

115TH CONGRESS  
2D SESSION

# H. R. 4986

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## 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,*

(a) SHORT TITLE.—This Act may be cited as the “Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018” or the “RAY BAUM’S Act 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.

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

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

Sec. 301. Study on network resiliency.

Sec. 302. Access to essential service providers during federally declared emergencies.

Sec. 303. Definitions.

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

- 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.

4 **TITLE I—FCC**  
 5 **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.”.

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

14 (1) in the first sentence, by striking “an inter-  
15 est bearing account” and all that follows and insert-  
16 ing “the Treasury.”;

17 (2) in clause (i)—

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

22 (B) by striking the semicolon and inserting  
23 “; and”;

24 (3) in clause (ii), by striking “; and” and in-  
25 serting “, and payments representing the return of  
26 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 ap-  
4 plication fees at such rates as the Commission shall estab-  
5 lish in a schedule of application fees to recover the costs  
6 of the Commission to process applications.

7 “(b) ADJUSTMENT OF SCHEDULE.—

8 “(1) IN GENERAL.—In every even-numbered  
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 amend-  
15 ed under subsection (c), whichever is later—

16 “(A) increased or decreased by the per-  
17 centage change in the Consumer Price Index  
18 during the period beginning on such date and  
19 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 current  
25 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.—

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       **“SEC. 9. REGULATORY FEES.**

23           “(a) GENERAL AUTHORITY.—The Commission shall  
 24          assess and collect regulatory fees to recover the costs of  
 25          carrying out the activities described in section 6(a) only



1 to the extent, and in the total amounts, provided for in  
2 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.—

11 “(1) IN GENERAL.—For each fiscal year, the  
12 Commission shall by rule adjust the schedule of reg-  
13 ulatory fees established under this section to—

14 “(A) reflect unexpected increases or de-  
15 creases in the number of units subject to the  
16 payment of such fees; and

17 “(B) result in the collection of the amount  
18 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.

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

1 mines that the schedule requires amendment so that such  
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  
6 the Commission's activities. In making an amendment  
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.

10 “(e) EXCEPTIONS.—

11 “(1) PARTIES TO WHICH FEES ARE NOT APPLI-  
12 CABLE.—The regulatory fees established under this  
13 section shall not be applicable to—

14 “(A) a governmental entity or nonprofit  
15 entity;

16 “(B) an amateur radio operator licensee  
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

1 party, the Commission may exempt such party from  
2 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.”.

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

19 **“SEC. 9A. PROVISIONS APPLICABLE TO APPLICATION AND**  
20 **REGULATORY FEES.**

21 “(a) JUDICIAL REVIEW PROHIBITED.—Any adjust-  
22 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.

1       “(b) NOTICE TO CONGRESS.—The Commission shall  
2 transmit to Congress notification—

3               “(1) of any adjustment under section 8(b) or  
4       9(c) immediately upon the adoption of such adjust-  
5 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 FIL-  
25 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).

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

6       “(e) PAYMENT RULES.—The Commission shall by  
7 rule permit payment—

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

10              “(2) in the case of fees under section 8 or 9 in  
11 small amounts, in advance for a number of years not  
12 to exceed the term of the license held by the payor.

13       “(f) ACCOUNTING SYSTEM.—The Commission shall  
14 develop accounting systems necessary to make the amend-  
15 ments 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.—

12           (1) IN GENERAL.—Not later than 1 year after  
13       the effective date described in section 103, the Com-  
14       mission shall complete a rulemaking proceeding  
15       under subsection (d) of section 9 of the Communica-  
16       tions Act of 1934, as amended by subsection (b) of  
17       this section.

18           (2) REPORT TO CONGRESS.—If the Commission  
19       has not completed the rulemaking proceeding re-  
20       quired by paragraph (1) by the date that is 6  
21       months after the effective date described in section  
22       103, the Commission shall submit to Congress a re-  
23       port on the progress of such rulemaking proceeding.



1 **SEC. 103. EFFECTIVE DATE.**

2 This title and the amendments made by this title  
3 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—

19 (1) making telecommunications service pro-  
20 vider-owned WiFi access points, and other commu-  
21 nications technologies operating on unlicensed spec-  
22 trum, available to the general public for access to 9–  
23 1–1 services, without requiring any login credentials,  
24 during times of emergency when mobile service is  
25 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”;

19                       (B) in subparagraph (E), by striking the  
 20                       semicolon and inserting “; or”; and

21                       (C) by redesignating subparagraphs (A)  
 22                       through (E) as clauses (i) through (v), respec-  
 23                       tively; and

24               (2) by striking “(1) provides” and inserting  
 25               “(1)(A) provides”.

1 **SEC. 303. DEFINITIONS.**

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

12 (3) the term “times of emergency” means ei-  
13 ther an emergency as defined in section 102 of the  
14 Robert T. Stafford Disaster Relief and Emergency  
15 Assistance Act (42 U.S.C. 5122), or an emergency  
16 as declared by the governor of a State or territory  
17 of the United States.

18 **TITLE IV—FCC CONSOLIDATED**  
19 **REPORTING**

20 **SEC. 401. COMMUNICATIONS MARKETPLACE REPORT.**

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

24 **“SEC. 13. COMMUNICATIONS MARKETPLACE REPORT.**

25 “(a) IN GENERAL.—In the last quarter of every even-  
26 numbered year, the Commission shall publish on its

1 website and submit to the Committee on Energy and Com-  
2 merce of the House of Representatives and the Committee  
3 on Commerce, Science, and Transportation of the Senate  
4 a report on the state of the communications marketplace.

5 “(b) CONTENTS.—Each report required by sub-  
6 section (a) shall—

7 “(1) assess the state of competition in the com-  
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 de-  
13 fined in section 602), broadcast stations, providers  
14 of satellite communications, Internet service pro-  
15 viders, and other providers of communications serv-  
16 ices;

17 “(2) assess the state of deployment of commu-  
18 nications capabilities, including advanced tele-  
19 communications capability (as defined in section 706  
20 of the Telecommunications Act of 1996 (47 U.S.C.  
21 1302)), regardless of the technology used for such  
22 deployment;

23 “(3) assess whether laws, regulations, regu-  
24 latory practices (whether those of the Federal Gov-  
25 ernment, 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

14               “(5) describe the actions that the Commission  
15       has taken in pursuit of the agenda described pursu-  
16       ant to paragraph (4) in the previous report sub-  
17       mitted 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,

1 and Transportation of the Senate as an addendum during  
2 the first quarter of the following odd-numbered year.

3 “(d) SPECIAL REQUIREMENTS.—

4 “(1) ASSESSING COMPETITION.—In assessing  
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.

12 “(2) ASSESSING DEPLOYMENT.—In assessing  
13 the state of deployment under subsection (b)(2), the  
14 Commission shall compile a list of geographical  
15 areas that are not served by any provider of ad-  
16 vanced telecommunications capability.

17 “(3) CONSIDERING SMALL BUSINESSES.—In as-  
18 sessing the state of competition under subsection  
19 (b)(1) and regulatory barriers under subsection  
20 (b)(3), the Commission shall consider market entry  
21 barriers for entrepreneurs and other small busi-  
22 nesses in the communications marketplace in accord-  
23 ance with the national policy under section 257(b).”.

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

3 (a) ORBIT ACT REPORT.—Section 646 of the Com-  
 4 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”.

15 (d) STATUS OF COMPETITION IN THE MARKET FOR  
 16 THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Sec-  
 17 tion 628 of the Communications Act of 1934 (47 U.S.C.  
 18 548) is amended—

19 (1) by striking subsection (g);

20 (2) by redesignating subsection (j) as sub-  
 21 section (g); and

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

24 (e) REPORT ON CABLE INDUSTRY PRICES.—Section  
 25 623(k) of the Communications Act of 1934 (47 U.S.C.  
 26 543(k)) is amended—

1           (1) in paragraph (1), by striking “annually  
2       publish” and inserting “publish with its report  
3       under section 13”; and

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

6       (f) TRIENNIAL REPORT IDENTIFYING AND ELIMI-  
7       NATING MARKET ENTRY BARRIERS FOR ENTRE-  
8       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).

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

16      (h) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

17           (1) IN GENERAL.—Section 4 of the Commu-  
18      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), re-  
22      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 of  
 18 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 (2) in section 12—

22 (A) in paragraph (1), by inserting “, the  
 23 Federal Communications Commission,” after  
 24 “the Chairman of the Nuclear Regulatory Com-  
 25 mission”; 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 In-  
5 spector General of the Commission on the date of the en-  
6 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

13 (2) shall, while serving under paragraph (1), re-  
14 main subject to the provisions of section 8G of such  
15 Act which, immediately before the date of the enact-  
16 ment of this Act, applied with respect to the Inspec-  
17 tor General of the Commission and suffer no reduc-  
18 tion 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—

23 (1) the decision-making process for annual and  
24 multi-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.—

19 (1) COMMUNICATIONS FROM OUTSIDE THE  
20 UNITED STATES.—Section 227(e)(1) of the Commu-  
21 nications Act of 1934 (47 U.S.C. 227(e)(1)) is  
22 amended by striking “in connection with any tele-  
23 communications service or IP-enabled voice service”  
24 and inserting “or any person outside the United  
25 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



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  
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.

14          (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
15          tion, or the amendments made by this section, shall be  
16          construed to modify, limit, or otherwise affect any rule or  
17          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.).

1 **SEC. 504. REPORT ON PROMOTING BROADBAND INTERNET**  
2 **ACCESS 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 promote  
13 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           (1) the term “commercial mobile data service”  
2           has the meaning given the term in section 6001 of  
3           the Middle Class Tax Relief and Job Creation Act  
4           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

14          (4) the term “Universal Service program”  
15          means the universal service support mechanisms es-  
16          tablished under section 254 of the Communications  
17          Act of 1934 (47 U.S.C. 254) and the regulations  
18          issued under that section.

19          (b) METHODOLOGY ESTABLISHED.—Not later than  
20          180 days after the conclusion of the Mobility Fund Phase  
21          II Auction, the Commission shall promulgate regulations  
22          to establish a methodology that shall apply to the collec-  
23          tion of coverage data by the Commission for the purposes  
24          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–**  
14 **1–1 CALLS.**

15 (a) PROCEEDING REQUIRED.—Not later than 18  
16 months after the date of the enactment of this Act, the  
17 Commission shall conclude a proceeding to consider adopt-  
18 ing rules to ensure that the dispatchable location is con-  
19 veyed with a 9–1–1 call, regardless of the technological  
20 platform used and including with calls from multi-line  
21 telephone systems (as defined in section 6502 of the Mid-  
22 dle Class Tax Relief and Job Creation Act of 2012 (47  
23 U.S.C. 1471)).

24 (b) RELATIONSHIP TO OTHER PROCEEDINGS.—In  
25 conducting the proceeding required by subsection (a), the

1 Commission may consider information and conclusions  
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  
6 from a proceeding regarding the accuracy of the  
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:

11 (1) 9-1-1 CALL.—The term “9-1-1 call”  
12 means a voice call that is placed, or a message that  
13 is sent by other means of communication, to a public  
14 safety answering point (as defined in section 222 of  
15 the Communications Act of 1934 (47 U.S.C. 222))  
16 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.



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

3 (a) IN GENERAL.—The Assistant Secretary of Com-  
4 merce for Communications and Information shall complete  
5 a study on how the National Telecommunications and In-  
6 formation Administration can best coordinate the inter-  
7 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  
10 Assistant Secretary shall submit to the Committee on En-  
11 ergy and Commerce of the House of Representatives and  
12 the Committee on Commerce, Science, and Transportation  
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.”.

1 **SEC. 510. SUBMISSION OF COPY OF CERTAIN DOCUMENTS**  
2 **TO CONGRESS.**

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; LEGISLA-  
7 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, TESTI-  
16 MONY, AND COMMENTS ON LEGISLATION.—

17 “(A) IN GENERAL.—If the Commission  
18 submits any legislative recommendations, testi-  
19 mony, or comments on legislation to the Presi-  
20 dent or the Office of Management and Budget,  
21 the Commission shall concurrently transmit a  
22 copy thereof to Congress.

23 “(B) PROHIBITION.—No officer or agency  
24 of the United States may require the Commis-  
25 sion to submit legislative recommendations, tes-  
26 timony, or comments on legislation to any offi-

cer or agency of the United States for approval, comments, or review prior to the submission of the recommendations, testimony, or comments to Congress.

“(3) OFFICE OF INSPECTOR GENERAL SEMI-ANNUAL REPORTS.—

“(A) IN GENERAL.—Notwithstanding section 5(b) of the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General of the Commission shall concurrently submit each semiannual report required under such section 5(b) to the Commission and to the appropriate committees or subcommittees of Congress.

“(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to modify the requirement for the Commission to submit to the appropriate committees or subcommittees of Congress each such semiannual report together with a report by the Commission under such section 5(b).”.

**SEC. 511. JOINT BOARD RECOMMENDATION.**

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 Serv-

1 ice regarding single connection or primary line restrictions  
 2 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 re-  
 6 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 liability  
 11 should be treated only as allegations; and

12 (2) the amount of any forfeiture penalty pro-  
 13 posed in a notice of apparent liability represents the  
 14 maximum penalty that the Commission may impose  
 15 for the violations alleged in the notice of apparent  
 16 liability.

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

18 (a) ESTIMATE OF UPCOMING AUCTIONS.—Section  
 19 309(j) of the Communications Act of 1934 (47 U.S.C.  
 20 309(j)) is amended by adding at the end the following:

21 “(18) ESTIMATE OF UPCOMING AUCTIONS.—

22 “(A) Not later than September 30, 2018,  
 23 and annually thereafter, the Commission shall  
 24 make publicly available an estimate of what sys-  
 25 tems 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 of  
24           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)(ii)  
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 DEPOSITED  
12      INTO THE GENERAL FUND OF THE TREASURY.—

13           (1) RESCISSION AND DEPOSIT.—If any unobli-  
14      gated amounts remain in the Broadcast Repack  
15      Fund after the date described in paragraph (2),  
16      such amounts shall be rescinded and deposited into  
17      the general fund of the Treasury, where such  
18      amounts shall be dedicated for the sole purpose of  
19      deficit reduction.

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

22           (A) the date of a certification by the Com-  
23      mission under paragraph (3) that all reimburse-  
24      ments pursuant to subsections (b)(4)(A)(i) and

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

3 (B) July 3, 2022.

4 (3) CERTIFICATION.—If all reimbursements  
5 pursuant to subsections (b)(4)(A)(i) 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 auc-  
11 tion proceeds that the salaries and expenses account of  
12 the Commission is required to retain under section  
13 309(j)(8)(B) of the Communications Act of 1934 (47  
14 U.S.C. 309(j)(8)(B)), including from the proceeds of the  
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 avail-  
25 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

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-  
15 tablished in the Treasury of the United States a  
16 fund to be known as the Translator and Low Power  
17 Station Relocation Fund.

18 (2) AVAILABILITY OF FUNDS.—

19 (A) IN GENERAL.—Amounts in the Trans-  
20 lator and Low Power Station Relocation Fund  
21 shall be available to the Commission to make  
22 payments required by subsection (a)(1).

23 (B) AVAILABILITY AFTER APRIL 13,  
24 2020.—Amounts in the Translator and Low  
25 Power Station Relocation Fund shall not be

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  
14          of the Middle Class Tax Relief and Job Cre-  
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.—

19                   (A) RESCISSION AND DEPOSIT.—If any un-  
20          obligated amounts remain in the Translator and  
21          Low Power Station Relocation Fund after the  
22          date described in subparagraph (B), such  
23          amounts shall be rescinded and deposited into  
24          the general fund of the Treasury, where such

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-

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

3 (d) DEFINITIONS.—In this section:

4 (1) LOW POWER TELEVISION STATION.—The  
 5 term “low power television station” means a low  
 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  
 13 term “television translator station” means a tele-  
 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.**

22 (a) PAYMENT REQUIRED.—

23 (1) IN GENERAL.—From amounts made avail-  
 24 able under subsection (b)(2), the Commission shall  
 25 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.—



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

5 (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 DEPOS-  
22 ITED INTO THE GENERAL FUND OF THE TREAS-  
23 URY.—

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

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

1 Tax Relief and Job Creation Act of 2012 (47 U.S.C.  
2 1452), shall be sufficient to cover the administrative costs  
3 incurred by the Commission in making any reimburse-  
4 ments out of the FM Broadcast Station Relocation Fund.

5 (d) FM BROADCAST STATION DEFINED.—In this  
6 section, the term “FM broadcast station” has the meaning  
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  
10 74.1201 of such title.

11 **SEC. 604. CONSUMER EDUCATION PAYMENT.**

12 (a) ESTABLISHMENT OF FUND.—There is estab-  
13 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  
17 Broadcast Station Relocation Consumer Education Fund  
18 shall be available to the Commission to make payments  
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

1 309(j)(8)(B) of the Communications Act of 1934 (47  
 2 U.S.C. 309(j)(8)(B)), including from the proceeds of the  
 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  
 6 incurred by the Commission in making any payments out  
 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 transition  
 19 phase completion date established by the Commission for  
 20 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 Opportunities  
 24 for Broadband Investment and Limiting Excessive and

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

3 **SEC. 702. DEFINITIONS.**

4 In this title:

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

8 (A) the Committee on Commerce, Science,  
9 and Transportation of the Senate;

10 (B) the Committee on Energy and Com-  
11 merce of the House of Representatives; and

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

16 (2) COMMISSION.—The term “Commission”  
17 means the Federal Communications Commission.

18 (3) FEDERAL ENTITY.—The term “Federal en-  
19 tity” has the meaning given the term in section  
20 113(l) of the National Telecommunications and In-  
21 formation Administration Organization Act (47  
22 U.S.C. 923(l)).

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

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

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

3 (4) TREATMENT OF CERTAIN OTHER SPEC-  
4 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.

16 (6) 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 (7) CONSIDERATIONS.—In identifying spectrum  
22 for use under this section, the Secretary, working  
23 through the NTIA, and Commission 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;

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.

1 **SEC. 704. MILLIMETER WAVE SPECTRUM.**

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

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

11 (1) consider how the band described in sub-  
12 section (a) may be used to provide commercial wire-  
13 less broadband service, including whether—

14 (A) such spectrum may be best used for li-  
15 censed or unlicensed services, or some combina-  
16 tion thereof; and

17 (B) to permit additional licensed oper-  
18 ations in such 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 op-  
22 erations, including any appropriate coexistence re-  
23 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-

1 ruary 11, 2016, and that otherwise satisfies the require-  
2 ments of section 703 may be counted towards the require-  
3 ments of section 703(a).

4 **SEC. 705. 3 GIGAHERTZ SPECTRUM.**

5 (a) BETWEEN 3100 MEGAHERTZ AND 3550 MEGA-  
6 HERTZ.—Not later than 24 months after the date of en-  
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 fea-  
12 sibility of allowing commercial wireless services, licensed  
13 or unlicensed, to share use of the frequencies between  
14 3100 megahertz and 3550 megahertz.

15 (b) BETWEEN 3700 MEGAHERTZ AND 4200 MEGA-  
16 HERTZ.—Not later than 18 months after the date of en-  
17 actment of this Act, after notice and an opportunity for  
18 public comment, and in consultation with the Secretary,  
19 working through the NTIA, and the head of each affected  
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.

1       (c) REQUIREMENTS.—A report under subsection (a)  
2 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 al-  
9 ready operating on the frequencies described in that  
10 subsection.

11          (3) The criteria that may be necessary to en-  
12 sure shared licensed or unlicensed services would not  
13 cause harmful interference to Federal or non-Fed-  
14 eral users already operating in the frequencies de-  
15 scribed in that subsection.

16          (4) If such sharing is feasible, an identification  
17 of which of the frequencies described in that sub-  
18 section are most suitable for sharing with commer-  
19 cial wireless services through the assignment of new  
20 licenses by competitive bidding, for sharing with un-  
21 licensed operations, or through a combination of li-  
22 censing and unlicensed operations.

23       (d) COMMISSION ACTION.—The Commission, in con-  
24 sultation with the NTIA, shall seek public comment on  
25 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.

12 (2) BROADBAND INFRASTRUCTURE.—The term  
13 “broadband infrastructure” means any buried, un-  
14 derground, or aerial facility, and any wireless or  
15 wireline connection, that enables users to send and  
16 receive voice, video, data, graphics, or any combina-  
17 tion 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 man-  
24 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-

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

3           (C) establish a process to electronically no-  
4           tify broadband infrastructure entities identified  
5           under subparagraph (B) of the State transpor-  
6           tation improvement program on an annual basis  
7           and provide additional notifications as nec-  
8           essary 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.

16          (2) PRIORITY.—If a State chooses to provide  
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.

1       (c) EFFECT OF SECTION.—This section applies only  
2 to activities for which Federal obligations or expenditures  
3 are initially approved on or after the date regulations  
4 under subsection (b) become effective. Nothing in this sec-  
5 tion establishes a mandate or requirement that a State  
6 install or allow the installation of broadband infrastruc-  
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,  
16 and the head of each affected Federal agency (or a des-  
17 ignee thereof), after notice and an opportunity for public  
18 comment, shall submit to the appropriate committees of  
19 Congress a report that includes legislative or regulatory  
20 recommendations to incentivize a Federal entity to relin-  
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.

24       (b) POST-AUCTION PAYMENTS.—



1           (1) REPORT.—In preparing the report under  
2           subsection (a), the Assistant Secretary of Commerce  
3           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 subpara-  
15          graph (A), including the analysis under para-  
16          graph (2) and any recommendations for legisla-  
17          tion, in the report.

18          (2) ANALYSIS.—In considering payments under  
19          paragraph (1)(A), the Assistant Secretary of Com-  
20          merce for Communications and Information shall  
21          conduct an analysis of whether and how such pay-  
22          ments would affect—

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

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-

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

3 (1) conduct a bidirectional sharing study to de-  
4 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 recommenda-  
11 tions for legislation or proposed regulations.

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

14 (1) consider the regulatory certainty that com-  
15 mercial spectrum users and Federal entities need to  
16 make longer-term investment decisions for shared  
17 access to be viable; and

18 (2) evaluate any barriers to voluntary commer-  
19 cial arrangements in which non-Federal users could  
20 provide access to Federal entities.

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

22 (a) IN GENERAL.—After public notice and comment,  
23 and in consultation with the Assistant Secretary of Com-  
24 merce for Communications and Information and the head  
25 of each affected Federal agency (or a designee thereof),

1 with respect to frequencies allocated for Federal use, the  
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 bid-  
6 ding under section 309(j) of the Communications Act of  
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.

13 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
14 tion shall be construed as limiting the Commission or the  
15 Assistant Secretary of Commerce for Communications and  
16 Information from otherwise making spectrum available for  
17 licensed or unlicensed use in any frequency band in addi-  
18 tion to guard bands, including under section 703, con-  
19 sistent with their statutory jurisdictions.

20 **SEC. 710. AMENDMENTS TO THE SPECTRUM PIPELINE ACT**  
21 **OF 2015.**

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

1 tice and an opportunity for public comment,” after “the  
2 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

1       this section, the right to the spectrum shall be for-  
2       feited to the Commission unless the Commission  
3       finds that there is good cause for the failure of the  
4       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 the  
13      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 in  
18      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.

23      (b) COMMISSION RESPONSIBILITIES.—The Commis-  
24      sion shall ensure that the efforts of the Commission re-  
25      lated to spectrum allocation and assignment made avail-

1 able on an unlicensed basis radio frequency bands to ad-  
 2 dress demand for unlicensed wireless broadband oper-  
 3 ations if doing so is, after taking into account the future  
 4 needs of homeland security, national security, and other  
 5 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:

15 (1) SPECTRUM RELOCATION FUND.—The term  
 16 “Spectrum Relocation Fund” means the Fund es-  
 17 tablished under section 118 of the National Tele-  
 18 communications and Information Administration Or-  
 19 ganization Act (47 U.S.C. 928).

20 (2) UNLICENSED OR LICENSED BY RULE OPER-  
 21 ATIONS.—The term “unlicensed or licensed by rule  
 22 operations” means the use of spectrum on a non-ex-  
 23 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

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-

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

3 (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
4 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 inter-  
7 ference.

8 **SEC. 715. SPECTRUM CHALLENGE PRIZE.**

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

11 (b) DEFINITION OF PRIZE COMPETITION.—In this  
12 section, the term “prize competition” means a prize com-  
13 petition conducted by the Secretary under subsection  
14 (c)(1).

15 (c) SPECTRUM CHALLENGE PRIZE.—

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

22 (A) conduct prize competitions to dramati-  
23 cally accelerate the development and commer-  
24 cialization 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-



1 able pursuant to this section, the Commission shall publish  
 2 a technical paper on spectrum efficiency providing criteria  
 3 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:

13 (1) FINANCIAL TRANSACTION.—The term “fi-  
 14 nancial transaction” means a transaction in which  
 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 ju-  
 22 risdiction” means a political subdivision of a State.

23 (3) STATE.—The term “State” means any of  
 24 the several States, the District of Columbia, and any  
 25 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

1 of any tax, fee, or surcharge in connection with a fi-  
2 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.**

20 (a) RANGES OF FREQUENCIES.—Each range of fre-  
21 quencies described in this title shall be construed to be  
22 inclusive of the upper and lower frequencies in the range.

23 (b) ASSESSMENT OF ELECTROMAGNETIC SPECTRUM  
24 REALLOCATION.—Nothing in this title shall be construed  
25 to affect any requirement under section 156 of the Na-

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

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

7 Nothing in this title shall be construed to limit, re-  
8 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:

*Clerk.*



115TH CONGRESS  
2D Session

**H. R. 4986**

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## **AN ACT**

To amend the Communications Act of 1934 to reauthorize appropriations for the Federal Communications Commission, and for other purposes.