S. 1626

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

IN THE SENATE OF THE UNITED STATES

MAY 22, 2019

Mr. Lee introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 Valuation Act of 2019”.


SEC. 2. ESTIMATE OF VALUE OF ELECTROMAGNETIC SPECTRUM.

(a) IN GENERAL.—Part A of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended—

(1) by redesignating section 105 (47 U.S.C. 904) as section 106; and

(2) by inserting after section 104 (47 U.S.C. 903) the following:

SEC. 105. ESTIMATE OF VALUE OF ELECTROMAGNETIC SPECTRUM.

(a) DEFINITIONS.—In this section—

(1) the term ‘covered band’ means the band of frequencies between 3 kilohertz and 95 gigahertz;

(2) the term ‘Federal entity’ has the meaning given the term in section 113(l); and

(3) the term ‘OMB’ means the Office of Management and Budget.

(b) ESTIMATES REQUIRED.—The NTIA, in consultation with the Commission and OMB, shall estimate the value of electromagnetic spectrum in the covered band that is assigned or otherwise allocated to each Federal entity as of the date of the estimate, in accordance with the schedule under subsection (c).

(c) SCHEDULE.—The NTIA shall conduct the estimates under subsection (b) for the frequencies between—

VerDate Sep 11 2014 00:25 Jun 01, 2019 Jkt 089200 PO 00000 Frm 00002 Fmt 6652 Sfmt 6201 E:\BILLS\S1626.IS S1626kjohnson on DSK79L0C42 with BILLS
“(1) 3 kilohertz and 33 gigahertz not later than 1 year after the date of enactment of this section, and every 3 years thereafter;

“(2) 33 gigahertz and 66 gigahertz not later than 2 years after the date of enactment of this section, and every 3 years thereafter; and

“(3) 66 gigahertz and 95 gigahertz not later than 3 years after the date of enactment of this section, and every 3 years thereafter.

“(d) Basis for Estimate.—

“(1) In General.—The NTIA shall base each value estimate under subsection (b) on the value that the electromagnetic spectrum would have if the spectrum were reallocated for the use with the highest potential value of licensed or unlicensed commercial wireless services that do not have access to that spectrum as of the date of the estimate.

“(2) Consideration of Government Capabilities.—In estimating the value of spectrum under subsection (b), the NTIA may consider the spectrum needs of commercial interests while preserving the spectrum access necessary to satisfy mission requirements and operations of Federal entities.

“(3) Dynamic Scoring.—To the greatest extent practicable, the NTIA shall incorporate dynamic
scoring methodology into the value estimate under subsection (b).

“(4) Disclosure.—

“(A) In general.—Subject to subparagraph (B), the NTIA shall publicly disclose how the NTIA arrived at each value estimate under subsection (b), including any findings made under paragraph (2) of this subsection.

“(B) Classified, law enforcement-sensitive, and proprietary information.—

If any information involved in a value estimate under subsection (b), including any finding made under paragraph (2) of this subsection, is classified, law enforcement-sensitive, or proprietary, the NTIA—

“(i) may not publicly disclose the classified, law enforcement-sensitive, or proprietary information; and

“(ii) shall make the classified, law enforcement-sensitive, or proprietary information available to any Member of Congress, upon request, in a classified annex.

“(e) Agency Report on Value of Electromagnetic Spectrum.—A Federal entity that has been assigned or otherwise allocated use of electromagnetic
spectrum within the covered band shall report the value of the spectrum as most recently estimated under subsection (b)—

“(1) in the budget of the Federal entity to be included in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code; and

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

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 103(b) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(b)) is amended—

(1) in paragraph (1), by striking “section 105(d)” and inserting “section 106(d)”;

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking “section 105(d)” and inserting “section 106(d)”.

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