

# Calendar No. 17

115TH CONGRESS  
1ST SESSION

# S. 19

[Report No. 115–4]

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

---

## IN THE SENATE OF THE UNITED STATES

JANUARY 3, 2017

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

MARCH 21, 2017

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

---

## A BILL

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

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

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

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the

5 ~~“Making Opportunities for Broadband Investment and~~

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

3 (b) TABLE OF CONTENTS.—The table of contents of  
4 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Making 500 megahertz available.
- Sec. 4. Millimeter wave spectrum.
- Sec. 5. 3 gigahertz spectrum.
- Sec. 6. Distributed antenna systems and small cell infrastructure.
- Sec. 7. Communications facilities deployment on Federal property.
- Sec. 8. Broadband infrastructure deployment.
- Sec. 9. National broadband facilities asset database.
- Sec. 10. Reallocation incentives.
- Sec. 11. Bidirectional sharing study.
- Sec. 12. Unlicensed services in guard bands.
- Sec. 13. Pre-auction funding.
- Sec. 14. Immediate transfer of funds.
- Sec. 15. Amendments to the Spectrum Pipeline Act of 2015.
- Sec. 16. GAO assessment of unlicensed spectrum and Wi-Fi use in low-income neighborhoods.
- Sec. 17. Rulemaking related to partitioning or disaggregating licenses.
- Sec. 18. Unlicensed spectrum policy.
- Sec. 19. National plan for unlicensed spectrum.
- Sec. 20. Spectrum challenge prize.
- Sec. 21. Wireless telecommunications tax and fee collection fairness.
- Sec. 22. Rules of construction.
- Sec. 23. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

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

10 (A) the Committee on Commerce, Science,  
11 and Transportation of the Senate;

12 (B) the Committee on Energy and Com-  
13 merce of the House of Representatives; and

1           (C) each committee of the Senate or of the  
2           House of Representatives with jurisdiction over  
3           a Federal entity affected by the applicable sec-  
4           tion in which the term appears.

5           (2) COMMISSION.—The term “Commission”  
6           means the Federal Communications Commission.

7           (3) FEDERAL ENTITY.—The term “Federal en-  
8           tity” has the meaning given the term in section  
9           113(1) of the National Telecommunications and In-  
10          formation Administration Organization Act (47  
11          U.S.C. 923(1)).

12          (4) NTLA.—The term “NTLA” means the Na-  
13          tional Telecommunications and Information Admin-  
14          istration of the Department of Commerce.

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

17          (6) SECRETARY.—The term “Secretary” means  
18          the Secretary of Commerce.

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

20          (a) REQUIREMENTS.—

21           (1) IN GENERAL.—Consistent with the Presi-  
22           dential Memorandum of June 28, 2010, entitled  
23           “Unleashing the Wireless Broadband Revolution”  
24           and establishing a goal of making a total of 500  
25           megahertz of Federal and non-Federal spectrum

1 available on a licensed or unlicensed basis for wire-  
2 less broadband use by 2020, not later than Decem-  
3 ber 31, 2020, the Secretary, working through the  
4 NTIA, and the Commission shall make available a  
5 total of at least 255 megahertz of Federal and non-  
6 Federal spectrum below the frequency of 6000  
7 megahertz for mobile and fixed wireless broadband  
8 use.

9 (2) UNLICENSED AND LICENSED USE.—Of the  
10 spectrum made available under paragraph (1), not  
11 less than—

12 (A) 100 megahertz shall be made available  
13 on an unlicensed basis; and

14 (B) 100 megahertz shall be made available  
15 on an exclusive, licensed basis for commercial  
16 mobile use, pursuant to the Commission's au-  
17 thority to implement such licensing in a flexible  
18 manner, and subject to potential continued use  
19 of such spectrum by incumbent Federal entities  
20 in designated geographic areas indefinitely or  
21 for such length of time as is necessary for those  
22 incumbent entities to be relocated to other spec-  
23 trum.

1           (3) ~~NON-ELIGIBLE SPECTRUM.~~—For purposes  
2 of satisfying the requirement under paragraph (1),  
3 the following spectrum shall not be counted:

4           (A) The frequencies between 1695 and  
5 1710 megahertz.

6           (B) The frequencies between 1755 and  
7 1780 megahertz.

8           (C) The frequencies between 2155 and  
9 2180 megahertz.

10          (D) The frequencies between 3550 and  
11 3700 megahertz.

12          (E) Spectrum that the Commission deter-  
13 mines had more than de minimis mobile or  
14 fixed wireless broadband operations within the  
15 band on the day before the date of enactment  
16 of this Act.

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

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

1           (A) the need to preserve critical existing  
2           and planned Federal Government capabilities;

3           (B) the impact on existing State, local, and  
4           tribal government capabilities;

5           (C) the international implications;

6           (D) the need for appropriate enforcement  
7           mechanisms and authorities; and

8           (E) the importance of the deployment of  
9           wireless broadband services in rural areas of the  
10          United States.

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

13           (1) to impair or otherwise affect the functions  
14           of the Director of OMB relating to budgetary, ad-  
15           ministrative, or legislative proposals;

16           (2) to require the disclosure of classified infor-  
17           mation, law enforcement sensitive information, or  
18           other information that must be protected in the in-  
19           terest of national security; or

20           (3) to affect any requirement under section 156  
21           of the National Telecommunications and Informa-  
22           tion Administration Organization Act (47 U.S.C.  
23           921 note), as added by section 1062(a) of the Na-  
24           tional Defense Authorization Act for Fiscal Year

1       2000, or any other relevant statutory requirement  
2       applicable to the reallocation of Federal spectrum.

3 **SEC. 4. MILLIMETER WAVE SPECTRUM.**

4       (a) **FEASIBILITY ASSESSMENT.**—Not later than 18  
5 months after the date of enactment of this Act, the NTIA,  
6 in consultation with the Commission, shall conduct a feasi-  
7 bility assessment regarding the impact, on Federal entities  
8 and operations in any of the following bands, of author-  
9 izing mobile or fixed terrestrial wireless operations, includ-  
10 ing for advanced mobile service operations, in the fol-  
11 lowing bands:

12           (1) The band between 31800 and 33400 mega-  
13 hertz.

14           (2) The band between 71000 and 76000 mega-  
15 hertz.

16           (3) The band between 81000 and 86000 mega-  
17 hertz.

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

20           (1) consult directly with Federal entities with  
21 respect to frequencies allocated to Federal use by  
22 such entities in the bands identified in that sub-  
23 section;

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

1 eluding advanced mobile services operations, in any  
2 of such frequencies would have on an affected Fed-  
3 eral entity; and

4 (3) identify any such frequencies in the bands  
5 described in that subsection that the NTIA assess-  
6 ment determines are feasible for authorizing for mo-  
7 bile or fixed terrestrial wireless operations, including  
8 any advanced mobile service operations.

9 (c) REPORT TO CONGRESS AND THE COMMISSION.—

10 Not later than 30 days after the date the feasibility assess-  
11 ment under subsection (a) is complete, the NTIA shall  
12 submit to the appropriate committees of Congress a report  
13 on the feasibility assessment and provide a copy to the  
14 Commission.

15 (d) FCC PROCEEDING.—Not later than 2 years after  
16 the date of enactment of this Act or 90 days after the  
17 date it receives the feasibility assessment under subsection  
18 (c), whichever is earlier, the Commission, in consultation  
19 with the NTIA, shall publish a notice of proposed rule-  
20 making to consider service rules to authorize mobile or  
21 fixed terrestrial wireless operations, including for ad-  
22 vanced mobile service operations, in the following radio  
23 frequency bands:

24 (1) The band between 24250 and 24450 mega-  
25 hertz.



1           ~~(2) The band between 25050 and 25250 mega-~~  
2           ~~hertz.~~

3           ~~(3) The band between 31800 and 33400 mega-~~  
4           ~~hertz, except for any frequencies with Federal alloca-~~  
5           ~~tions.~~

6           ~~(4) The band between 42000 and 42500 mega-~~  
7           ~~hertz.~~

8           ~~(5) The band between 71000 and 76000 mega-~~  
9           ~~hertz, except for any frequencies with Federal alloca-~~  
10          ~~tions.~~

11          ~~(6) The band between 81000 and 86000 mega-~~  
12          ~~hertz, except for any frequencies with Federal alloca-~~  
13          ~~tions.~~

14          ~~(7) Any frequencies with Federal allocations~~  
15          ~~identified as feasible under subsection (b)(3).~~

16          ~~(e) CONSIDERATIONS.—In conducting a rulemaking~~  
17          ~~under subsection (d), the Commission shall—~~

18                 ~~(1) consult with Federal entities via the NTIA~~  
19                 ~~regarding the frequencies described in subsection~~  
20                 ~~(d)(7);~~

21                 ~~(2) consider how the bands described in sub-~~  
22                 ~~section (d) may be used to provide commercial wire-~~  
23                 ~~less broadband service, including whether—~~

1           (A) such spectrum may be best used for li-  
2           censed or unlicensed services, or some combina-  
3           tion thereof; and

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

6           (C) include technical characteristics under  
7           which the bands described in subsection (d) may be  
8           employed for mobile or fixed terrestrial wireless op-  
9           erations, including any appropriate coexistence re-  
10          quirements.

11 **SEC. 5. 3 GIGAHERTZ SPECTRUM.**

12          (a) BETWEEN 3100 MEGAHERTZ AND 3550 MEGA-  
13 HERTZ.—Not later than 18 months after the date of en-  
14 actment of this Act, and in consultation with the Commis-  
15 sion and the head of each affected Federal agency (or a  
16 designee thereof), the Secretary shall submit to the Com-  
17 mission and the appropriate committees of Congress a re-  
18 port evaluating the feasibility of allowing commercial wire-  
19 less services, licensed or unlicensed, to share use of the  
20 frequencies between 3100 megahertz and 3550 megahertz.

21          (b) BETWEEN 3700 MEGAHERTZ AND 4200 MEGA-  
22 HERTZ.—Not later than 18 months after the date of en-  
23 actment of this Act, after notice and an opportunity for  
24 public comment, and in consultation with the Secretary  
25 and the head of each affected Federal agency (or a des-

1 ignee thereof), the Commission shall submit to the Sec-  
2 retary and the appropriate committees of Congress a re-  
3 port evaluating the feasibility of allowing commercial wire-  
4 less services, licensed or unlicensed, to share use of the  
5 frequencies between 3700 megahertz and 4200 megahertz.

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

8 (1) An assessment of the operations of Federal  
9 entities that operate Federal Government stations  
10 authorized to use the frequencies described in that  
11 subsection.

12 (2) An assessment of the possible impacts of  
13 such sharing on Federal and non-Federal users al-  
14 ready operating on the frequencies described in that  
15 subsection.

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

21 (4) If such sharing is feasible, an identification  
22 of which of the frequencies described in that sub-  
23 section are most suitable for sharing with commer-  
24 cial wireless services through the assignment of new  
25 licenses by competitive bidding, for sharing with un-

1 licensed operations, or through a combination of li-  
 2 censing and unlicensed operations.

3 (d) **COMMISSION ACTION.**—The Commission, in con-  
 4 sultation with the NTIA, shall seek public comment on  
 5 the reports required under subsections (a) and (b), includ-  
 6 ing regarding the bands identified in such reports as fea-  
 7 sible pursuant to subsection (c)(4).

8 **SEC. 6. DISTRIBUTED ANTENNA SYSTEMS AND SMALL CELL**  
 9 **INFRASTRUCTURE.**

10 Not later than December 31, 2017, the Commission  
 11 shall take action in its Program Alternatives for Small  
 12 Wireless Communications Facility Deployments pro-  
 13 ceeding (WT Docket 15–180).

14 **SEC. 7. COMMUNICATIONS FACILITIES DEPLOYMENT ON**  
 15 **FEDERAL PROPERTY.**

16 (a) **IN GENERAL.**—Section 6409 of the Middle Class  
 17 Tax Relief and Job Creation Act of 2012 (47 U.S.C.  
 18 1455) is amended by striking subsections (b), (c), and (d)  
 19 and inserting the following:

20 “(b) **FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND**  
 21 **LEASES.**—

22 “(1) **GRANT.**—If an executive agency, a State,  
 23 a political subdivision or agency of a State, or a per-  
 24 son, firm, or organization applies for the grant of an  
 25 easement, right-of-way, or lease to, in, over, or on a

1 building or other property owned by the Federal  
2 Government for the right to install, construct, mod-  
3 ify, or maintain a communications facility installa-  
4 tion, the executive agency having control of the  
5 building or other property may grant to the appli-  
6 cant, on behalf of the Federal Government, subject  
7 to paragraph (5), an easement, right-of-way, or lease  
8 to perform such installation, construction, modifica-  
9 tion, or maintenance.

10 “(2) APPLICATION.—

11 “(A) IN GENERAL.—The Administrator of  
12 General Services shall develop a common form  
13 for applications for easements, rights-of-way,  
14 and leases under paragraph (1) for all executive  
15 agencies that, except as provided in subpara-  
16 graph (B), shall be used by all executive agen-  
17 cies and applicants with respect to the buildings  
18 or other property of each such agency.

19 “(B) EXCEPTION.—The requirement under  
20 subparagraph (A) for an executive agency to  
21 use the common form developed by the Admin-  
22 istrator of General Services shall not apply to  
23 an executive agency if the head of an executive  
24 agency notifies the Administrator that the exec-

1           utive agency uses a substantially similar appli-  
2           cation.

3           “(3) FEE.—

4                   “(A) IN GENERAL.—Notwithstanding any  
5           other provision of law, the Administrator of  
6           General Services shall establish a fee for the  
7           grant of an easement, right-of-way, or lease  
8           pursuant to paragraph (1) that is based on di-  
9           rect cost recovery.

10                   “(B) EXCEPTIONS.—The Administrator of  
11           General Services may establish exceptions to  
12           the fee amount required under subparagraph  
13           (A)—

14                           “(i) in consideration of the public ben-  
15                   efit provided by a grant of an easement,  
16                   right-of-way, or lease; and

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

19           “(4) USE OF FEES COLLECTED.—Any fee  
20           amounts collected by an executive agency pursuant  
21           to paragraph (3) may be made available, as provided  
22           in appropriations Acts, to such agency to cover the  
23           costs of granting the easement, right-of-way, or  
24           lease.

1           “(5) ~~TIMELY CONSIDERATION OF APPLICA-~~  
2           ~~TIONS.—~~

3           ~~“(A) IN GENERAL.—Not later than 270~~  
4           ~~days after the date on which an executive agen-~~  
5           ~~cy receives a duly filed application for an ease-~~  
6           ~~ment, right-of-way, or lease under this sub-~~  
7           ~~section, the executive agency shall—~~

8                     ~~“(i) grant or deny, on behalf of the~~  
9                     ~~Federal Government, the application; and~~

10                    ~~“(ii) notify the applicant of the grant~~  
11                    ~~or denial.~~

12           ~~“(B) EXPLANATION OF DENIAL.—If an ex-~~  
13           ~~ecutive agency denies an application under sub-~~  
14           ~~paragraph (A), the executive agency shall notify~~  
15           ~~the applicant in writing, including a clear state-~~  
16           ~~ment of the reasons for the denial.~~

17           ~~“(C) APPLICABILITY OF ENVIRONMENTAL~~  
18           ~~LAWS.—Nothing in this paragraph shall be con-~~  
19           ~~strued to relieve an executive agency of the re-~~  
20           ~~quirements of division A of subtitle III of title~~  
21           ~~54, United States Code, or the National Envi-~~  
22           ~~ronmental Policy Act of 1969 (42 U.S.C. 4321~~  
23           ~~et seq.).~~

24           ~~“(D) POINT OF CONTACT.—Upon receiving~~  
25           ~~an application under subparagraph (A), an ex-~~

1            executive agency shall designate one or more ap-  
 2            propriate individuals within the executive agen-  
 3            cy to act as a point of contact with the appli-  
 4            cant.

5            “(e) MASTER CONTRACTS FOR COMMUNICATIONS  
 6 FACILITY INSTALLATION SITINGS.—

7            “(1) IN GENERAL.—Notwithstanding section  
 8            704 of the Telecommunications Act of 1996 (Public  
 9            Law 104–104, 110 Stat. 151) or any other provision  
 10          of law, the Administrator of General Services shall—

11            “(A) develop one or more master contracts  
 12            that shall govern the placement of communica-  
 13            tions facility installation on buildings and other  
 14            property owned by the Federal Government;  
 15            and

16            “(B) in developing the master contract or  
 17            contracts, standardize the treatment of the  
 18            placement of communications facility installa-  
 19            tion on building rooftops or facades; the place-  
 20            ment of communications facility installation on  
 21            rooftops or inside buildings; the technology used  
 22            in connection with communications facility in-  
 23            stallation placed on Federal buildings and other  
 24            property; and any other key issues the Adminis-



1           trator of General Services considers appro-  
2           priate.

3           “(2) APPLICABILITY.—The master contract or  
4           contracts developed by the Administrator of General  
5           Services under paragraph (1) shall apply to all pub-  
6           licly accessible buildings and other property owned  
7           by the Federal Government, unless the Adminis-  
8           trator of General Services decides that issues with  
9           respect to the siting of a communications facility in-  
10          stallation on a specific building or other property  
11          warrant nonstandard treatment of such building or  
12          other property.

13          “(3) APPLICATION.—

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

22                 “(B) EXCEPTION.—The requirement under  
23                 subparagraph (A) for an executive agency to  
24                 use the common form or set of forms developed  
25                 by the Administrator of General Services shall

1 not apply to an executive agency if the head of  
2 the executive agency notifies the Administrator  
3 that the executive agency uses a substantially  
4 similar application.

5 “(d) DEFINITIONS.—In this section:

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

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

17 “(B) any antenna or apparatus that—

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

20 “(ii) is designed to be operated, or is  
21 operating, from a fixed location pursuant  
22 to authorization by the Commission or is  
23 using duly authorized devices that do not  
24 require individual licenses; and

1                   “(iii) is added to a tower, building, or  
2                   other structure.

3                   ~~“(2) EXECUTIVE AGENCY.—~~The term ‘executive  
4                   agency’ has the meaning given such term in section  
5                   102 of title 40, United States Code.”.

6                   (b) SAVINGS PROVISION.—An application for an  
7                   easement, right-of-way, or lease that was made or granted  
8                   under section 6409 of the Middle Class Tax Relief and  
9                   Job Creation Act of 2012 (47 U.S.C. 1455) before the  
10                  effective date of this Act shall continue, subject to that  
11                  section as in effect on the day before such effective date.

12                  (c) STREAMLINING BROADBAND FACILITY APPLICA-  
13                  TIONS.—

14                  (1) DEFINITION OF COMMUNICATIONS FACILITY  
15                  INSTALLATION.—In this subsection, the term “com-  
16                  munications facility installation” has the meaning  
17                  given the term in section 6409(d) of the Middle  
18                  Class Tax Relief and Job Creation Act of 2012 (47  
19                  U.S.C. 1455(d)), as amended by subsection (a).

20                  (2) RECOMMENDATIONS.—

21                  (A) IN GENERAL.—Not later than 2 years  
22                  after the date of enactment of this Act, the  
23                  NTIA, in coordination with the Department of  
24                  the Interior, the Department of Agriculture, the  
25                  Department of Defense, the Department of

1           Transportation, the Office of Management and  
2           Budget, and the General Services Administra-  
3           tion, shall develop recommendations to stream-  
4           line the process for considering applications by  
5           those agencies under section 6409(b) of the  
6           Middle Class Tax Relief and Job Creation Act  
7           of 2012 (47 U.S.C. 1455(b)), as amended by  
8           subsection (a).

9           (B) REQUIREMENTS FOR RECOMMENDA-  
10          TIONS.—The recommendations developed under  
11          subparagraph (A) shall include—

12                 (i) procedures for the tracking of ap-  
13                 plications described in subparagraph (A);

14                 (ii) methods by which to reduce the  
15                 amount of time between the receipt of an  
16                 application and the issuance of a final de-  
17                 cision on an application; and

18                 (iii) policies to expedite renewals of an  
19                 easement, license, or other authorization to  
20                 locate a communications facility installa-  
21                 tion on land managed by the agencies de-  
22                 scribed in subparagraph (A).

23          (C) REPORT TO CONGRESS.—Not later  
24          than 2 years after the date on which the rec-  
25          ommendations required under subparagraph

1 (A) are developed, the NTLA shall submit to the  
2 Committee on Commerce, Science, and Trans-  
3 portation of the Senate and the Committee on  
4 Energy and Commerce of the House of Rep-  
5 resentatives a report that describes—

6 (i) the status of the implementation of  
7 the recommendations developed under sub-  
8 paragraph (A); and

9 (ii) any improvements to the process  
10 for considering applications described in  
11 subparagraph (A) that have resulted from  
12 those recommendations, including in par-  
13 ticular the speed at which such applica-  
14 tions are reviewed and a final determina-  
15 tion is issued.

16 **SEC. 8. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

17 (a) UNITED STATES POLICY.—It is the policy of the  
18 United States for the Department of Transportation and  
19 State departments of transportation—

20 (1) to adjust or otherwise develop right-of-way  
21 policies for Federal-aid highways to effectively ac-  
22 commodate broadband infrastructure;

23 (2) to ensure the safe and efficient accommoda-  
24 tion of broadband infrastructure in the public right-  
25 of-way;

1           (3) to include broadband stakeholders in the  
2           transportation planning process; and

3           (4) to coordinate highway construction plans  
4           with other statewide telecommunications and  
5           broadband plans.

6           (b) DEFINITIONS.—In this section:

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

14          (2) BROADBAND INFRASTRUCTURE.—The term  
15          “broadband infrastructure” means any buried or  
16          aerial facility, and any wireless or wireline connec-  
17          tion, that enables users to send and receive voice,  
18          video, data, graphics, or any combination thereof.

19          (3) BROADBAND INFRASTRUCTURE ENTITY.—  
20          The term “broadband infrastructure entity” means  
21          any entity that—

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

24                  (B) provides broadband services to the  
25                  public in a manner consistent with the public

1 interest, convenience, and necessity, as deter-  
 2 mined by the State.

3 (4) STATE.—The term “State” means—

4 (A) a State;

5 (B) the District of Columbia; and

6 (C) the Commonwealth of Puerto Rico.

7 (e) BROADBAND INFRASTRUCTURE DEPLOYMENT.—

8 To facilitate the installation of broadband infrastructure  
 9 and achieve the policy described in subsection (a), the Sec-  
 10 retary of Transportation shall ensure that each State that  
 11 receives funds under chapter 1 of title 23, United States  
 12 Code, meets the following requirements:

13 (1) BROADBAND COORDINATION.—The State  
 14 department of transportation, in coordination 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, and that is  
 20 responsible for coordinating the broadband in-  
 21 frastructure right-of-way needs of the State  
 22 with Federal-aid highway projects carried out in  
 23 the State;

24 (B) establish a process for the registration  
 25 of broadband infrastructure entities that seek

1 to be included in those broadband infrastruc-  
2 ture right-of-way coordination efforts within the  
3 State;

4 (C) coordinate initiatives carried out under  
5 this section with other statewide telecommuni-  
6 cation and broadband plans and State and local  
7 transportation and land use plans; and

8 (D) develop strategies to minimize re-  
9 peated excavations that involve the installation  
10 of broadband infrastructure in a right-of-way.

11 (2) PRIORITY.—If a State chooses to provide  
12 for the installation of broadband infrastructure in  
13 the right-of-way of an applicable Federal-aid high-  
14 way under this subsection in a given case, the State  
15 department of transportation shall carry out any ap-  
16 propriate measures to ensure that any existing  
17 broadband infrastructure entities are not disadvan-  
18 taged, as compared to other broadband infrastruc-  
19 ture entities, with respect to the program under this  
20 subsection.

21 (d) EFFECT OF SECTION.—This section applies only  
22 to activities for which obligations or expenditures are ini-  
23 tially approved on or after the date of enactment of this  
24 Act. Nothing in this section establishes a mandate or re-  
25 quirement, or authorizes the Secretary to establish a man-



1 date or requirement, that a State install broadband infra-  
 2 structure in a highway right-of-way.

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

5 (a) DEFINITIONS.—In this section:

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

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

17 (B) any antenna or apparatus that—

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

20 (ii) is designed to be operated, or is  
 21 operating, from a fixed location pursuant  
 22 to authorization by the Federal Commu-  
 23 nications Commission or is using duly au-  
 24 thorized devices that do not require indi-  
 25 vidual licenses; and

1 (iii) is added to a tower, building, or  
2 other structure.

3 (2) COVERED PROPERTY.—The term “covered  
4 property”—

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

8 (B) includes any interest in real property  
9 described in subparagraph (A).

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

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

15 (b) DATABASE ESTABLISHED.—Not later than June  
16 30, 2018, the Director of the Office of Science and Tech-  
17 nology Policy, in consultation with the Chairman of the  
18 Commission, Assistant Secretary of Commerce for Com-  
19 munications and Information, Under Secretary of Com-  
20 merce for Standards and Technology, Administrator of  
21 General Services, and Director of OMB, shall—

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

25 (2) make the database available to—

1                   (A) any entity that—

2                   (i) constructs or operates communica-  
3                   tions facility installations; or

4                   (ii) provides communications service;  
5                   and

6                   (B) any other entity that the Director of  
7                   the Office of Science and Technology Policy de-  
8                   termines is appropriate; and

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

15                  (c) PUBLIC COMMENT.—

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

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

1           (A) criteria that make real property capa-  
2           ble of supporting communications facility instal-  
3           lations;

4           (B) types of information related to covered  
5           property that should be included in the data-  
6           base;

7           (C) an interface by which accessibility to  
8           the database for all users will be appropriately  
9           efficient and secure; and

10          (D) other information the Director deter-  
11          mines necessary to establish and operate the  
12          database.

13          (d) FEDERAL AGENCIES.—

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

24           (2) CHANGE TO INFORMATION PREVIOUSLY  
25           PROVIDED.—In the case of any change to informa-

1       tion provided to the Director of the Office of Science  
 2       and Technology Policy by the head of an Executive  
 3       agency under paragraph (1), the head of the Execu-  
 4       tive agency shall provide updated information to the  
 5       Director not later than 30 days after the date of the  
 6       change.

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

16      (c) ~~STATE AND LOCAL GOVERNMENTS.—~~

17           (1) ~~IN GENERAL.—The Director of the Office of~~  
 18      Science and Technology Policy (referred to in this  
 19      subsection as the “Director”) shall make the data-  
 20      base available to State and local governments so  
 21      that such governments may provide to the Director  
 22      for inclusion in the database similar information to  
 23      the information required under subsection (d)(1) re-  
 24      garding covered property owned, leased, or otherwise  
 25      managed by such governments.

1           (2) REPORT ON INCENTIVIZING PARTICIPATION  
2 BY STATE AND LOCAL GOVERNMENTS.—

3           (A) IN GENERAL.—Not later than 1 year  
4 after the date of enactment of this Act, the Di-  
5 rector, in consultation with the Chairman of the  
6 Commission, the Assistant Secretary of Com-  
7 merce for Communications and Information,  
8 the Under Secretary of Commerce for Stand-  
9 ards and Technology, the Administrator of Gen-  
10 eral Services, and the Director of OMB, shall  
11 submit to the Committee on Commerce,  
12 Science, and Transportation of the Senate and  
13 the Committee on Energy and Commerce of the  
14 House of Representatives a report on potential  
15 ways to incentivize State and local governments  
16 to provide to the Director for inclusion in the  
17 database similar information to the information  
18 required under subsection (d)(1) regarding cov-  
19 ered property owned, leased, or otherwise man-  
20 aged by such governments pursuant to para-  
21 graph (1) of this subsection or through other  
22 means.

23           (B) CONSIDERATIONS.—The Director, in  
24 preparing the report under subparagraph (A),  
25 shall—

1 (i) consult with State and local gov-  
2 ernments, or their representatives, to iden-  
3 tify for inclusion in the report the most  
4 cost-effective options for State and local  
5 governments to collect and provide the in-  
6 formation described in subparagraph (A);  
7 including utilizing and leveraging State  
8 broadband initiatives and programs; and

9 (ii) make recommendations on ways  
10 the Federal Government can assist State  
11 and local governments in collecting and  
12 providing the information described in sub-  
13 paragraph (A).

14 (C) REPORT UPDATE.—Not later than 2  
15 years after the date on which the database is  
16 established under this section, the Director  
17 shall submit to the Committee on Commerce,  
18 Science, and Transportation of the Senate and  
19 the Committee on Energy and Commerce of the  
20 House of Representatives an update to the re-  
21 port required under subparagraph (A) that  
22 identifies State and local governments that have  
23 contributed to the database and recommends  
24 ways to further incentivize participation by  
25 State and local governments pursuant to para-

1 graph (1) of this subsection or through other  
2 means.

3 (f) DATABASE UPDATES.—

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

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

15 (g) REPORT.—Not later than 180 days after the date  
16 the Director of the Office of Science and Technology Pol-  
17 icy seeks public comment under subsection (e)(1), the Di-  
18 rector shall submit to the Committee on Commerce,  
19 Science, and Transportation of the Senate and the Com-  
20 mittee on Energy and Commerce of the House of Rep-  
21 resentatives a report on the progress in establishing the  
22 database under this section. The Director shall update the  
23 report annually until the date that the database is fully  
24 operational. After the database is fully operational and for  
25 the next 5 years thereafter, the Director shall provide an-



1 nual reports regarding the use of the database, rec-  
2 ommendations of how the database may provide additional  
3 utility to the entities described in subsection (b)(2), if any  
4 recommendations are warranted, and how previous rec-  
5 ommendations have been implemented.

6 **SEC. 10. REALLOCATION INCENTIVES.**

7 (a) IN GENERAL.—Not later than 18 months after  
8 the date of enactment of this Act, the Secretary, in con-  
9 sultation with the Commission, the Director of OMB, and  
10 the head of each affected Federal agency (or a designee  
11 thereof), after notice and an opportunity for public com-  
12 ment, shall submit to the appropriate committees of Con-  
13 gress a report that includes legislative or regulatory rec-  
14 ommendations to incentivize a Federal entity to relinquish,  
15 or share with Federal or non-Federal users, Federal spec-  
16 trum for the purpose of allowing commercial wireless  
17 broadband services to operate on that Federal spectrum.

18 (b) ~~POST-AUCTION PAYMENTS.~~—

19 (1) ~~REPORT.~~—In preparing the report under  
20 subsection (a), the Secretary shall—

21 (A) consider whether permitting eligible  
22 Federal entities that are implementing a transi-  
23 tion plan submitted under section 113(h) of the  
24 National Telecommunications and Information  
25 Administration Organization Act (47 U.S.C.

1           ~~923(h))~~ to accept payments could result in ac-  
2           cess to the eligible frequencies that are being  
3           reallocated for exclusive non-Federal use or  
4           shared use sooner than would otherwise occur  
5           without such payments; and

6           (B) include the findings under subpara-  
7           graph (A); including the analysis under para-  
8           graph (2) and any recommendations for legisla-  
9           tion, in the report.

10          (2) ANALYSIS.—In considering payments under  
11          paragraph (1)(A), the Secretary shall conduct an  
12          analysis of whether and how such payments would  
13          affect—

14           (A) bidding in auctions conducted under  
15           section ~~309(j)~~ of the Communications Act of  
16           1934 (47 U.S.C. ~~309(j)~~) of such eligible fre-  
17           quencies; and

18           (B) receipts collected from the auctions de-  
19           scribed in subparagraph (A).

20          (3) DEFINITIONS.—In this subsection:

21           (A) PAYMENT.—The term “payment”  
22           means a payment in cash or in-kind by any  
23           auction winner, or any person affiliated with an  
24           auction winner, of eligible frequencies during  
25           the period after eligible frequencies have been

1 reallocated by competitive bidding under section  
2 309(j) of the Communications Act of 1934 (47  
3 U.S.C. 309(j)) but prior to the completion of  
4 relocation or sharing transition of such eligible  
5 frequencies per transition plans approved by the  
6 Technical Panel.

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

12 **SEC. 11. BIDIRECTIONAL SHARING STUDY.**

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

17 (1) conduct a bidirectional sharing study to de-  
18 termine the best means of providing Federal entities  
19 flexible access to non-Federal spectrum on a shared  
20 basis across a range of short-, mid-, and long-range  
21 timeframes, including for intermittent purposes like  
22 emergency use; and

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

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

3 (1) consider the regulatory certainty that com-  
4 mercial spectrum users and Federal entities need to  
5 make longer-term investment decisions for shared  
6 access to be viable; and

7 (2) evaluate any barriers to voluntary commer-  
8 cial arrangements in which non-Federal users could  
9 provide access to Federal entities.

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

11 (a) IN GENERAL.—After public notice and comment,  
12 and in consultation with the Secretary and the head of  
13 each affected Federal agency (or a designee thereof), with  
14 respect to frequencies allocated for Federal use, the Com-  
15 mission shall adopt rules that permit unlicensed services  
16 where feasible to use any frequencies that are designated  
17 as guard bands to protect frequencies allocated after the  
18 date of enactment of this Act by competitive bidding under  
19 section 309(j) of the Communications Act of 1934 (47  
20 U.S.C. 309(j)), including spectrum that acts as a duplex  
21 gap between transmit and receive frequencies.

22 (b) LIMITATION.—The Commission may not permit  
23 any use of a guard band under this section that would  
24 cause harmful interference to a licensed service or a Fed-

1 eral service operating in the guard band or in an adjacent  
2 band.

3 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
4 tion shall be construed as limiting the Commission or the  
5 Secretary from otherwise making spectrum available for  
6 licensed or unlicensed use in any frequency band in addi-  
7 tion to guard bands, including under section 3, consistent  
8 with their statutory jurisdictions.

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

10 Section 118(d)(3)(B)(i)(II) of the National Tele-  
11 communications and Information Administration Organi-  
12 zation Act (47 U.S.C. 928(d)(3)(B)(i)(II)) is amended by  
13 striking “5 years” and inserting “8 years”.

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

15 Section 118(e)(1) of the National Telecommuni-  
16 cations and Information Administration Organization Act  
17 (47 U.S.C. 928(e)(1)) is amended by adding at the end  
18 the following:

19 “(D) At the request of an eligible Federal  
20 entity, the Director of OMB may transfer the  
21 amount under subparagraph (A) immediately—

22 “(i) after the frequencies are reallo-  
23 cated by competitive bidding under section  
24 309(j) of the Communications Act of 1934  
25 (47 U.S.C. 309(j)); or

1           “(ii) in the case of an incumbent Fed-  
2           eral entity that is incurring relocation or  
3           sharing costs to accommodate sharing  
4           spectrum frequencies with another Federal  
5           entity, after the frequencies from which the  
6           other eligible Federal entity is relocating  
7           are reallocated by competitive bidding  
8           under section 309(j) of the Communica-  
9           tions Act of 1934 (47 U.S.C. 309(j)), with-  
10          out regard to the availability of such sums  
11          in the Fund.

12          “(E) Prior to the deposit of proceeds into  
13          the Fund from an auction, the Director of  
14          OMB may borrow from the Treasury the  
15          amount under subparagraph (A) for a transfer  
16          under subparagraph (D). The Treasury shall  
17          immediately be reimbursed, without interest,  
18          from funds deposited into the Fund.”.

19 **SEC. 15. AMENDMENTS TO THE SPECTRUM PIPELINE ACT**  
20 **OF 2015.**

21          Section 1008 of the Spectrum Pipeline Act of 2015  
22 (Public Law 114–74; 129 Stat. 584) is amended in the  
23 matter preceding paragraph (1) by inserting “, after no-  
24 tice and an opportunity for public comment,” after “the  
25 Commission”.

1 **SEC. 16. GAO ASSESSMENT OF UNLICENSED SPECTRUM**  
2 **AND WI-FI USE IN LOW-INCOME NEIGHBOR-**  
3 **HOODS.**

4 (a) **STUDY.**—

5 (1) **IN GENERAL.**—The Comptroller General of  
6 the United States shall conduct a study to evaluate  
7 the availability of broadband Internet access using  
8 unlicensed spectrum and wireless networks in low-in-  
9 come neighborhoods.

10 (2) **REQUIREMENTS.**—In conducting the study  
11 under paragraph (1), the Comptroller General shall  
12 consider and evaluate—

13 (A) the availability of wireless Internet hot  
14 spots and access to unlicensed spectrum in low-  
15 income neighborhoods, particularly for elemen-  
16 tary and secondary school-aged children in such  
17 neighborhoods;

18 (B) any barriers preventing or limiting the  
19 deployment and use of wireless networks in low-  
20 income neighborhoods;

21 (C) how to overcome any barriers described  
22 in subparagraph (B), including through incen-  
23 tives, policies, or requirements that would in-  
24 crease the availability of unlicensed spectrum  
25 and related technologies in low-income neigh-  
26 borhoods; and

1           (D) how to encourage home broadband  
2           adoption by households with elementary and  
3           secondary school-age children that are in low-  
4           income neighborhoods.

5           (b) REPORT.—Not later than 1 year after the date  
6 of enactment of this Act, the Comptroller General shall  
7 submit to the Committee on Commerce, Science, and  
8 Transportation of the Senate and the Committee on En-  
9 ergy and Commerce of the House of Representatives a re-  
10 port that—

11           (1) summarizes the findings of the study con-  
12 ducted under subsection (a); and

13           (2) makes recommendations with respect to po-  
14 tential incentives, policies, and requirements that  
15 could help achieve the goals described in subpara-  
16 graphs (C) and (D) of subsection (a)(2).

17 **SEC. 17. RULEMAKING RELATED TO PARTITIONING OR**  
18 **DISAGGREGATING LICENSES.**

19           (a) DEFINITIONS.—In this section—

20           (1) COVERED SMALL CARRIER.—The term  
21 “covered small carrier” means a carrier (as defined  
22 in section 3 of the Communications Act of 1934 (47  
23 U.S.C. 153)) that—

24           (A) has not more than 1,500 employees (as  
25 determined under section 121.106 of title 13,



1 Code of Federal Regulations, or any successor  
2 thereto); and

3 (B) offers services using the facilities of  
4 the carrier.

5 (2) RURAL AREA.—The term “rural area”  
6 means any area other than—

7 (A) a city, town, or incorporated area that  
8 has a population of more than 20,000 inhab-  
9 itants; or

10 (B) an urbanized area contiguous and ad-  
11 jacent to a city or town that has a population  
12 of more than 50,000 inhabitants.

13 (b) RULEMAKING.—

14 (1) IN GENERAL.—Not later than 1 year after  
15 the date of enactment of this Act, the Commission  
16 shall initiate a rulemaking proceeding to assess  
17 whether to establish a program, or modify existing  
18 programs, under which a licensee that receives a li-  
19 cense for the exclusive use of spectrum in a specific  
20 geographic area under section 301 of the Commu-  
21 nications Act of 1934 (47 U.S.C. 301) may partition  
22 or disaggregate the license by sale or long-term  
23 lease—

24 (A) in order to—

1 (i) provide services consistent with the  
2 license; and

3 (ii) make unused spectrum available  
4 to—

5 (I) an unaffiliated covered small  
6 carrier; or

7 (II) an unaffiliated carrier to  
8 serve a rural area; and

9 (B) if the Commission finds that such a  
10 program would promote—

11 (i) the availability of advanced tele-  
12 communications services in rural areas; or

13 (ii) spectrum availability for covered  
14 small carriers.

15 (2) CONSIDERATIONS.—In conducting the rule-  
16 making proceeding under paragraph (1), the Com-  
17 mission shall consider, with respect to the program  
18 proposed to be established under that paragraph—

19 (A) whether reduced performance require-  
20 ments with respect to spectrum obtained  
21 through the program would facilitate deploy-  
22 ment of advanced telecommunications services  
23 in the areas covered by the program;

24 (B) what conditions may be needed on  
25 transfers of spectrum under the program to

1 allow covered small carriers that obtain spec-  
 2 trum under the program to build out the spec-  
 3 trum in a reasonable period of time;

4 (C) what incentives may be appropriate to  
 5 encourage licensees to lease or sell spectrum, in-  
 6 cluding—

7 (i) extending the term of a license  
 8 granted under section 301 of the Commu-  
 9 nications Act of 1934 (47 U.S.C. 301); or

10 (ii) modifying performance require-  
 11 ments of the license relating to the leased  
 12 or sold spectrum; and

13 (D) the administrative feasibility of—

14 (i) the incentives described in sub-  
 15 paragraph (C); and

16 (ii) other incentives considered by the  
 17 Commission that further the goals of this  
 18 section.

19 (3) FORFEITURE OF SPECTRUM.—If a party  
 20 fails to meet any build out requirements set by the  
 21 Commission for any spectrum sold or leased under  
 22 this section, the right to the spectrum shall be for-  
 23 feited to the Commission unless the Commission  
 24 finds that there is good cause for the failure of the  
 25 party.

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

7 **SEC. 18. UNLICENSED SPECTRUM POLICY.**

8           (a) STATEMENT OF POLICY.—It is the policy of the  
9           United States—

10           (1) to maximize the benefit to the people of the  
11           United States of the spectrum resources of the  
12           United States;

13           (2) to advance innovation and investment in  
14           wireless broadband services; and

15           (3) to promote spectrum policy that makes  
16           available on an unlicensed basis radio frequency  
17           bands sufficient to meet consumer demand for unli-  
18           censed wireless broadband operations.

19           (b) COMMISSION RESPONSIBILITIES.—The Commis-  
20           sion shall ensure that the efforts of the Commission re-  
21           lated to spectrum allocation and assignment make avail-  
22           able on an unlicensed basis radio frequency bands suffi-  
23           cient to meet demand for unlicensed wireless broadband  
24           operations if doing so is, after taking into account the fu-  
25           ture needs of other spectrum users—

1           (1) reasonable; and

2           (2) in the public interest.

3           (c) COMMISSION ACTION.—Not later than 18 months  
4 after the date of enactment of this Act, the Commission  
5 shall take action to implement subsection (b).

6 **SEC. 19. NATIONAL PLAN FOR UNLICENSED SPECTRUM.**

7           (a) DEFINITIONS.—In this section:

8           (1) SPECTRUM RELOCATION FUND.—The term  
9 “Spectrum Relocation Fund” means the Fund es-  
10 tablished under section 118 of the National Tele-  
11 communications and Information Administration Or-  
12 ganization Act (47 U.S.C. 928).

13           (2) UNLICENSED OPERATIONS.—The term “un-  
14 licensed operations” means the use of spectrum on  
15 a non-exclusive basis under—

16           (A) part 15 of title 47, Code of Federal  
17 Regulations; or

18           (B) licensing by rule under part 96 of title  
19 47, Code of Federal Regulations.

20           (b) NATIONAL PLAN.—Not later than 1 year after  
21 the date of enactment of this Act, the Commission, in con-  
22 sultation with the NTIA, shall develop a national plan for  
23 making additional radio frequency bands available for un-  
24 licensed operations.

1           (e) REQUIREMENTS.—The plan developed under this  
2 section shall—

3           (1) identify an approach that ensures that con-  
4 sumers have access to additional spectrum to con-  
5 duct unlicensed operations in a range of radio fre-  
6 quencies to meet consumer demand;

7           (2) recommend specific actions by the Commis-  
8 sion and the NTLA to permit unlicensed operations  
9 in additional radio frequency ranges that the Com-  
10 mission finds—

11           (A) are consistent with the statement of  
12 policy under section 18(a);

13           (B) will—

14           (i) expand opportunities for unli-  
15 censed operations in a spectrum band; or

16           (ii) otherwise improve spectrum utili-  
17 zation and intensity of use of bands where  
18 unlicensed operations are already per-  
19 mitted;

20           (C) will not cause harmful interference to  
21 Federal or non-Federal users of such bands;  
22 and

23           (D) will not significantly impact homeland  
24 security or national security communications  
25 systems; and

1           ~~(3)~~ examine additional ways, with respect to ex-  
2           isting and planned databases or spectrum access sys-  
3           tems designed to promote spectrum sharing and ac-  
4           cess to spectrum for unlicensed operations—

5                   (A) to improve accuracy and efficacy;

6                   (B) to reduce burdens on consumers, man-  
7           ufacturers, and service providers; and

8                   (C) to protect sensitive Government infor-  
9           mation.

10          ~~(d)~~ SPECTRUM RELOCATION FUND.—To be included  
11       as part of the plan developed under this section, the NTIA  
12       shall share with the Commission recommendations about  
13       how to reform the Spectrum Relocation Fund—

14               (1) to address costs incurred by Federal entities  
15       related to sharing radio frequency bands with radio  
16       technologies conducting unlicensed operations; and

17               (2) to ensure the Spectrum Relocation Fund  
18       has sufficient funds to cover—

19                   (A) the costs described in paragraph (1);  
20       and

21                   (B) other expenditures allowed of the  
22       Spectrum Relocation Fund under section 118 of  
23       the National Telecommunications and Informa-  
24       tion Administration Organization Act (47  
25       U.S.C. 928).

1 (e) REPORT REQUIRED.—

2 (1) IN GENERAL.—Not later than 1 year after  
3 the date of enactment of this Act, the Commission  
4 shall submit to the appropriate committees of Con-  
5 gress a report that describes the plan developed  
6 under this section, including any recommendations  
7 for legislative change.

8 (2) PUBLICATION ON COMMISSION WEBSITE.—  
9 Not later than the date on which the Commission  
10 submits the report under paragraph (1), the Com-  
11 mission shall make the report publicly available on  
12 the website of the Commission.

13 **SEC. 20. SPECTRUM CHALLENGE PRIZE.**

14 (a) FINDINGS.—Congress finds the following:

15 (1) The future competitiveness and global tech-  
16 nology leadership of the United States depend, in  
17 part, upon the availability and efficient use of spec-  
18 trum.

19 (2) Dramatic improvement in spectrum effi-  
20 ciency would spur innovation, investment, and eco-  
21 nomic growth.

22 (3) Radio frequency spectrum is vital for emer-  
23 gency communications, national security, law en-  
24 forcement, aviation, maritime safety, space commu-  
25 nications, and numerous other Federal functions.



1           (4) Prize competitions can spur innovation in  
2           the private and public sectors.

3           (b) DEFINITION OF PRIZE COMPETITION.—In this  
4           section, the term “prize competition” means a prize com-  
5           petition conducted by the Secretary under subsection  
6           (e)(1).

7           (c) SPECTRUM CHALLENGE PRIZE.—

8           (1) IN GENERAL.—The Secretary, in consulta-  
9           tion with the Assistant Secretary of Commerce for  
10          Communications and Information and the Under  
11          Secretary of Commerce for Standards and Tech-  
12          nology, shall, subject to the availability of funds for  
13          prize competitions under this section—

14                (A) conduct prize competitions to dramati-  
15                cally accelerate the development and commer-  
16                cialization of technology that improves spectrum  
17                efficiency and is capable of cost-effective deploy-  
18                ment; and

19                (B) define a measurable set of perform-  
20                ance goals for participants in the prize competi-  
21                tions to demonstrate their solutions on a level  
22                playing field while making a significant ad-  
23                vancement over the current state of the art.

24           (2) AUTHORITY OF SECRETARY.—In carrying  
25          out paragraph (1), the Secretary may—

1           (A) enter into a grant, contract, coopera-  
2           tive agreement, or other agreement with a pri-  
3           vate sector for-profit or nonprofit entity to ad-  
4           minister the prize competitions;

5           (B) invite the Defense Advanced Research  
6           Projects Agency, the Commission, the National  
7           Aeronautics and Space Administration, the Na-  
8           tional Science Foundation, or any other Federal  
9           agency to provide advice and assistance in the  
10          design or administration of the prize competi-  
11          tions; and

12          (C) award not more than \$5,000,000, in  
13          the aggregate, to the winner or winners of the  
14          prize competitions.

15          (d) CRITERIA.—Not later than 180 days after the  
16          date on which funds for prize competitions are made avail-  
17          able pursuant to this section, the Commission shall publish  
18          a technical paper on spectrum efficiency providing criteria  
19          that may be used for the design of the prize competitions.

20          (e) AUTHORIZATION OF APPROPRIATIONS.—There  
21          are authorized to be appropriated such sums as may be  
22          necessary to carry out this section.

1 **SEC. 21. WIRELESS TELECOMMUNICATIONS TAX AND FEE**  
2 **COLLECTION FAIRNESS.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “Wireless Telecommunications Tax and Fee Collection  
5 Fairness Act”.

6 (b) **FINDINGS.**—Congress makes the following find-  
7 ings:

8 (1) A State may designate an in-State or out-  
9 of-State person as a collection agent for the State  
10 and impose upon the person a duty to collect certain  
11 taxes and fees for wireless telecommunications serv-  
12 ices from residents of the State.

13 (2) States have the sovereign right to tax their  
14 citizens, subject to the Constitution of the United  
15 States and Federal law. States do not have the right  
16 to tax interstate commerce or to impose taxes or  
17 other obligations on citizens of other States without  
18 limitation.

19 (3) A collection agent for a State may feasibly  
20 collect taxes and fees from a customer in connection  
21 with a financial transaction to which the agent and  
22 customer are parties.

23 (4) Congress can help ensure against unreason-  
24 able burdens on interstate commerce by prohibiting  
25 each State from imposing a duty on any person to  
26 serve as a collection agent for the State unless the

1 collection is in connection with a financial trans-  
2 action.

3 (c) DEFINITIONS.—In this section:

4 (1) FINANCIAL TRANSACTION.—The term “fi-  
5 nancial transaction” means a transaction in which  
6 the purchaser or user of a wireless telecommuni-  
7 cations service upon whom a tax, fee, or surcharge  
8 is imposed gives cash, credit, or any other exchange  
9 of monetary value or consideration to the person  
10 who is required to collect or remit the tax, fee, or  
11 surcharge.

12 (2) LOCAL JURISDICTION.—The term “local ju-  
13 risdiction” means a political subdivision of a State.

14 (3) STATE.—The term “State” means any of  
15 the several States, the District of Columbia, and any  
16 territory or possession of the United States.

17 (4) STATE OR LOCAL JURISDICTION.—The term  
18 “State or local jurisdiction” includes any govern-  
19 mental entity or person acting on behalf of a State  
20 or local jurisdiction that has the authority to assess,  
21 impose, levy, or collect taxes or fees.

22 (5) WIRELESS TELECOMMUNICATIONS SERV-  
23 ICE.—The term “wireless telecommunications serv-  
24 ice” means a commercial mobile radio service, as de-

1 fined in section 20.3 of title 47, Code of Federal  
2 Regulations, or any successor thereto.

3 ~~(d) FINANCIAL TRANSACTION REQUIREMENT.—~~

4 ~~(1) IN GENERAL.—A State, or a local jurisdic-~~  
5 ~~tion of a State, may not require a person to collect~~  
6 ~~from, or remit on behalf of, any other person a State~~  
7 ~~or local tax, fee, or surcharge imposed on a pur-~~  
8 ~~chaser or user with respect to the purchase or use~~  
9 ~~of any wireless telecommunications service within~~  
10 ~~the State unless the collection or remittance is in~~  
11 ~~connection with a financial transaction between—~~

12 ~~(A) the person that the State or local jurisdic-~~  
13 ~~tion requires to collect or remit the tax, fee,~~  
14 ~~or surcharge; and~~

15 ~~(B) the purchaser or user of the wireless~~  
16 ~~telecommunications service.~~

17 ~~(2) RULE OF CONSTRUCTION.—Nothing in this~~  
18 ~~subsection shall be construed to affect the right of~~  
19 ~~a State or local jurisdiction to require the collection~~  
20 ~~of any tax, fee, or surcharge in connection with a fi-~~  
21 ~~nancial transaction.~~

22 ~~(e) ENFORCEMENT.—~~

23 ~~(1) PRIVATE RIGHT OF ACTION.—Any person~~  
24 ~~aggrieved by a violation of subsection (d) may bring~~  
25 ~~a civil action in an appropriate district court of the~~

1 United States for equitable relief in accordance with  
2 paragraph (2) of this subsection.

3 ~~(2) JURISDICTION OF DISTRICT COURTS.—Not-~~  
4 ~~withstanding section 1341 of title 28, United States~~  
5 ~~Code, or the constitution or laws of any State, the~~  
6 ~~district courts of the United States shall have juris-~~  
7 ~~isdiction, without regard to the amount in controversy~~  
8 ~~or citizenship of the parties, to grant such manda-~~  
9 ~~tory or prohibitive injunctive relief, interim equitable~~  
10 ~~relief, and declaratory judgments as may be nec-~~  
11 ~~essary to prevent, restrain, or terminate any acts in~~  
12 ~~violation of subsection (d).~~

13 **SEC. 22. RULES OF CONSTRUCTION.**

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

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

1 **SEC. 23. RELATIONSHIP TO MIDDLE CLASS TAX RELIEF**  
 2 **AND JOB CREATION ACT OF 2012.**

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

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

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

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

- Sec. 1. Short title; table of contents.*
- Sec. 2. Definitions.*
- Sec. 3. Making 500 megahertz available.*
- Sec. 4. Millimeter wave spectrum.*
- Sec. 5. 3 gigahertz spectrum.*
- Sec. 6. Communications facilities deployment on Federal property.*
- Sec. 7. Broadband infrastructure deployment.*
- Sec. 8. National broadband facilities asset database.*
- Sec. 9. Reallocation incentives.*
- Sec. 10. Bidirectional sharing study.*
- Sec. 11. Unlicensed services in guard bands.*
- Sec. 12. Pre-auction funding.*
- Sec. 13. Immediate transfer of funds.*
- Sec. 14. Amendments to the Spectrum Pipeline Act of 2015.*
- Sec. 15. GAO assessment of unlicensed spectrum and Wi-Fi use in low-income neighborhoods.*
- Sec. 16. Rulemaking related to partitioning or disaggregating licenses.*
- Sec. 17. Unlicensed spectrum policy.*
- Sec. 18. National plan for unlicensed spectrum.*
- Sec. 19. Spectrum challenge prize.*
- Sec. 20. Wireless telecommunications tax and fee collection fairness.*

*Sec. 21. Rules of construction.*

*Sec. 22. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—

4 *The term “appropriate committees of Congress”*  
5 *means—*

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

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

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

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

16 (3) *FEDERAL ENTITY.*—*The term “Federal enti-*  
17 *ty” has the meaning given the term in section 113(l)*  
18 *of the National Telecommunications and Information*  
19 *Administration Organization Act (47 U.S.C. 923(l)).*

20 (4) *NTIA.*—*The term “NTIA” means the Na-*  
21 *tional Telecommunications and Information Admin-*  
22 *istration of the Department of Commerce.*

23 (5) *OMB.*—*The term “OMB” means the Office of*  
24 *Management and Budget.*



1           (6) *SECRETARY.*—*The term “Secretary” means*  
2           *the Secretary of Commerce.*

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

4           (a) *REQUIREMENTS.*—

5           (1) *IN GENERAL.*—*Consistent with the Presi-*  
6           *dential Memorandum of June 28, 2010, entitled*  
7           *“Unleashing the Wireless Broadband Revolution” and*  
8           *establishing a goal of making a total of 500 megahertz*  
9           *of Federal and non-Federal spectrum available on a*  
10           *licensed or unlicensed basis for wireless broadband use*  
11           *by 2020, not later than December 31, 2020, the Sec-*  
12           *retary, working through the NTIA, and the Commis-*  
13           *sion shall make available a total of at least 255 mega-*  
14           *hertz of Federal and non-Federal spectrum below the*  
15           *frequency of 6000 megahertz for mobile and fixed*  
16           *wireless broadband use.*

17           (2) *UNLICENSED AND LICENSED USE.*—*Of the*  
18           *spectrum made available under paragraph (1), not*  
19           *less than—*

20                   (A) *100 megahertz shall be made available*  
21                   *on an unlicensed basis; and*

22                   (B) *100 megahertz shall be made available*  
23                   *on an exclusive, licensed basis for commercial*  
24                   *mobile use, pursuant to the Commission’s au-*  
25                   *thority to implement such licensing in a flexible*

1           *manner, and subject to potential continued use*  
2           *of such spectrum by incumbent Federal entities*  
3           *in designated geographic areas indefinitely or for*  
4           *such length of time stipulated in transition plans*  
5           *approved by the Technical Panel under section*  
6           *113(h) of the National Telecommunications and*  
7           *Information Administration Organization Act*  
8           *(47 U.S.C. 923(h)) for those incumbent entities*  
9           *to be relocated to alternate spectrum.*

10           (3) *NON-ELIGIBLE SPECTRUM.*—*For purposes of*  
11           *satisfying the requirement under paragraph (1), the*  
12           *following spectrum shall not be counted:*

13                   (A) *The frequencies between 1695 and 1710*  
14                   *megahertz.*

15                   (B) *The frequencies between 1755 and 1780*  
16                   *megahertz.*

17                   (C) *The frequencies between 2155 and 2180*  
18                   *megahertz.*

19                   (D) *The frequencies between 3550 and 3700*  
20                   *megahertz.*

21                   (E) *Spectrum that the Commission deter-*  
22                   *mines had more than de minimis mobile or fixed*  
23                   *wireless broadband operations within the band*  
24                   *on the day before the date of enactment of this*  
25                   *Act.*

1           (4) *RELOCATION PRIORITIZED OVER SHARING.*—  
2           *This section shall be carried out in accordance with*  
3           *section 113(j) of the National Telecommunications*  
4           *and Information Administration Organization Act*  
5           *(47 U.S.C. 923(j)).*

6           (5) *CONSIDERATIONS.*—*In making spectrum*  
7           *available under this section, the Secretary and Com-*  
8           *mission shall consider—*

9                   (A) *the need to preserve critical existing*  
10                  *and planned Federal Government capabilities;*

11                  (B) *the impact on existing State, local, and*  
12                  *tribal government capabilities;*

13                  (C) *the international implications;*

14                  (D) *the need for appropriate enforcement*  
15                  *mechanisms and authorities; and*

16                  (E) *the importance of the deployment of*  
17                  *wireless broadband services in rural areas of the*  
18                  *United States.*

19           (b) *RULES OF CONSTRUCTION.*—*Nothing in this sec-*  
20           *tion shall be construed—*

21                   (1) *to impair or otherwise affect the functions of*  
22                  *the Director of OMB relating to budgetary, adminis-*  
23                  *trative, or legislative proposals;*

24                   (2) *to require the disclosure of classified informa-*  
25                  *tion, law enforcement sensitive information, or other*

1        *information that must be protected in the interest of*  
2        *national security; or*

3                *(3) to affect any requirement under section 156*  
4        *of the National Telecommunications and Information*  
5        *Administration Organization Act (47 U.S.C. 921*  
6        *note), as added by section 1062(a) of the National De-*  
7        *fense Authorization Act for Fiscal Year 2000, or any*  
8        *other relevant statutory requirement applicable to the*  
9        *reallocation of Federal spectrum.*

10 **SEC. 4. MILLIMETER WAVE SPECTRUM.**

11        *(a) FEASIBILITY ASSESSMENT.—Not later than 18*  
12        *months after the date of enactment of this Act, the NTIA,*  
13        *in consultation with the Commission, shall conduct a feasi-*  
14        *bility assessment regarding the impact, on Federal entities*  
15        *and operations in any of the following bands, of authorizing*  
16        *mobile or fixed terrestrial wireless operations, including for*  
17        *advanced mobile service operations, in the following bands:*

18                *(1) The band between 31800 and 33400 mega-*  
19        *hertz.*

20                *(2) The band between 71000 and 76000 mega-*  
21        *hertz.*

22                *(3) The band between 81000 and 86000 mega-*  
23        *hertz.*

24        *(b) REQUIREMENTS.—In conducting the feasibility as-*  
25        *essment under subsection (a), the NTIA shall—*

1           (1) *consult directly with Federal entities with re-*  
2           *spect to frequencies allocated to Federal use by such*  
3           *entities in the bands identified in that subsection;*

4           (2) *consider what, if any, impact authorizing*  
5           *mobile or fixed terrestrial wireless operations, includ-*  
6           *ing advanced mobile services operations, in any of*  
7           *such frequencies would have on an affected Federal*  
8           *entity; and*

9           (3) *identify any such frequencies in the bands*  
10          *described in that subsection that the NTIA assessment*  
11          *determines are feasible for authorizing for mobile or*  
12          *fixed terrestrial wireless operations, including any*  
13          *advanced mobile service operations.*

14          (c) *REPORT TO CONGRESS AND THE COMMISSION.—*  
15          *Not later than 30 days after the date the feasibility assess-*  
16          *ment under subsection (a) is complete, the NTIA shall sub-*  
17          *mit to the appropriate committees of Congress a report on*  
18          *the feasibility assessment and provide a copy to the Com-*  
19          *mission.*

20          (d) *FCC PROCEEDING.—Not later than 2 years after*  
21          *the date of enactment of this Act or 90 days after the date*  
22          *it receives the feasibility assessment under subsection (c),*  
23          *whichever is earlier, the Commission, in consultation with*  
24          *the NTIA, shall publish a notice of proposed rulemaking*  
25          *to consider service rules to authorize mobile or fixed terres-*

1 *trial wireless operations, including for advanced mobile*  
2 *service operations, in the following radio frequency bands:*

3           (1) *The band between 24250 and 24450 mega-*  
4 *hertz.*

5           (2) *The band between 25050 and 25250 mega-*  
6 *hertz.*

7           (3) *The band between 31800 and 33400 mega-*  
8 *hertz, except for any frequencies with Federal alloca-*  
9 *tions.*

10          (4) *The band between 42000 and 42500 mega-*  
11 *hertz.*

12          (5) *The band between 71000 and 76000 mega-*  
13 *hertz, except for any frequencies with Federal alloca-*  
14 *tions.*

15          (6) *The band between 81000 and 86000 mega-*  
16 *hertz, except for any frequencies with Federal alloca-*  
17 *tions.*

18          (7) *Any frequencies with Federal allocations*  
19 *identified as feasible under subsection (b)(3).*

20          (e) *CONSIDERATIONS.—In conducting a rulemaking*  
21 *under subsection (d), the Commission shall—*

22           (1) *consult with Federal entities via the NTIA*  
23 *regarding the frequencies described in subsection*  
24 *(d)(7);*

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

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

7                   (B) *to permit additional licensed operations*  
8 *in such bands on a shared basis; and*

9           (3) *include technical characteristics under which*  
10 *the bands described in subsection (d) may be em-*  
11 *ployed for mobile or fixed terrestrial wireless oper-*  
12 *ations, including any appropriate coexistence require-*  
13 *ments.*

14 **SEC. 5. 3 GIGAHERTZ SPECTRUM.**

15           (a) *BETWEEN 3100 MEGAHERTZ AND 3550 MEGA-*  
16 *HERTZ.—Not later than 18 months after the date of enact-*  
17 *ment of this Act, and in consultation with the Commission*  
18 *and the head of each affected Federal agency (or a designee*  
19 *thereof), the Secretary shall submit to the Commission and*  
20 *the appropriate committees of Congress a report evaluating*  
21 *the feasibility of allowing commercial wireless services, li-*  
22 *censed or unlicensed, to share use of the frequencies between*  
23 *3100 megahertz and 3550 megahertz.*

24           (b) *BETWEEN 3700 MEGAHERTZ AND 4200 MEGA-*  
25 *HERTZ.—Not later than 18 months after the date of enact-*

1 *ment of this Act, after notice and an opportunity for public*  
2 *comment, and in consultation with the Secretary and the*  
3 *head of each affected Federal agency (or a designee thereof),*  
4 *the Commission shall submit to the Secretary and the ap-*  
5 *propriate committees of Congress a report evaluating the*  
6 *feasibility of allowing commercial wireless services, licensed*  
7 *or unlicensed, to share use of the frequencies between 3700*  
8 *megahertz and 4200 megahertz.*

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

11 *(1) An assessment of the operations of Federal*  
12 *entities that operate Federal Government stations au-*  
13 *thorized to use the frequencies described in that sub-*  
14 *section.*

15 *(2) An assessment of the possible impacts of such*  
16 *sharing on Federal and non-Federal users already op-*  
17 *erating on the frequencies described in that sub-*  
18 *section.*

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

24 *(4) If such sharing is feasible, an identification*  
25 *of which of the frequencies described in that subsection*



1        *are most suitable for sharing with commercial wire-*  
 2        *less services through the assignment of new licenses by*  
 3        *competitive bidding, for sharing with unlicensed oper-*  
 4        *ations, or through a combination of licensing and un-*  
 5        *licensed operations.*

6        *(d) COMMISSION ACTION.—The Commission, in con-*  
 7        *sultation with the NTIA, shall seek public comment on the*  
 8        *reports required under subsections (a) and (b), including*  
 9        *regarding the bands identified in such reports as feasible*  
 10       *pursuant to subsection (c)(4).*

11       **SEC. 6. COMMUNICATIONS FACILITIES DEPLOYMENT ON**  
 12       **FEDERAL PROPERTY.**

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

17       *“(b) FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND*  
 18       *LEASES.—*

19       *“(1) GRANT.—If an executive agency, a State, a*  
 20       *political subdivision or agency of a State, or a per-*  
 21       *son, firm, or organization applies for the grant of an*  
 22       *easement, right-of-way, or lease to, in, over, or on a*  
 23       *building or other property owned by the Federal Gov-*  
 24       *ernment for the right to install, construct, modify, or*  
 25       *maintain a communications facility installation, the*

1 *executive agency having control of the building or*  
2 *other property may grant to the applicant, on behalf*  
3 *of the Federal Government, subject to paragraph (5),*  
4 *an easement, right-of-way, or lease to perform such*  
5 *installation, construction, modification, or mainte-*  
6 *nance.*

7 “(2) *APPLICATION.—*

8 “(A) *IN GENERAL.—The Administrator of*  
9 *General Services shall develop a common form*  
10 *for applications for easements, rights-of-way,*  
11 *and leases under paragraph (1) for all executive*  
12 *agencies that, except as provided in subpara-*  
13 *graph (B), shall be used by all executive agencies*  
14 *and applicants with respect to the buildings or*  
15 *other property of each such agency.*

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

23 “(3) *FEE.—*

24 “(A) *IN GENERAL.—Notwithstanding any*  
25 *other provision of law, the Administrator of Gen-*

1            *eral Services shall establish a fee for the grant of*  
 2            *an easement, right-of-way, or lease pursuant to*  
 3            *paragraph (1) that is based on direct cost recov-*  
 4            *ery.*

5            “(B) *EXCEPTIONS.—The Administrator of*  
 6            *General Services may establish exceptions to the*  
 7            *fee amount required under subparagraph (A)—*

8                    *“(i) in consideration of the public ben-*  
 9                    *efit provided by a grant of an easement,*  
 10                   *right-of-way, or lease; and*

11                   *“(ii) in the interest of expanding wire-*  
 12                   *less and broadband coverage.*

13            “(4) *USE OF FEES COLLECTED.—Any fee*  
 14            *amounts collected by an executive agency pursuant to*  
 15            *paragraph (3) may be made available, as provided in*  
 16            *appropriations Acts, to such agency to cover the costs*  
 17            *of granting the easement, right-of-way, or lease.*

18            “(5) *TIMELY CONSIDERATION OF APPLICA-*  
 19            *TIONS.—*

20                   *“(A) IN GENERAL.—Not later than 270*  
 21                   *days after the date on which an executive agency*  
 22                   *receives a duly filed application for an easement,*  
 23                   *right-of-way, or lease under this subsection, the*  
 24                   *executive agency shall—*

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

3                   “(ii) notify the applicant of the grant  
4                   or denial.

5                   “(B) EXPLANATION OF DENIAL.—If an execu-  
6                   tive agency denies an application under sub-  
7                   paragraph (A), the executive agency shall notify  
8                   the applicant in writing, including a clear state-  
9                   ment of the reasons for the denial.

10                  “(C) APPLICABILITY OF ENVIRONMENTAL  
11                  LAWS.—Nothing in this paragraph shall be con-  
12                  strued to relieve an executive agency of the re-  
13                  quirements of division A of subtitle III of title  
14                  54, United States Code, or the National Envi-  
15                  ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
16                  seq.).

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

22                  “(c) MASTER CONTRACTS FOR COMMUNICATIONS FA-  
23                  CILITY INSTALLATION SITINGS.—

24                  “(1) IN GENERAL.—Notwithstanding section 704  
25                  of the Telecommunications Act of 1996 (Public Law

1       104–104; 110 Stat. 151) or any other provision of  
2       law, the Administrator of General Services shall—

3               “(A) develop one or more master contracts  
4       that shall govern the placement of communica-  
5       tions facility installations on buildings and  
6       other property owned by the Federal Govern-  
7       ment; and

8               “(B) in developing the master contract or  
9       contracts, standardize the treatment of the place-  
10      ment of communications facility installations on  
11      building rooftops or facades, the placement of  
12      communications facility installations on rooftops  
13      or inside buildings, the technology used in con-  
14      nection with communications facility installa-  
15      tions placed on Federal buildings and other  
16      property, and any other key issues the Adminis-  
17      trator of General Services considers appropriate.

18              “(2) *APPLICABILITY.*—The master contract or  
19      contracts developed by the Administrator of General  
20      Services under paragraph (1) shall apply to all pub-  
21      licly accessible buildings and other property owned by  
22      the Federal Government, unless the Administrator of  
23      General Services decides that issues with respect to  
24      the siting of a communications facility installation  
25      on a specific building or other property warrant non-

1 *standard treatment of such building or other prop-*  
2 *erty.*

3 “(3) *APPLICATION.—*

4 “(A) *IN GENERAL.—The Administrator of*  
5 *General Services shall develop a common form or*  
6 *set of forms for communications facility installa-*  
7 *tion siting applications that, except as provided*  
8 *in subparagraph (B), shall be used by all execu-*  
9 *tive agencies and applicants with respect to the*  
10 *buildings and other property of each such agen-*  
11 *cy.*

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

20 “(d) *DEFINITIONS.—In this section:*

21 “(1) *COMMUNICATIONS FACILITY INSTALLA-*  
22 *TION.—The term ‘communications facility installa-*  
23 *tion’ includes—*

24 “(A) *any infrastructure, including any*  
25 *transmitting device, tower, or support structure,*

1           *and any equipment, switches, wiring, cabling,*  
2           *power sources, shelters, or cabinets, associated*  
3           *with the licensed or permitted unlicensed wireless*  
4           *or wireline transmission of writings, signs, sig-*  
5           *nals, data, images, pictures, and sounds of all*  
6           *kinds; and*

7           “(B) *any antenna or apparatus that—*

8                   “(i) *is designed for the purpose of*  
9                   *emitting radio frequency;*

10                   “(ii) *is designed to be operated, or is*  
11                   *operating, from a fixed location pursuant to*  
12                   *authorization by the Commission or is*  
13                   *using duly authorized devices that do not*  
14                   *require individual licenses; and*

15                   “(iii) *is added to a tower, building, or*  
16                   *other structure.*

17           “(2) *EXECUTIVE AGENCY.—The term ‘executive*  
18           *agency’ has the meaning given such term in section*  
19           *102 of title 40, United States Code.”.*

20           “(b) *SAVINGS PROVISION.—An application for an ease-*  
21           *ment, right-of-way, or lease that was made or granted under*  
22           *section 6409 of the Middle Class Tax Relief and Job Cre-*  
23           *ation Act of 2012 (47 U.S.C. 1455) before the date of enact-*  
24           *ment of this Act shall continue, subject to that section as*  
25           *in effect on the day before such date of enactment.*

1           (c) *STREAMLINING BROADBAND FACILITY APPLICA-*  
2 *TIONS.—*

3           (1) *DEFINITION OF COMMUNICATIONS FACILITY*  
4 *INSTALLATION.—In this subsection, the term “commu-*  
5 *nications facility installation” has the meaning given*  
6 *the term in section 6409(d) of the Middle Class Tax*  
7 *Relief and Job Creation Act of 2012 (47 U.S.C.*  
8 *1455(d)), as amended by subsection (a).*

9           (2) *RECOMMENDATIONS.—*

10           (A) *IN GENERAL.—Not later than 2 years*  
11 *after the date of enactment of this Act, the NTIA,*  
12 *in coordination with the Department of the Inte-*  
13 *rior, the Department of Agriculture, the Depart-*  
14 *ment of Defense, the Department of Transpor-*  
15 *tation, OMB, and the General Services Adminis-*  
16 *tration, shall develop recommendations to*  
17 *streamline the process for considering applica-*  
18 *tions by those agencies under section 6409(b) of*  
19 *the Middle Class Tax Relief and Job Creation*  
20 *Act of 2012 (47 U.S.C. 1455(b)), as amended by*  
21 *subsection (a).*

22           (B) *REQUIREMENTS FOR RECOMMENDA-*  
23 *TIONS.—The recommendations developed under*  
24 *subparagraph (A) shall include—*



1           (i) procedures for the tracking of appli-  
2 cations described in subparagraph (A);

3           (ii) methods by which to reduce the  
4 amount of time between the receipt of an  
5 application and the issuance of a final deci-  
6 sion on an application;

7           (iii) policies to expedite renewals of an  
8 easement, license, or other authorization to  
9 locate communications facility installations  
10 on land managed by the agencies described  
11 in subparagraph (A); and

12           (iv) policies that would prioritize or  
13 streamline a permit for construction in a  
14 previously-disturbed right-of-way.

15           (C) *REPORT TO CONGRESS.*—Not later than  
16 2 years after the date on which the recommenda-  
17 tions required under subparagraph (A) are devel-  
18 oped, the NTIA shall submit to the Committee on  
19 Commerce, Science, and Transportation of the  
20 Senate and the Committee on Energy and Com-  
21 merce of the House of Representatives a report  
22 that describes—

23           (i) the status of the implementation of  
24 the recommendations developed under sub-  
25 paragraph (A); and

1                   (ii) any improvements to the process  
 2                   for considering applications described in  
 3                   subparagraph (A) that have resulted from  
 4                   those recommendations, including in par-  
 5                   ticular the speed at which such applications  
 6                   are reviewed and a final determination is  
 7                   issued.

8 **SEC. 7. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

9           (a) *FINDING REGARDING FEDERAL AND STATE DE-*  
 10 *PARTMENTS OF TRANSPORTATION.*—Congress finds that it  
 11 *is the policy of the United States for the Department of*  
 12 *Transportation and State departments of transportation—*

13                   (1) *to adjust or otherwise develop right-of-way*  
 14 *policies for Federal-aid highways to effectively accom-*  
 15 *modate broadband infrastructure;*

16                   (2) *to allow for the safe and efficient accommo-*  
 17 *dation of broadband infrastructure in the public*  
 18 *right-of-way; and*

19                   (3) *to the extent applicable, to coordinate with*  
 20 *other statewide telecommunication and broadband*  
 21 *plans when developing a statewide transportation im-*  
 22 *provement program.*

23           (b) *DEFINITIONS.*—*In this section:*

24                   (1) *APPROPRIATE STATE AGENCY.*—*The term*  
 25 *“appropriate State agency” means a State govern-*

1        *mental agency that is recognized by the executive*  
 2        *branch of the State as having the experience necessary*  
 3        *to evaluate and carry out projects relating to the*  
 4        *proper and effective installation and operation of*  
 5        *broadband infrastructure.*

6            (2) *BROADBAND INFRASTRUCTURE.*—*The term*  
 7        *“broadband infrastructure” means any buried, under-*  
 8        *ground, or aerial facility, and any wireless or*  
 9        *wireline connection, that enables users to send and re-*  
 10        *ceive voice, video, data, graphics, or any combination*  
 11        *thereof.*

12            (3) *BROADBAND INFRASTRUCTURE ENTITY.*—*The*  
 13        *term “broadband infrastructure entity” means any*  
 14        *entity that—*

15            (A) *installs, owns, or operates broadband*  
 16        *infrastructure; and*

17            (B) *provides broadband services in a man-*  
 18        *ner consistent with the public interest, conven-*  
 19        *ience, and necessity, as determined by the State.*

20            (4) *STATE.*—*The term “State” means—*

21            (A) *a State;*

22            (B) *the District of Columbia; and*

23            (C) *the Commonwealth of Puerto Rico.*

24            (c) *BROADBAND INFRASTRUCTURE DEPLOYMENT.*—*To*  
 25        *facilitate the installation of broadband infrastructure and*

1 *achieve the policy described in subsection (a), the Secretary*  
2 *of Transportation shall ensure that each State that receives*  
3 *funds under chapter 1 of title 23, United States Code, meets*  
4 *the following requirements:*

5           (1) *BROADBAND CONSULTATION.*—*The State de-*  
6 *partment of transportation, in consultation with ap-*  
7 *propriate State agencies, shall—*

8           (A) *identify a broadband utility coordi-*  
9 *nator, that may have additional responsibilities,*  
10 *whether in the State department of transpor-*  
11 *tation or in another State agency, that is re-*  
12 *sponsible for facilitating the broadband infra-*  
13 *structure right-of-way efforts within the State;*

14           (B) *establish a process for the registration*  
15 *of broadband infrastructure entities that seek to*  
16 *be included in those broadband infrastructure*  
17 *right-of-way facilitation efforts within the State;*

18           (C) *establish a process to electronically no-*  
19 *tify broadband infrastructure entities identified*  
20 *under subparagraph (B) of the State transpor-*  
21 *tation improvement program on an annual basis*  
22 *and provide additional notifications as necessary*  
23 *to achieve the goals of this section; and*

24           (D) *coordinate initiatives carried out under*  
25 *this section with other statewide telecommuni-*

1            *cation and broadband plans and State and local*  
2            *transportation and land use plans, including*  
3            *strategies to minimize repeated excavations that*  
4            *involve the installation of broadband infrastruc-*  
5            *ture in a right-of-way.*

6            *(2) PRIORITY.—If a State chooses to provide for*  
7            *the installation of broadband infrastructure in the*  
8            *right-of-way of an applicable Federal-aid highway*  
9            *project under this subsection, the State department of*  
10           *transportation shall carry out any appropriate meas-*  
11           *ures to ensure that any existing broadband infra-*  
12           *structure entities are not disadvantaged, as compared*  
13           *to other broadband infrastructure entities, with re-*  
14           *spect to the program under this subsection.*

15           *(d) EFFECT OF SECTION.—This section applies only*  
16           *to activities for which obligations or expenditures are ini-*  
17           *tially approved on or after the date of enactment of this*  
18           *Act. Nothing in this section establishes a mandate or re-*  
19           *quirement that a State install broadband infrastructure in*  
20           *a highway right-of-way.*

21           **SEC. 8. NATIONAL BROADBAND FACILITIES ASSET DATA-**  
22           **BASE.**

23           *(a) DEFINITIONS.—In this section:*

1           (1) *COMMUNICATIONS FACILITY INSTALLATION.*—

2           The term “communications facility installation” in-  
3           cludes—

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

12                   (B) any antenna or apparatus that—

13                           (i) is designed for the purpose of emit-  
14                           ting radio frequency;

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

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

22           (2) *COVERED PROPERTY.*—The term “covered  
23           property”—

1           (A) means any real property capable of  
2           supporting a communications facility installa-  
3           tion; and

4           (B) includes any interest in real property  
5           described in subparagraph (A).

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

8           (4) EXECUTIVE AGENCY.—The term “Executive  
9           agency” has the meaning given the term in section  
10          105 of title 5, United States Code.

11          (b) DATABASE ESTABLISHED.—Not later than June  
12          30, 2018, the Director of the Office of Science and Tech-  
13          nology Policy, in consultation with the Chairman of the  
14          Commission, Assistant Secretary of Commerce for Commu-  
15          nications and Information, Under Secretary of Commerce  
16          for Standards and Technology, Administrator of General  
17          Services, and Director of OMB, shall—

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

21               (2) make the database available to—

22                       (A) any entity that—

23                               (i) constructs or operates communica-  
24                               tions facility installations; or

1                   (ii) provides communications service;

2                   and

3                   (B) any other entity that the Director of the  
4                   Office of Science and Technology Policy deter-  
5                   mines is appropriate; and

6                   (3) establish a process for withholding data from  
7                   the database for national security, public safety, or  
8                   other national strategic concerns in accordance with  
9                   existing statutory authority and Executive order  
10                  mandates with respect to handling and protection of  
11                  such information.

12                 (c) PUBLIC COMMENT.—

13                 (1) IN GENERAL.—Not later than 30 days after  
14                 the date of enactment of this Act, the Director of the  
15                 Office of Science and Technology Policy shall seek  
16                 public comment to inform the establishment and oper-  
17                 ation of the database.

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

21                         (A) criteria that make real property capable  
22                         of supporting communications facility installa-  
23                         tions;

24                         (B) types of information related to covered  
25                         property that should be included in the database;



1           (C) an interface by which accessibility to  
2           the database for all users will be appropriately  
3           efficient and secure; and

4           (D) other information the Director deter-  
5           mines necessary to establish and operate the  
6           database.

7       (d) *FEDERAL AGENCIES.*—

8           (1) *INITIAL PROVISION OF INFORMATION.*—Not  
9           later than 90 days after the date on which the data-  
10          base is established under subsection (b), the head of  
11          an Executive agency shall provide to the Director of  
12          the Office of Science and Technology Policy, in a  
13          manner and format to be determined by the Director,  
14          such information as the Director determines appro-  
15          priate with respect to covered property owned, leased,  
16          or otherwise managed by the Executive agency.

17          (2) *CHANGE TO INFORMATION PREVIOUSLY PRO-*  
18          *VIDED.*—In the case of any change to information  
19          provided to the Director of the Office of Science and  
20          Technology Policy by the head of an Executive agency  
21          under paragraph (1), the head of the Executive agen-  
22          cy shall provide updated information to the Director  
23          not later than 30 days after the date of the change.

24          (3) *SUBSEQUENTLY ACQUIRED PROPERTY.*—If  
25          an Executive agency acquires covered property after

1 *the date on which the database is established under*  
2 *subsection (b), the head of the Executive agency shall*  
3 *provide to the Director of the Office of Science and*  
4 *Technology Policy the information required under*  
5 *paragraph (1) with respect to the covered property*  
6 *not later than 30 days after the date of the acquisi-*  
7 *tion.*

8 *(e) STATE AND LOCAL GOVERNMENTS.—*

9 *(1) IN GENERAL.—The Director of the Office of*  
10 *Science and Technology Policy (referred to in this*  
11 *subsection as the “Director”) shall make the database*  
12 *available to State and local governments so that such*  
13 *governments may provide to the Director for inclu-*  
14 *sion in the database similar information to the infor-*  
15 *mation required under subsection (d)(1) regarding*  
16 *covered property owned, leased, or otherwise managed*  
17 *by such governments.*

18 *(2) REPORT ON INCENTIVIZING PARTICIPATION*  
19 *BY STATE AND LOCAL GOVERNMENTS.—*

20 *(A) IN GENERAL.—Not later than 1 year*  
21 *after the date of enactment of this Act, the Direc-*  
22 *tor, in consultation with the Chairman of the*  
23 *Commission, the Assistant Secretary of Com-*  
24 *merce for Communications and Information, the*  
25 *Under Secretary of Commerce for Standards and*

1           *Technology, the Administrator of General Serv-*  
2           *ices, and the Director of OMB, shall submit to*  
3           *the Committee on Commerce, Science, and*  
4           *Transportation of the Senate and the Committee*  
5           *on Energy and Commerce of the House of Rep-*  
6           *resentatives a report on potential ways to*  
7           *incentivize State and local governments to pro-*  
8           *vide to the Director for inclusion in the database*  
9           *similar information to the information required*  
10           *under subsection (d)(1) regarding covered prop-*  
11           *erty owned, leased, or otherwise managed by*  
12           *such governments pursuant to paragraph (1) of*  
13           *this subsection or through other means.*

14           (B) *CONSIDERATIONS.—The Director, in*  
15           *preparing the report under subparagraph (A),*  
16           *shall—*

17                   (i) *consult with State and local govern-*  
18                   *ments, or their representatives, to identify*  
19                   *for inclusion in the report the most cost-ef-*  
20                   *fective options for State and local govern-*  
21                   *ments to collect and provide the information*  
22                   *described in subparagraph (A), including*  
23                   *utilizing and leveraging State broadband*  
24                   *initiatives and programs; and*

1                   (ii) make recommendations on ways  
2                   the Federal Government can assist State  
3                   and local governments in collecting and  
4                   providing the information described in sub-  
5                   paragraph (A).

6                   (C) *REPORT UPDATE.*—Not later than 2  
7                   years after the date on which the database is es-  
8                   tablished under this section, the Director shall  
9                   submit to the Committee on Commerce, Science,  
10                  and Transportation of the Senate and the Com-  
11                  mittee on Energy and Commerce of the House of  
12                  Representatives an update to the report required  
13                  under subparagraph (A) that identifies State  
14                  and local governments that have contributed to  
15                  the database and recommends ways to further  
16                  incentivize participation by State and local gov-  
17                  ernments pursuant to paragraph (1) of this sub-  
18                  section or through other means.

19                  (f) *DATABASE UPDATES.*—

20                  (1) *TIMELY INCLUSION.*—After the establishment  
21                  of the database, the Director of the Office of Science  
22                  and Technology Policy shall ensure that information  
23                  provided under subsection (d) or (e) is included in the  
24                  database not later than 7 days after the date on  
25                  which the Director receives the information.

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

5           (g) *REPORT.*—*Not later than 180 days after the date*  
6           *the Director of the Office of Science and Technology Policy*  
7           *seeks public comment under subsection (c)(1), the Director*  
8           *shall submit to the Committee on Commerce, Science, and*  
9           *Transportation of the Senate and the Committee on Energy*  
10           *and Commerce of the House of Representatives a report on*  
11           *the progress in establishing the database under this section.*  
12           *The Director shall update the report annually until the date*  
13           *that the database is fully operational. After the database*  
14           *is fully operational and for the next 5 years thereafter, the*  
15           *Director shall provide annual reports regarding the use of*  
16           *the database, recommendations of how the database may*  
17           *provide additional utility to the entities described in sub-*  
18           *section (b)(2), if any recommendations are warranted, and*  
19           *how previous recommendations have been implemented.*

20   **SEC. 9. REALLOCATION INCENTIVES.**

21           (a) *IN GENERAL.*—*Not later than 18 months after the*  
22           *date of enactment of this Act, the Secretary, in consultation*  
23           *with the Commission, the Director of OMB, and the head*  
24           *of each affected Federal agency (or a designee thereof), after*  
25           *notice and an opportunity for public comment, shall submit*

1 *to the appropriate committees of Congress a report that in-*  
2 *cludes legislative or regulatory recommendations to*  
3 *incentivize a Federal entity to relinquish, or share with*  
4 *Federal or non-Federal users, Federal spectrum for the pur-*  
5 *pose of allowing commercial wireless broadband services to*  
6 *operate on that Federal spectrum.*

7 *(b) POST-AUCTION PAYMENTS.—*

8 *(1) REPORT.—In preparing the report under*  
9 *subsection (a), the Secretary shall—*

10 *(A) consider whether permitting eligible*  
11 *Federal entities that are implementing a transi-*  
12 *tion plan submitted under section 113(h) of the*  
13 *National Telecommunications and Information*  
14 *Administration Organization Act (47 U.S.C.*  
15 *923(h)) to accept payments could result in access*  
16 *to the eligible frequencies that are being reallo-*  
17 *cated for exclusive non-Federal use or shared use*  
18 *sooner than would otherwise occur without such*  
19 *payments; and*

20 *(B) include the findings under subpara-*  
21 *graph (A), including the analysis under para-*  
22 *graph (2) and any recommendations for legisla-*  
23 *tion, in the report.*

24 *(2) ANALYSIS.—In considering payments under*  
25 *paragraph (1)(A), the Secretary shall conduct an*

1       *analysis of whether and how such payments would af-*  
2       *fect—*

3               *(A) bidding in auctions conducted under*  
4       *section 309(j) of the Communications Act of*  
5       *1934 (47 U.S.C. 309(j)) of such eligible fre-*  
6       *quencies; and*

7               *(B) receipts collected from the auctions de-*  
8       *scribed in subparagraph (A).*

9       (3) *DEFINITIONS.—In this subsection:*

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

21              *(B) ELIGIBLE FREQUENCIES.—The term*  
22       *“eligible frequencies” has the meaning given the*  
23       *term in section 113(g)(2) of the National Tele-*  
24       *communications and Information Administra-*  
25       *tion Organization Act (47 U.S.C. 923(g)(2)).*

1 **SEC. 10. BIDIRECTIONAL SHARING STUDY.**

2 (a) *IN GENERAL.*—Not later than 1 year after the date  
3 of enactment of this Act, including an opportunity for pub-  
4 lic comment, the Commission, in collaboration with the  
5 NTIA, shall—

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

12 (2) *submit to Congress a report on the study*  
13 *under paragraph (1), including any recommendations*  
14 *for legislation or proposed regulations.*

15 (b) *CONSIDERATIONS.*—In conducting the study under  
16 subsection (a), the Commission shall—

17 (1) *consider the regulatory certainty that com-*  
18 *mercial spectrum users and Federal entities need to*  
19 *make longer-term investment decisions for shared ac-*  
20 *cess to be viable; and*

21 (2) *evaluate any barriers to voluntary commer-*  
22 *cial arrangements in which non-Federal users could*  
23 *provide access to Federal entities.*

24 **SEC. 11. UNLICENSED SERVICES IN GUARD BANDS.**

25 (a) *IN GENERAL.*—After public notice and comment,  
26 and in consultation with the Secretary and the head of each



1 *affected Federal agency (or a designee thereof), with respect*  
2 *to frequencies allocated for Federal use, the Commission*  
3 *shall adopt rules that permit unlicensed services where fea-*  
4 *sible to use any frequencies that are designated as guard*  
5 *bands to protect frequencies allocated after the date of enact-*  
6 *ment of this Act by competitive bidding under section 309(j)*  
7 *of the Communications Act of 1934 (47 U.S.C. 309(j)), in-*  
8 *cluding spectrum that acts as a duplex gap between trans-*  
9 *mit and receive frequencies.*

10 (b) *LIMITATION.—The Commission may not permit*  
11 *any use of a guard band under this section that would cause*  
12 *harmful interference to a licensed service or a Federal serv-*  
13 *ice operating in the guard band or in an adjacent band.*

14 (c) *RULE OF CONSTRUCTION.—Nothing in this section*  
15 *shall be construed as limiting the Commission or the Sec-*  
16 *retary from otherwise making spectrum available for li-*  
17 *censed or unlicensed use in any frequency band in addition*  
18 *to guard bands, including under section 3, consistent with*  
19 *their statutory jurisdictions.*

20 **SEC. 12. PRE-AUCTION FUNDING.**

21 *Section 118(d)(3)(B)(i)(II) of the National Tele-*  
22 *communications and Information Administration Organi-*  
23 *zation Act (47 U.S.C. 928(d)(3)(B)(i)(II)) is amended by*  
24 *striking “5 years” and inserting “8 years”.*

1 **SEC. 13. IMMEDIATE TRANSFER OF FUNDS.**

2        *Section 118(e)(1) of the National Telecommunications*  
3 *and Information Administration Organization Act (47*  
4 *U.S.C. 928(e)(1)) is amended by adding at the end the fol-*  
5 *lowing:*

6                “(D) *At the request of an eligible Federal*  
7 *entity, the Director of the Office of Management*  
8 *and Budget (in this subsection referred to as*  
9 *‘OMB’) may transfer the amount under subpara-*  
10 *graph (A) immediately—*

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

15                “(ii) *in the case of an incumbent Fed-*  
16 *eral entity that is incurring relocation or*  
17 *sharing costs to accommodate sharing spec-*  
18 *trum frequencies with another Federal enti-*  
19 *ty, after the frequencies from which the*  
20 *other eligible Federal entity is relocating*  
21 *are reallocated by competitive bidding*  
22 *under section 309(j) of the Communications*  
23 *Act of 1934 (47 U.S.C. 309(j)), without re-*  
24 *gard to the availability of such sums in the*  
25 *Fund.*

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

8 **SEC. 14. AMENDMENTS TO THE SPECTRUM PIPELINE ACT**  
9           **OF 2015.**

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

15 **SEC. 15. GAO ASSESSMENT OF UNLICENSED SPECTRUM**  
16           **AND WI-FI USE IN LOW-INCOME NEIGHBOR-**  
17           **HOODS.**

18           (a) *STUDY.*—

19           (1) *IN GENERAL.*—The Comptroller General of  
20           the United States shall conduct a study to evaluate  
21           the availability of broadband Internet access using  
22           unlicensed spectrum and wireless networks in low-in-  
23           come neighborhoods.

1           (2) *REQUIREMENTS.*—*In conducting the study*  
2 *under paragraph (1), the Comptroller General shall*  
3 *consider and evaluate—*

4                   (A) *the availability of wireless Internet hot*  
5 *spots and access to unlicensed spectrum in low-*  
6 *income neighborhoods, particularly for elemen-*  
7 *tary and secondary school-aged children in such*  
8 *neighborhoods;*

9                   (B) *any barriers preventing or limiting the*  
10 *deployment and use of wireless networks in low-*  
11 *income neighborhoods;*

12                   (C) *how to overcome any barriers described*  
13 *in subparagraph (B), including through incen-*  
14 *tives, policies, or requirements that would in-*  
15 *crease the availability of unlicensed spectrum*  
16 *and related technologies in low-income neighbor-*  
17 *hoods; and*

18                   (D) *how to encourage home broadband*  
19 *adoption by households with elementary and sec-*  
20 *ondary school-age children that are in low-in-*  
21 *come neighborhoods.*

22           (b) *REPORT.*—*Not later than 1 year after the date of*  
23 *enactment of this Act, the Comptroller General shall submit*  
24 *to the Committee on Commerce, Science, and Transpor-*

1 *tation of the Senate and the Committee on Energy and*  
 2 *Commerce of the House of Representatives a report that—*

3 *(1) summarizes the findings of the study con-*  
 4 *ducted under subsection (a); and*

5 *(2) makes recommendations with respect to po-*  
 6 *tential incentives, policies, and requirements that*  
 7 *could help achieve the goals described in subpara-*  
 8 *graphs (C) and (D) of subsection (a)(2).*

9 **SEC. 16. RULEMAKING RELATED TO PARTITIONING OR**  
 10 **DISAGGREGATING LICENSES.**

11 *(a) DEFINITIONS.—In this section—*

12 *(1) COVERED SMALL CARRIER.—The term “cov-*  
 13 *ered small carrier” means a carrier (as defined in*  
 14 *section 3 of the Communications Act of 1934 (47*  
 15 *U.S.C. 153)) that—*

16 *(A) has not more than 1,500 employees (as*  
 17 *determined under section 121.106 of title 13,*  
 18 *Code of Federal Regulations, or any successor*  
 19 *thereto); and*

20 *(B) offers services using the facilities of the*  
 21 *carrier.*

22 *(2) RURAL AREA.—The term “rural area” means*  
 23 *any area other than—*

1           (A) a city, town, or incorporated area that  
2           has a population of more than 20,000 inhab-  
3           itants; or

4           (B) an urbanized area contiguous and adja-  
5           cent to a city or town that has a population of  
6           more than 50,000 inhabitants.

7           (b) *RULEMAKING.*—

8           (1) *IN GENERAL.*—Not later than 1 year after  
9           the date of enactment of this Act, the Commission  
10          shall initiate a rulemaking proceeding to assess  
11          whether to establish a program, or modify existing  
12          programs, under which a licensee that receives a li-  
13          cense for the exclusive use of spectrum in a specific  
14          geographic area under section 301 of the Communica-  
15          tions Act of 1934 (47 U.S.C. 301) may partition or  
16          disaggregate the license by sale or long-term lease—

17               (A) in order to—

18                       (i) provide services consistent with the  
19                       license; and

20                       (ii) make unused spectrum available  
21                       to—

22                               (I) an unaffiliated covered small  
23                               carrier; or

24                               (II) an unaffiliated carrier to  
25                               serve a rural area; and

1           (B) if the Commission finds that such a  
2           program would promote—

3                   (i) the availability of advanced tele-  
4                   communications services in rural areas; or  
5                   (ii) spectrum availability for covered  
6                   small carriers.

7           (2) *CONSIDERATIONS.*—In conducting the rule-  
8           making proceeding under paragraph (1), the Commis-  
9           sion shall consider, with respect to the program pro-  
10          posed to be established under that paragraph—

11                   (A) whether reduced performance require-  
12                   ments with respect to spectrum obtained through  
13                   the program would facilitate deployment of ad-  
14                   vanced telecommunications services in the areas  
15                   covered by the program;

16                   (B) what conditions may be needed on  
17                   transfers of spectrum under the program to allow  
18                   covered small carriers that obtain spectrum  
19                   under the program to build out the spectrum in  
20                   a reasonable period of time;

21                   (C) what incentives may be appropriate to  
22                   encourage licensees to lease or sell spectrum, in-  
23                   cluding—

1           (i) extending the term of a license  
2           granted under section 301 of the Commu-  
3           nications Act of 1934 (47 U.S.C. 301); or

4           (ii) modifying performance require-  
5           ments of the license relating to the leased or  
6           sold spectrum; and

7           (D) the administrative feasibility of—

8           (i) the incentives described in subpara-  
9           graph (C); and

10           (ii) other incentives considered by the  
11           Commission that further the goals of this  
12           section.

13           (3) *FORFEITURE OF SPECTRUM.*—If a party  
14           fails to meet any build out requirements set by the  
15           Commission for any spectrum sold or leased under  
16           this section, the right to the spectrum shall be forfeited  
17           to the Commission unless the Commission finds that  
18           there is good cause for the failure of the party.

19           (4) *REQUIREMENT.*—The Commission may offer  
20           a licensee incentives or reduced performance require-  
21           ments under this section only if the Commission finds  
22           that doing so would likely result in increased avail-  
23           ability of advanced telecommunications services in a  
24           rural area.



1 **SEC. 17. UNLICENSED SPECTRUM POLICY.**

2 (a) *STATEMENT OF POLICY.*—*It is the policy of the*  
3 *United States—*

4 (1) *to maximize the benefit to the people of the*  
5 *United States of the spectrum resources of the United*  
6 *States;*

7 (2) *to advance innovation and investment in*  
8 *wireless broadband services; and*

9 (3) *to promote spectrum policy that makes avail-*  
10 *able on an unlicensed basis radio frequency bands*  
11 *sufficient to meet consumer demand for unlicensed*  
12 *wireless broadband operations.*

13 (b) *COMMISSION RESPONSIBILITIES.*—*The Commis-*  
14 *sion shall ensure that the efforts of the Commission related*  
15 *to spectrum allocation and assignment make available on*  
16 *an unlicensed basis radio frequency bands sufficient to meet*  
17 *demand for unlicensed wireless broadband operations if*  
18 *doing so is, after taking into account the future needs of*  
19 *other spectrum users—*

20 (1) *reasonable; and*

21 (2) *in the public interest.*

22 (c) *COMMISSION ACTION.*—*Not later than 18 months*  
23 *after the date of enactment of this Act, the Commission shall*  
24 *take action to implement subsection (b).*

25 **SEC. 18. NATIONAL PLAN FOR UNLICENSED SPECTRUM.**

26 (a) *DEFINITIONS.*—*In this section:*

1           (1) *SPECTRUM RELOCATION FUND.*—*The term*  
2           *“Spectrum Relocation Fund” means the Fund estab-*  
3           *lished under section 118 of the National Tele-*  
4           *communications and Information Administration Or-*  
5           *ganization Act (47 U.S.C. 928).*

6           (2) *UNLICENSED OPERATIONS.*—*The term “unli-*  
7           *censed operations” means the use of spectrum on a*  
8           *non-exclusive basis under—*

9                   (A) *part 15 of title 47, Code of Federal Reg-*  
10                  *ulations; or*

11                   (B) *licensing by rule under part 96 of title*  
12                  *47, Code of Federal Regulations.*

13           (b) *NATIONAL PLAN.*—*Not later than 1 year after the*  
14           *date of enactment of this Act, the Commission, in consulta-*  
15           *tion with the NTIA, shall develop a national plan for mak-*  
16           *ing additional radio frequency bands available for unli-*  
17           *censed operations.*

18           (c) *REQUIREMENTS.*—*The plan developed under this*  
19           *section shall—*

20                   (1) *identify an approach that ensures that con-*  
21                  *sumers have access to additional spectrum to conduct*  
22                  *unlicensed operations in a range of radio frequencies*  
23                  *to meet consumer demand;*

24                   (2) *recommend specific actions by the Commis-*  
25                  *sion and the NTIA to permit unlicensed operations in*

1       *additional radio frequency ranges that the Commis-*  
2       *sion finds—*

3               *(A) are consistent with the statement of pol-*  
4               *icy under section 18(a);*

5               *(B) will—*

6                   *(i) expand opportunities for unlicensed*  
7                   *operations in a spectrum band; or*

8                   *(ii) otherwise improve spectrum utili-*  
9                   *zation and intensity of use of bands where*  
10                  *unlicensed operations are already per-*  
11                  *mitted;*

12               *(C) will not cause harmful interference to*  
13               *Federal or non-Federal users of such bands; and*

14               *(D) will not significantly impact homeland*  
15               *security or national security communications*  
16               *systems; and*

17               *(3) examine additional ways, with respect to ex-*  
18               *isting and planned databases or spectrum access sys-*  
19               *tems designed to promote spectrum sharing and access*  
20               *to spectrum for unlicensed operations—*

21                   *(A) to improve accuracy and efficacy;*

22                   *(B) to reduce burdens on consumers, manu-*  
23                   *facturers, and service providers; and*

24                   *(C) to protect sensitive Government infor-*  
25                   *mation.*

1       (d) *SPECTRUM RELOCATION FUND.*—*To be included as*  
2 *part of the plan developed under this section, the NTIA*  
3 *shall share with the Commission recommendations about*  
4 *how to reform the Spectrum Relocation Fund—*

5           (1) *to address costs incurred by Federal entities*  
6 *related to sharing radio frequency bands with radio*  
7 *technologies conducting unlicensed operations; and*

8           (2) *to ensure the Spectrum Relocation Fund has*  
9 *sufficient funds to cover—*

10           (A) *the costs described in paragraph (1);*

11           *and*

12           (B) *other expenditures allowed of the Spec-*  
13 *trum Relocation Fund under section 118 of the*  
14 *National Telecommunications and Information*  
15 *Administration Organization Act (47 U.S.C.*  
16 *928).*

17       (e) *REPORT REQUIRED.*—

18           (1) *IN GENERAL.*—*Not later than 1 year after*  
19 *the date of enactment of this Act, the Commission*  
20 *shall submit to the appropriate committees of Con-*  
21 *gress a report that describes the plan developed under*  
22 *this section, including any recommendations for legis-*  
23 *lative change.*

24           (2) *PUBLICATION ON COMMISSION WEBSITE.*—

25       *Not later than the date on which the Commission sub-*

1       mits the report under paragraph (1), the Commission  
2       shall make the report publicly available on the website  
3       of the Commission.

4   **SEC. 19. SPECTRUM CHALLENGE PRIZE.**

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

7       (b) *DEFINITION OF PRIZE COMPETITION.*—In this sec-  
8       tion, the term “prize competition” means a prize competi-  
9       tion conducted by the Secretary under subsection (c)(1).

10      (c) *SPECTRUM CHALLENGE PRIZE.*—

11           (1) *IN GENERAL.*—The Secretary, in consultation  
12       with the Assistant Secretary of Commerce for Com-  
13       munications and Information and the Under Sec-  
14       retary of Commerce for Standards and Technology,  
15       shall, subject to the availability of funds for prize  
16       competitions under this section—

17           (A) conduct prize competitions to dramati-  
18       cally accelerate the development and commer-  
19       cialization of technology that improves spectrum  
20       efficiency and is capable of cost-effective deploy-  
21       ment; and

22           (B) define a measurable set of performance  
23       goals for participants in the prize competitions  
24       to demonstrate their solutions on a level playing

1           *field while making a significant advancement*  
2           *over the current state of the art.*

3           (2) *AUTHORITY OF SECRETARY.*—*In carrying*  
4           *out paragraph (1), the Secretary may—*

5                   (A) *enter into a grant, contract, cooperative*  
6                   *agreement, or other agreement with a private*  
7                   *sector for-profit or nonprofit entity to administer*  
8                   *the prize competitions;*

9                   (B) *invite the Defense Advanced Research*  
10                  *Projects Agency, the Commission, the National*  
11                  *Aeronautics and Space Administration, the Na-*  
12                  *tional Science Foundation, or any other Federal*  
13                  *agency to provide advice and assistance in the*  
14                  *design or administration of the prize competi-*  
15                  *tions; and*

16                  (C) *award not more than \$5,000,000, in the*  
17                  *aggregate, to the winner or winners of the prize*  
18                  *competitions.*

19           (d) *CRITERIA.*—*Not later than 180 days after the date*  
20           *on which funds for prize competitions are made available*  
21           *pursuant to this section, the Commission shall publish a*  
22           *technical paper on spectrum efficiency providing criteria*  
23           *that may be used for the design of the prize competitions.*

1       (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
 2 *authorized to be appropriated such sums as may be nec-*  
 3 *essary to carry out this section.*

4 **SEC. 20. WIRELESS TELECOMMUNICATIONS TAX AND FEE**  
 5 **COLLECTION FAIRNESS.**

6       (a) *SHORT TITLE.*—*This section may be cited as the*  
 7 *“Wireless Telecommunications Tax and Fee Collection*  
 8 *Fairness Act”.*

9       (b) *DEFINITIONS.*—*In this section:*

10           (1) *FINANCIAL TRANSACTION.*—*The term “finan-*  
 11 *cial transaction” means a transaction in which the*  
 12 *purchaser or user of a wireless telecommunications*  
 13 *service upon whom a tax, fee, or surcharge is imposed*  
 14 *gives cash, credit, or any other exchange of monetary*  
 15 *value or consideration to the person who is required*  
 16 *to collect or remit the tax, fee, or surcharge.*

17           (2) *LOCAL JURISDICTION.*—*The term “local ju-*  
 18 *risdiction” means a political subdivision of a State.*

19           (3) *STATE.*—*The term “State” means any of the*  
 20 *several States, the District of Columbia, and any ter-*  
 21 *ritory or possession of the United States.*

22           (4) *STATE OR LOCAL JURISDICTION.*—*The term*  
 23 *“State or local jurisdiction” includes any govern-*  
 24 *mental entity or person acting on behalf of a State*

1       or local jurisdiction that has the authority to assess,  
2       impose, levy, or collect taxes or fees.

3               (5) *WIRELESS TELECOMMUNICATIONS SERV-*  
4       *ICE.*—The term “wireless telecommunications service”  
5       means a commercial mobile radio service, as defined  
6       in section 20.3 of title 47, Code of Federal Regula-  
7       tions, or any successor thereto.

8       (c) *FINANCIAL TRANSACTION REQUIREMENT.*—

9               (1) *IN GENERAL.*—A State, or a local jurisdic-  
10       tion of a State, may not require a person to collect  
11       from, or remit on behalf of, any other person a State  
12       or local tax, fee, or surcharge imposed on a purchaser  
13       or user with respect to the purchase or use of any  
14       wireless telecommunications service within the State  
15       unless the collection or remittance is in connection  
16       with a financial transaction.

17              (2) *RULE OF CONSTRUCTION.*—Nothing in this  
18       subsection shall be construed to affect the right of a  
19       State or local jurisdiction to require the collection of  
20       any tax, fee, or surcharge in connection with a finan-  
21       cial transaction.

22       (d) *ENFORCEMENT.*—

23              (1) *PRIVATE RIGHT OF ACTION.*—Any person ag-  
24       grieved by a violation of subsection (c) may bring a  
25       civil action in an appropriate district court of the



1 *United States for equitable relief in accordance with*  
2 *paragraph (2) of this subsection.*

3 (2) *JURISDICTION OF DISTRICT COURTS.*—Not-  
4 *withstanding section 1341 of title 28, United States*  
5 *Code, or the constitution or laws of any State, the*  
6 *district courts of the United States shall have juris-*  
7 *isdiction, without regard to the amount in controversy*  
8 *or citizenship of the parties, to grant such mandatory*  
9 *or prohibitive injunctive relief, interim equitable re-*  
10 *lief, and declaratory judgments as may be necessary*  
11 *to prevent, restrain, or terminate any acts in viola-*  
12 *tion of subsection (c).*

13 **SEC. 21. RULES OF CONSTRUCTION.**

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

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

1 **SEC. 22. RELATIONSHIP TO MIDDLE CLASS TAX RELIEF AND**  
2 **JOB CREATION ACT OF 2012.**

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



Calendar No. 17

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 19**

[Report No. 115-4]

---

---

**A BILL**

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

---

---

MARCH 21, 2017

Reported with an amendment