

114TH CONGRESS
2D SESSION

S. 2555

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2016

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

A BILL

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

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

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

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Making 500 megahertz available.

- Sec. 4. Millimeter wave evaluation.
- Sec. 5. Reports on 3 gigahertz bands.
- Sec. 6. Distributed antenna systems and small cell infrastructure.
- Sec. 7. Communications facilities deployment on Federal property.
- Sec. 8. Dig once.
- Sec. 9. National broadband facilities asset database.
- Sec. 10. Reallocation incentives.
- Sec. 11. Bidirectional sharing study.
- Sec. 12. Unlicensed services in guard bands.
- Sec. 13. Pre-auction funding.
- Sec. 14. Immediate transfer of funds.
- Sec. 15. Amendments to the Spectrum Pipeline Act of 2015.
- Sec. 16. Rules of construction.
- Sec. 17. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE COMMITTEES OF CON-**
 4 **GRESS.**—The term “appropriate committees of Con-
 5 gress” means—

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

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

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

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

16 (3) **FEDERAL ENTITY.**—The term “Federal en-
 17 tity” has the meaning given the term in section
 18 113(l) of the National Telecommunications and In-

1 formation Administration Organization Act (47
2 U.S.C. 923(1)).

3 (4) NTIA.—The term “NTIA” means the Na-
4 tional Telecommunications and Information Admin-
5 istration of the Department of Commerce.

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

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

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

11 (a) REQUIREMENTS.—

12 (1) IN GENERAL.—Consistent with the Presi-
13 dential Memorandum of June 28, 2010, entitled
14 “Unleashing the Wireless Broadband Revolution”
15 and establishing a goal of making a total of 500
16 megahertz of Federal and non-Federal spectrum
17 available for wireless broadband use by 2020, not
18 later than December 31, 2020, the Secretary, work-
19 ing through the NTIA, and the Commission shall
20 make available a total of at least 255 megahertz of
21 Federal and non-Federal spectrum below the fre-
22 quency of 6000 megahertz for mobile and fixed wire-
23 less broadband use.

24 (2) AVAILABILITY.—The spectrum made avail-
25 able under paragraph (1) shall be made available to

1 be licensed by the Commission for exclusive use, or
2 made available on a licensed or unlicensed basis for
3 shared use by non-Federal and Federal users, to en-
4 able the deployment of wireless broadband services.

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

8 (A) The band between 1695 and 1710
9 megahertz.

10 (B) The band between 1755 and 1780
11 megahertz.

12 (C) The band between 2155 and 2180
13 megahertz.

14 (D) The band between 3550 and 3700
15 megahertz.

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

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

24 (A) the need to preserve critical existing
25 and planned Federal Government capabilities;

1 (B) the impact on existing State, local, and
2 tribal government capabilities;

3 (C) the international implications; and

4 (D) the need for appropriate enforcement
5 mechanisms and authorities.

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

8 (1) to impair or otherwise affect the functions
9 of the Director of OMB relating to budgetary, ad-
10 ministrative, or legislative proposals;

11 (2) to require the disclosure of classified infor-
12 mation, law enforcement sensitive information, or
13 other information that must be protected in the in-
14 terest of national security; or

15 (3) to affect any requirement under section 156
16 of the National Telecommunications and Informa-
17 tion Administration Organization Act (47 U.S.C.
18 921 note), as added by section 1062(a) of the Na-
19 tional Defense Authorization Act for Fiscal Year
20 2000, or any other relevant statutory requirement
21 applicable to the reallocation of Federal spectrum.

22 **SEC. 4. MILLIMETER WAVE EVALUATION.**

23 (a) FEASIBILITY ASSESSMENT.—Not later than 18
24 months after the date of enactment of this Act or Decem-
25 ber 31, 2017, whichever comes earlier, the NTIA, in con-

1 sultation with the Commission, shall conduct a feasibility
2 assessment regarding the impact of authorizing mobile or
3 fixed terrestrial wireless operations, including for ad-
4 vanced mobile service operations, on Federal entities and
5 operations in any of the following frequencies with Federal
6 allocations:

7 (1) The band between 24250 and 24450 mega-
8 hertz.

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

11 (3) The band between 31800 and 33400 mega-
12 hertz.

13 (4) The band between 42000 and 42500 mega-
14 hertz.

15 (5) The band between 71000 and 76000 mega-
16 hertz.

17 (6) The band between 81000 and 86000 mega-
18 hertz.

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

21 (1) consult directly with Federal entities with
22 respect to frequencies with Federal allocations iden-
23 tified in that subsection;

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

1 including advanced mobile services operations, in any
2 of the bands described in that subsection would have
3 on an affected Federal entity;

4 (3) consider how the bands described in that
5 subsection may be used to provide commercial wire-
6 less broadband service, including whether—

7 (A) such spectrum may be best used for li-
8 censed or unlicensed services, or some combina-
9 tion thereof; and

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

12 (4) identify any bands, or a portion thereof, de-
13 scribed in that subsection that the NTIA assessment
14 determines are feasible for authorizing for mobile or
15 fixed terrestrial wireless operations, including any
16 advanced mobile service operations.

17 (c) REPORT TO CONGRESS.—Not later than 30 days
18 after the date the feasibility assessment under subsection
19 (a) is complete, the NTIA shall submit to the appropriate
20 committees of Congress a report on the feasibility assess-
21 ment.

22 (d) FCC PROCEEDING.—Not later than 2 years after
23 the date of enactment of this Act, the Commission, in con-
24 sultation with the NTIA, shall publish a notice of proposed
25 rulemaking to consider service rules to authorize mobile

1 or fixed terrestrial wireless operations, including for ad-
2 vanced mobile service operations, in the following radio
3 frequency bands:

4 (1) The band between 24250 and 24450 mega-
5 hertz, except for any frequencies with Federal alloca-
6 tions.

7 (2) The band between 25050 and 25250 mega-
8 hertz, except for any frequencies with Federal alloca-
9 tions.

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

13 (4) The band between 42000 and 42500 mega-
14 hertz, except for any frequencies with Federal alloca-
15 tions.

16 (5) The band between 71000 and 76000 mega-
17 hertz, except for any frequencies with Federal alloca-
18 tions.

19 (6) The band between 81000 and 86000 mega-
20 hertz, except for any frequencies with Federal alloca-
21 tions.

22 (7) Any bands identified as feasible under sub-
23 section (b)(4).

24 (e) CONSIDERATIONS.—In conducting the rule-
25 making under subsection (d), the Commission shall—

1 (1) consult with Federal entities via the NTIA
2 regarding the bands described in subsection (d)(7);

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

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

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

11 (3) include technical characteristics under
12 which the bands described in subsection (d) may be
13 employed for mobile or fixed terrestrial wireless op-
14 erations, including any appropriate coexistence re-
15 quirements.

16 **SEC. 5. REPORTS ON 3 GIGAHERTZ BANDS.**

17 (a) BETWEEN 3100 MEGAHERTZ AND 3550 MEGA-
18 HERTZ.—Not later than 3 years after the date of enact-
19 ment of this Act, and in consultation with the Commission
20 and the head of each affected Federal agency (or a des-
21 ignee thereof), the Secretary shall submit to the President
22 and the appropriate committees of Congress a report eval-
23 uating the feasibility of allowing commercial wireless serv-
24 ices, licensed or unlicensed, to share use of the frequencies
25 between 3100 megahertz and 3550 megahertz.

1 (b) BETWEEN 3700 MEGAHERTZ AND 4200 MEGA-
2 HERTZ.—Not later than 3 years after the date of enact-
3 ment of this Act, and in consultation with the Secretary
4 and the head of each affected Federal agency (or a des-
5 ignee thereof), the Commission shall submit to the Presi-
6 dent and the appropriate committees of Congress a report
7 evaluating the feasibility of allowing commercial wireless
8 services, licensed or unlicensed, to share use of the fre-
9 quencies between 3700 megahertz and 4200 megahertz.

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

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

16 (2) An assessment of the possible impacts of
17 such sharing on Federal and non-Federal users al-
18 ready operating on the frequencies described in that
19 subsection.

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

1 (4) If such sharing is feasible, an identification
2 of which of the frequencies described in that sub-
3 section are most suitable for sharing with commer-
4 cial wireless services.

5 (d) **PLANS FOR AUCTION OF CERTAIN SPECTRUM.**—
6 The Commission shall include any spectrum identified
7 under subsection (c)(4) for assignment of new licenses for
8 non-Federal use in a report under section 1006 of the
9 Spectrum Pipeline Act of 2015 (Public Law 114–74; 129
10 Stat. 621) if—

11 (1) that spectrum is suitable for allocation by
12 competitive bidding of new licenses for non-Federal
13 licensed use;

14 (2) that spectrum otherwise meets the require-
15 ments of the proposed plan for the assignment of
16 new licenses for non-Federal use of certain spectrum
17 under section 1006 of the Spectrum Pipeline Act of
18 2015 (Public Law 114–74; 129 Stat. 621); and

19 (3) the identification of that spectrum under
20 subsection (c)(4) occurs after the requirements
21 under section 3 have been met.

22 **SEC. 6. DISTRIBUTED ANTENNA SYSTEMS AND SMALL CELL**
23 **INFRASTRUCTURE.**

24 Not later than December 31, 2016, the Commission
25 shall take action in its Program Alternatives for Small

1 Wireless Communications Facility Deployments pro-
2 ceeding (WT Docket 15–180).

3 **SEC. 7. COMMUNICATIONS FACILITIES DEPLOYMENT ON**
4 **FEDERAL PROPERTY.**

5 (a) IN GENERAL.—Section 6409 of the Middle Class
6 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
7 1455) is amended by striking subsections (b), (c), and (d)
8 and inserting the following:

9 “(b) FEDERAL EASEMENTS AND RIGHTS-OF-WAY.—

10 “(1) GRANT.—If an executive agency, a State,
11 a political subdivision or agency of a State, or a per-
12 son, firm, or organization applies for the grant of an
13 easement or right-of-way to, in, over, or on a build-
14 ing or other property owned by the Federal Govern-
15 ment for the right to install, construct, modify, or
16 maintain a communications facility installation, the
17 executive agency having control of the building or
18 other property may grant to the applicant, on behalf
19 of the Federal Government, subject to paragraph
20 (5), an easement or right-of-way to perform such in-
21 stallation, construction, modification, or mainte-
22 nance.

23 “(2) APPLICATION.—

24 “(A) IN GENERAL.—The Administrator of
25 General Services shall develop a common form

1 for applications for easements and rights-of-way
2 under paragraph (1) for all executive agencies
3 that, except as provided in subparagraph (B),
4 shall be used by all executive agencies and ap-
5 plicants with respect to the buildings or other
6 property of each such agency.

7 “(B) EXCEPTION.—The requirement under
8 subparagraph (A) for an executive agency to
9 use the common form developed by the Admin-
10 istrator of General Services shall not apply to
11 an executive agency if the head of an executive
12 agency notifies the Administrator that the exec-
13 utive agency uses a substantially similar appli-
14 cation.

15 “(3) FEE.—

16 “(A) IN GENERAL.—Notwithstanding any
17 other provision of law, the Administrator of
18 General Services shall establish a fee for the
19 grant of an easement or right-of-way pursuant
20 to paragraph (1) that is based on direct cost re-
21 covery.

22 “(B) EXCEPTIONS.—The Administrator of
23 General Services may establish exceptions to
24 the fee amount required under subparagraph
25 (A)—

1 “(i) in consideration of the public ben-
2 efit provided by a grant of an easement or
3 right-of-way; and

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

6 “(4) USE OF FEES COLLECTED.—Any fee
7 amounts collected by an executive agency pursuant
8 to paragraph (3) may be made available, as provided
9 in appropriations Acts, to such agency to cover the
10 costs of granting the easement or right-of-way.

11 “(5) TIMELY CONSIDERATION OF APPLICA-
12 TIONS.—

13 “(A) IN GENERAL.—Within a reasonable
14 period of time after the date on which an execu-
15 tive agency receives a duly filed application for
16 an easement or right-of-way under this sub-
17 section, the executive agency shall—

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

20 “(ii) notify the applicant of the grant
21 or denial.

22 “(B) EXPLANATION OF DENIAL.—If an ex-
23 ecutive agency denies an application under sub-
24 paragraph (A), the executive agency shall notify

1 the applicant in writing, including a clear state-
2 ment of the reasons for the denial.

3 “(C) EXPLANATION OF DELAY.—If an ex-
4 ecutive agency has not granted or denied an ap-
5 plication under subparagraph (A) before the
6 date that is 150 days after the date that the ex-
7 ecutive agency received a duly filed application,
8 the executive agency shall notify the applicant
9 in writing, including a clear statement of the
10 reasons for the delay.

11 “(D) APPLICABILITY OF ENVIRONMENTAL
12 LAWS.—Nothing in this paragraph shall be con-
13 strued to relieve an executive agency of the re-
14 quirements of the National Historic Preserva-
15 tion Act (16 U.S.C. 470 et seq.) or the Na-
16 tional Environmental Policy Act of 1969 (42
17 U.S.C. 4321 et seq.).

18 “(E) POINT OF CONTACT.—Upon receiving
19 an application under subparagraph (A), an ex-
20 ecutive agency shall designate 1 or more appro-
21 priate individuals within the executive agency to
22 act as a point of contact with the applicant.

23 “(c) MASTER CONTRACTS FOR COMMUNICATIONS
24 FACILITY INSTALLATION SITINGS.—

1 “(1) IN GENERAL.—Notwithstanding section
2 704 of the Telecommunications Act of 1996 (Public
3 Law 104–104; 110 Stat. 151) or any other provision
4 of law, the Administrator of General Services shall—

5 “(A) develop 1 or more master contracts
6 that shall govern the placement of communica-
7 tions facility installation on buildings and other
8 property owned by the Federal Government;
9 and

10 “(B) in developing the master contract or
11 contracts, standardize the treatment of the
12 placement of communications facility installa-
13 tion on building rooftops or facades, the place-
14 ment of communications facility installation on
15 rooftops or inside buildings, the technology used
16 in connection with communications facility in-
17 stallation placed on Federal buildings and other
18 property, and any other key issues the Adminis-
19 trator of General Services considers appro-
20 priate.

21 “(2) APPLICABILITY.—The master contract or
22 contracts developed by the Administrator of General
23 Services under paragraph (1) shall apply to all pub-
24 licly accessible buildings and other property owned
25 by the Federal Government, unless the Adminis-

1 trator of General Services decides that issues with
2 respect to the siting of a communications facility in-
3 stallation on a specific building or other property
4 warrant nonstandard treatment of such building or
5 other property.

6 “(3) APPLICATION.—

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

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

23 “(d) DEFINITIONS.—In this section:

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

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

12 “(B) any antenna or apparatus that—

13 “(i) is designed for the purpose of
14 emitting radio frequency;

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

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

22 “(2) EXECUTIVE AGENCY.—The term ‘executive
23 agency’ has the meaning given such term in section
24 102 of title 40, United States Code.”.

1 (b) SAVINGS PROVISION.—An application for an
2 easement or right-of-way that was made or granted under
3 section 6409 of the Middle Class Tax Relief and Job Cre-
4 ation Act of 2012 (47 U.S.C. 1455) before the effective
5 date of this Act shall continue, subject to that section as
6 in effect on the day before such effective date.

7 **SEC. 8. DIG ONCE.**

8 (a) POLICY.—It is the policy of the United States to
9 encourage the deployment of communications facilities
10 and services because of the benefits to interstate com-
11 merce from investment in and use of such communications
12 facilities and services.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that Federal agencies should endeavor to create pol-
15 icy that—

16 (1) evaluates and provides for the inclusion of
17 broadband conduit installation in federally funded
18 highway construction projects;

19 (2) provides for such inclusion without nega-
20 tively impacting the safety, operations, and mainte-
21 nance of the highway facility, its users, or others;

22 (3) promotes investment and competition by en-
23 suring that communications providers may access
24 such conduit on a nondiscriminatory basis; and

1 (4) limits any burden on State departments of
2 transportation incurred by the inclusion of
3 broadband conduit in such projects.

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

6 (a) DEFINITIONS.—In this section:

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

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

18 (B) any antenna or apparatus that—

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

21 (ii) is designed to be operated, or is
22 operating, from a fixed location pursuant
23 to authorization by the Federal Commu-
24 nications Commission or is using duly au-

1 thorized devices that do not require indi-
2 vidual licenses; and

3 (iii) is added to a tower, building, or
4 other structure.

5 (2) COVERED PROPERTY.—The term “covered
6 property”—

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

10 (B) includes any interest in real property
11 described in subparagraph (A).

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

14 (4) EXECUTIVE AGENCY.—The term “Executive
15 agency” has the meaning given the term in section
16 105 of title 5, United States Code.

17 (b) DATABASE ESTABLISHED.—Not later than June
18 30, 2018, the Director of the Office of Science and Tech-
19 nology Policy, in consultation with the Chairman of the
20 Federal Communications Commission, Assistant Secretary
21 of Commerce for Communications and Information, Under
22 Secretary of Commerce for Standards and Technology,
23 Administrator of General Services, and Director of the Of-
24 fice of Management and Budget, shall—

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

4 (2) make the database available to—

5 (A) any entity that—

6 (i) constructs or operates communica-
7 tions facility installations; or

8 (ii) provides communications service;

9 and

10 (B) any other entity that the Director of
11 the Office of Science and Technology Policy de-
12 termines is appropriate; and

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

19 (c) PUBLIC COMMENT.—

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

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

4 (A) criteria that make real property capa-
5 ble of supporting communications facility instal-
6 lations;

7 (B) types of information related to covered
8 property that should be included in the data-
9 base;

10 (C) an interface by which accessibility to
11 the database for all users will be appropriately
12 efficient and secure; and

13 (D) other information the Director deter-
14 mines necessary to establish and operate the
15 database.

16 (d) FEDERAL AGENCIES.—

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

1 leased, or otherwise managed by the Executive agen-
2 cy.

3 (2) CHANGE TO INFORMATION PREVIOUSLY
4 PROVIDED.—In the case of any change to informa-
5 tion provided to the Director of the Office of Science
6 and Technology Policy by the head of an Executive
7 agency under paragraph (1), the head of the Execu-
8 tive agency shall provide updated information to the
9 Director not later than 30 days after the date of the
10 change.

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

20 (e) STATE AND LOCAL GOVERNMENTS.—The Direc-
21 tor of the Office of Science and Technology Policy shall
22 make the database available to State and local govern-
23 ments so that such governments may provide to the Direc-
24 tor for inclusion in the database similar information to
25 the information required under paragraph (1) regarding

1 covered property owned, leased, or otherwise managed by
2 such governments.

3 (f) DATABASE UPDATES.—

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

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

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

1 **SEC. 10. REALLOCATION INCENTIVES.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of enactment of this Act, the Secretary, in con-
4 sultation with the Commission, the Director of OMB, and
5 the head of each affected Federal agency (or a designee
6 thereof) shall submit to the appropriate committees of
7 Congress a report that includes legislative or regulatory
8 recommendations to incentivize a Federal entity to relin-
9 quish, or share with Federal or non-Federal users, Federal
10 spectrum for the purpose of allowing commercial wireless
11 broadband services to operate on that Federal spectrum.

12 (b) POST-AUCTION PAYMENTS.—

13 (1) REPORT.—In preparing the report under
14 subsection (a), the Secretary shall—

15 (A) consider whether permitting eligible
16 Federal entities that are implementing a transi-
17 tion plan submitted under section 113(h) of the
18 National Telecommunications and Information
19 Administration Organization Act (47 U.S.C.
20 923(h)) to accept payments could result in ac-
21 cess to the eligible frequencies that are being
22 reallocated for exclusive non-Federal use or
23 shared use sooner than would otherwise occur
24 without such payments; and

25 (B) include the findings under subpara-
26 graph (A), including the analysis under para-

1 graph (2) and any recommendations for legisla-
2 tion, in the report.

3 (2) ANALYSIS.—In considering payments under
4 paragraph (1)(A), the Secretary shall conduct an
5 analysis of whether and how such payments would
6 affect—

7 (A) bidding in auctions conducted under
8 section 309(j) of the Communications Act of
9 1934 (47 U.S.C. 309(j)) of such eligible fre-
10 quencies; and

11 (B) receipts collected from the auctions de-
12 scribed in subparagraph (A).

13 (3) DEFINITIONS.—In this subsection:

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

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

6 **SEC. 11. BIDIRECTIONAL SHARING STUDY.**

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

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

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

20 (b) CONSIDERATIONS.—In conducting the study
21 under subsection (a), the Commission shall consider how
22 to balance the regulatory certainty that commercial spec-
23 trum users and Federal entities need to make longer-term
24 investment decisions for shared access to be viable.

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

2 (a) IN GENERAL.—After a feasibility assessment and
3 public notice and comment, and in consultation with the
4 Secretary and the head of each affected Federal agency
5 (or a designee thereof), the Commission shall adopt rules
6 that permit unlicensed services where feasible to use any
7 frequencies that are designated as guard bands to protect
8 frequencies allocated after the date of enactment of this
9 Act by competitive bidding under section 309(j) of the
10 Communications Act of 1934 (47 U.S.C. 309(j)), includ-
11 ing spectrum that acts as a duplex gap between transmit
12 and receive frequencies.

13 (b) LIMITATION.—The Commission may not permit
14 any use of a guard band under this section that would
15 cause harmful interference to a licensed service or a Fed-
16 eral service operating in the guard band or in an adjacent
17 band.

18 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed as limiting the Commission or the
20 Secretary from making spectrum available for licensed or
21 unlicensed use under section 3 or available for unlicensed
22 use in any spectrum band under existing rules and regula-
23 tions.

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

25 Section 118(d)(3)(B)(i)(II) of the National Tele-
26 communications and Information Administration Organi-

1 zation Act (47 U.S.C. 928(d)(3)(B)(i)(II)) is amended by
2 striking “5 years” and inserting “8 years”.

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

4 Section 118(e)(1) of the National Telecommuni-
5 cations and Information Administration Organization Act
6 (47 U.S.C. 928(e)(1)) is amended by adding at the end
7 the following:

8 “(D) At the request of an eligible Federal
9 entity, the Director of OMB may transfer the
10 amount under subparagraph (A) immediately—

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

15 “(ii) in the case of an incumbent Fed-
16 eral entity that is incurring relocation or
17 sharing costs to accommodate sharing
18 spectrum frequencies with another Federal
19 entity, after the frequencies from which the
20 other eligible Federal entity is relocating
21 are reallocated by competitive bidding
22 under section 309(j) of the Communica-
23 tions Act of 1934 (47 U.S.C. 309(j)), with-
24 out regard to the availability of such sums
25 in the Fund.

1 “(E) Prior to the deposit of proceeds into
2 the Fund from an auction, the Director of
3 OMB may borrow from the Treasury the
4 amount under subparagraph (A) for a transfer
5 under subparagraph (D). The Treasury shall
6 immediately be reimbursed, without interest,
7 from funds deposited into the Fund.”.

8 **SEC. 15. AMENDMENTS TO THE SPECTRUM PIPELINE ACT**
9 **OF 2015.**

10 Section 1008 of the Spectrum Pipeline Act of 2015
11 (Public Law 114–74; 129 Stat. 584) is amended in the
12 matter preceding paragraph (1) by inserting “, after an
13 opportunity for public comment,” after “the Commission”.

14 **SEC. 16. RULES OF CONSTRUCTION.**

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

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

1 **SEC. 17. RELATIONSHIP TO MIDDLE CLASS TAX RELIEF**
2 **AND JOB CREATION ACT OF 2012.**

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

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