of 11 Federal Regulations, to protection from harmful inter-12 ference.

#### 13 SEC. 714. NATIONAL PLAN FOR UNLICENSED SPECTRUM.

14 (a) DEFINITIONS.—In this section:

(1) SPECTRUM RELOCATION FUND.—The term
"Spectrum Relocation Fund" means the Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

20 (2) UNLICENSED OR LICENSED BY RULE OPER21 ATIONS.—The term "unlicensed or licensed by rule
22 operations" means the use of spectrum on a non-ex23 clusive basis under—

24 (A) part 15 of title 47, Code of Federal
25 Regulations; or

1	(B) licensing by rule under part 96 of title
2	47, Code of Federal Regulations.
3	(b) NATIONAL PLAN.—Not later than 18 months
4	after the date of enactment of this Act, the Commission,
5	in consultation with the NTIA, shall develop a national
6	plan for making additional radio frequency bands available
7	for unlicensed or licensed by rule operations.
8	(c) REQUIREMENTS.—The plan developed under this
9	section shall—
10	(1) identify an approach that ensures that con-
11	sumers have access to additional spectrum to con-
12	duct unlicensed or licensed by rule operations in a
13	range of radio frequencies to meet consumer de-
14	mand;
15	(2) recommend specific actions by the Commis-
16	sion and the NTIA to permit unlicensed or licensed
17	by rule operations in additional radio frequency
18	ranges that the Commission finds—
19	(A) are consistent with the statement of
20	policy under section 713(a);
21	(B) will—
22	(i) expand opportunities for unli-
23	censed or licensed by rule operations in a
24	spectrum band; or

1	(ii) otherwise improve spectrum utili-
2	zation and intensity of use of bands where
3	unlicensed or licensed by rule operations
4	are already permitted;
5	(C) will not cause harmful interference to
6	Federal or non-Federal users of such bands;
7	and
8	(D) will not significantly impact homeland
9	security or national security communications
10	systems; and
11	(3) examine additional ways, with respect to ex-
12	isting and planned databases or spectrum access sys-
13	tems designed to promote spectrum sharing and ac-
14	cess to spectrum for unlicensed or licensed by rule
15	operations—
16	(A) to improve accuracy and efficacy;
17	(B) to reduce burdens on consumers, man-
18	ufacturers, and service providers; and
19	(C) to protect sensitive Government infor-
20	mation.
21	(d) Spectrum Relocation Fund.—To be included
22	as an appendix as part of the plan developed under this
23	section, the NTIA, in consultation with the Director of
24	the Office of Management and Budget, shall share with

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1	the Commission recommendations about how to reform
2	the Spectrum Relocation Fund—
3	(1) to address costs incurred by Federal entities
4	related to sharing radio frequency bands with radio
5	technologies conducting unlicensed or licensed by
6	rule operations; and
7	(2) to ensure the Spectrum Relocation Fund
8	has sufficient funds to cover—
9	(A) the costs described in paragraph $(1)$ ;
10	and
11	(B) other expenditures allowed of the
12	Spectrum Relocation Fund under section 118 of
13	the National Telecommunications and Informa-
14	tion Administration Organization Act (47
15	U.S.C. 928).
16	(e) Report Required.—
17	(1) IN GENERAL.—Not later than 18 months
18	after the date of enactment of this Act, the Commis-
19	sion shall submit to the appropriate committees of
20	Congress a report that describes the plan developed
21	under this section, including any recommendations
22	for legislative change.
23	(2) Publication on commission website.—
24	Not later than the date on which the Commission
25	submits the report under paragraph (1), the Com-

mission shall make the report publicly available on
 the website of the Commission.

3 (f) RULE OF CONSTRUCTION.—Nothing in this sec4 tion confers any additional rights on unlicensed users or
5 users licensed by rule under part 96 of title 47, Code of
6 Federal Regulations, to protection from harmful inter7 ference.

#### 8 SEC. 715. SPECTRUM CHALLENGE PRIZE.

9 (a) SHORT TITLE.—This section may be cited as the10 "Spectrum Challenge Prize Act".

(b) DEFINITION OF PRIZE COMPETITION.—In this
section, the term "prize competition" means a prize competition conducted by the Secretary under subsection
(c)(1).

15 (c) Spectrum Challenge Prize.—

16 (1) IN GENERAL.—The Secretary, in consulta17 tion with the Assistant Secretary of Commerce for
18 Communications and Information and the Under
19 Secretary of Commerce for Standards and Tech20 nology, shall, subject to the availability of funds for
21 prize competitions under this section—

(A) conduct prize competitions to dramatically accelerate the development and commercialization of technology that improves spectrum

1	efficiency and is capable of cost-effective deploy-
2	ment; and
3	(B) define a measurable set of perform-
4	ance goals for participants in the prize competi-
5	tions to demonstrate their solutions on a level
6	playing field while making a significant ad-
7	vancement over the current state of the art.
8	(2) AUTHORITY OF SECRETARY.—In carrying
9	out paragraph (1), the Secretary may—
10	(A) enter into a grant, contract, coopera-
11	tive agreement, or other agreement with a pri-
12	vate sector for-profit or nonprofit entity to ad-
13	minister the prize competitions;
14	(B) invite the Defense Advanced Research
15	Projects Agency, the Commission, the National
16	Aeronautics and Space Administration, the Na-
17	tional Science Foundation, or any other Federal
18	agency to provide advice and assistance in the
19	design or administration of the prize competi-
20	tions; and
21	(C) award not more than \$5,000,000, in
22	the aggregate, to the winner or winners of the
23	prize competitions.
24	(d) CRITERIA.—Not later than 180 days after the
25	date on which funds for prize competitions are made avail-

able pursuant to this section, the Commission shall publish
 a technical paper on spectrum efficiency providing criteria
 that may be used for the design of the prize competitions.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated such sums as may be
6 necessary to carry out this section.

## 7 SEC. 716. WIRELESS TELECOMMUNICATIONS TAX AND FEE 8 COLLECTION FAIRNESS.

9 (a) SHORT TITLE.—This section may be cited as the
10 "Wireless Telecommunications Tax and Fee Collection
11 Fairness Act".

12 (b) DEFINITIONS.—In this section:

(1) FINANCIAL TRANSACTION.—The term "fi-13 nancial transaction" means a transaction in which 14 15 the purchaser or user of a wireless telecommuni-16 cations service upon whom a tax, fee, or surcharge 17 is imposed gives cash, credit, or any other exchange 18 of monetary value or consideration to the person 19 who is required to collect or remit the tax, fee, or 20 surcharge.

21 (2) LOCAL JURISDICTION.—The term "local ju22 risdiction" means a political subdivision of a State.

(3) STATE.—The term "State" means any of
the several States, the District of Columbia, and any
territory or possession of the United States.

1	(4) STATE OR LOCAL JURISDICTION.—The term
2	"State or local jurisdiction" includes any govern-
3	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-
7	ICE.—The term "wireless telecommunications serv-
8	ice'' means a commercial mobile radio service, as de-
9	fined in section 20.3 of title 47, Code of Federal
10	Regulations, or any successor thereto.
11	(c) FINANCIAL TRANSACTION REQUIREMENT.—
12	(1) IN GENERAL.—A State, or a local jurisdic-
13	tion of a State, may not require a person who is nei-
14	ther a resident of such State or local jurisdiction nor
15	an entity having its principal place of business in
16	such State or local jurisdiction to collect from, or
17	remit on behalf of, any other person a State or local
18	tax, fee, or surcharge imposed on a purchaser or
19	user with respect to the purchase or use of any wire-
20	less telecommunications service within the State un-
21	less the collection or remittance is in connection with
22	a financial transaction.
23	(2) RULE OF CONSTRUCTION.—Nothing in this
24	subsection shall be construed to affect the right of
25	a State or local jurisdiction to require the collection

of any tax, fee, or surcharge in connection with a fi nancial transaction.

3 (d) ENFORCEMENT.—

4 (1) PRIVATE RIGHT OF ACTION.—Any person
5 aggrieved by a violation of subsection (c) may bring
6 a civil action in an appropriate district court of the
7 United States for equitable relief in accordance with
8 paragraph (2) of this subsection.

9 (2) JURISDICTION OF DISTRICT COURTS.—Not-10 withstanding section 1341 of title 28, United States 11 Code, or the constitution or laws of any State, the 12 district courts of the United States shall have juris-13 diction, without regard to the amount in controversy 14 or citizenship of the parties, to grant such manda-15 tory or prohibitive injunctive relief, interim equitable 16 relief, and declaratory judgments as may be nec-17 essary to prevent, restrain, or terminate any acts in 18 violation of subsection (c).

#### 19 SEC. 717. RULES OF CONSTRUCTION.

(a) RANGES OF FREQUENCIES.—Each range of frequencies described in this title shall be construed to be
inclusive of the upper and lower frequencies in the range.
(b) ASSESSMENT OF ELECTROMAGNETIC SPECTRUM
REALLOCATION.—Nothing in this title shall be construed
to affect any requirement under section 156 of the Na-

tional Telecommunications and Information Administra tion Organization Act (47 U.S.C. 921 note), as added by
 section 1062(a) of the National Defense Authorization Act
 for Fiscal Year 2000.

### 5 SEC. 718. RELATIONSHIP TO MIDDLE CLASS TAX RELIEF 6 AND JOB CREATION ACT OF 2012.

Nothing in this title shall be construed to limit, re8 strict, or circumvent in any way the implementation of the
9 nationwide public safety broadband network defined in
10 section 6001 of title VI of the Middle Class Tax Relief
11 and Job Creation Act of 2012 (47 U.S.C. 1401) or any
12 rules implementing that network under title VI of that Act
13 (47 U.S.C. 1401 et seq.).

#### 14 SEC. 719. NO ADDITIONAL FUNDS AUTHORIZED.

15 No additional funds are authorized to be appro-16 priated to carry out this title, or the amendment made 17 by this title. This title, and the amendment made by this 18 title, shall be carried out using amounts otherwise author-19 ized.

Passed the House of Representatives March 6, 2018.

Attest:

KAREN L. HAAS, *Clerk.*