

116TH CONGRESS
2D SESSION

H. R. 8244

To require the National Telecommunications and Information Administration to estimate the value of electromagnetic spectrum assigned or otherwise allocated to Federal entities.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2020

Mrs. RODGERS of Washington (for herself and Ms. CLARKE of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the National Telecommunications and Information Administration to estimate the value of electromagnetic spectrum assigned or otherwise allocated to Federal entities.

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.**

4 This Act may be cited as the “Government Spectrum
5 Valuation Act of 2020”.

1 **SEC. 2. ESTIMATE OF VALUE OF ELECTROMAGNETIC SPEC-**
2 **TRUM.**

3 Part B of the National Telecommunications and In-
4 formation Administration Organization Act (47 U.S.C.
5 921 et seq.) is amended by adding at the end the following
6 new section:

7 **“SEC. 120. ESTIMATE OF VALUE OF ELECTROMAGNETIC**
8 **SPECTRUM.**

9 “(a) ESTIMATES REQUIRED.—The NTIA, in con-
10 sultation with the Commission and the Director of OMB,
11 shall estimate the value of electromagnetic spectrum in the
12 covered band that is assigned or otherwise allocated to
13 each Federal entity as of the date of the estimate, in ac-
14 cordance with the schedule under subsection (b).

15 “(b) SCHEDULE.—The NTIA shall conduct the esti-
16 mates under subsection (a) for the covered bands be-
17 tween—

18 “(1) 225 megahertz and 33 gigahertz not later
19 than 1 year after the date of enactment of this sec-
20 tion, and every 3 years thereafter;

21 “(2) 33 gigahertz and 66 gigahertz not later
22 than 2 years after the date of enactment of this sec-
23 tion, and every 3 years thereafter; and

24 “(3) 66 gigahertz and 95 gigahertz not later
25 than 3 years after the date of enactment of this sec-
26 tion, and every 3 years thereafter.

1 “(c) BASIS FOR ESTIMATE.—

2 “(1) IN GENERAL.—The NTIA shall base each
3 value estimate under subsection (a) on the value
4 that the electromagnetic spectrum would have if the
5 spectrum were reallocated for the use with the high-
6 est potential value of licensed or unlicensed commer-
7 cial wireless services that do not have access to that
8 spectrum as of the date of the estimate.

9 “(2) CONSIDERATION OF GOVERNMENT CAPA-
10 BILITIES.—In estimating the economic value of spec-
11 trum under subsection (a), the NTIA may consider
12 the spectrum needs of commercial interests while
13 preserving the spectrum access necessary to satisfy
14 mission requirements and operations of Federal enti-
15 ties.

16 “(3) DYNAMIC SCORING.—To the greatest ex-
17 tent practicable, the NTIA shall incorporate dynamic
18 scoring methodology into the value estimate under
19 subsection (a).

20 “(4) DISCLOSURE.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), the NTIA shall publicly disclose how
23 the NTIA arrived at each value estimate under
24 subsection (a), including any findings made
25 under paragraph (2).

1 “(B) CLASSIFIED, LAW ENFORCEMENT-
2 SENSITIVE, AND PROPRIETARY INFORMATION.—

3 If any information involved in a value estimate
4 under subsection (a), including any finding
5 made under paragraph (2), is classified, law en-
6 forcement-sensitive, or proprietary, the NTIA—

7 “(i) may not publicly disclose the clas-
8 sified, law enforcement-sensitive, or propri-
9 etary information; and

10 “(ii) shall make the classified, law en-
11 forcement-sensitive, or proprietary infor-
12 mation available to any Member of Con-
13 gress, upon request, in a separate annex.

14 “(d) AGENCY REPORT ON VALUE OF ELECTRO-
15 MAGNETIC SPECTRUM.—The head of a Federal entity that
16 has been assigned or otherwise allocated use of electro-
17 magnetic spectrum within the covered bands shall report
18 the value of the spectrum as most recently estimated
19 under subsection (a)—

20 “(1) in the budget of the Federal entity to be
21 included in the budget of the United States Govern-
22 ment submitted by the President under section 1105
23 of title 31, United States Code; and

1 “(2) in the annual financial statement of the
2 Federal entity required to be filed under section
3 3515 of title 31, United States Code.

4 “(e) DEFINITIONS.—In this section:

5 “(1) COVERED BANDS.—The term ‘covered
6 bands’ means the band of frequencies between 225
7 megahertz and 95 gigahertz.

8 “(2) FEDERAL ENTITY.—The term ‘Federal en-
9 tity’ has the meaning given the term in section
10 113(l).

11 “(3) OMB.—The term ‘OMB’ means the Office
12 of Management and Budget.”.

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