

115TH CONGRESS
1ST SESSION

S. 19

AN ACT

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,*

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

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

6 (b) TABLE OF CONTENTS.—The table of contents of
 7 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. 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.

8 **SEC. 2. DEFINITIONS.**

9 In this Act:

- 10 (1) APPROPRIATE COMMITTEES OF CON-
 11 GRESS.—The term “appropriate committees of Con-
 12 gress” means—
- 13 (A) the Committee on Commerce, Science,
 14 and Transportation of the Senate;

1 (B) the Committee on Energy and Com-
 2 merce of the House of Representatives; and

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

7 (2) COMMISSION.—The term “Commission”
 8 means the Federal Communications Commission.

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

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

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

19 (6) SECRETARY.—The term “Secretary” means
 20 the Secretary of Commerce.

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

22 (a) REQUIREMENTS.—

23 (1) IN GENERAL.—Consistent with the Presi-
 24 dential Memorandum of June 28, 2010, entitled
 25 “Unleashing the Wireless Broadband Revolution”

1 and establishing a goal of making a total of 500
2 megahertz of Federal and non-Federal spectrum
3 available on a licensed or unlicensed basis for wire-
4 less broadband use by 2020, not later than Decem-
5 ber 31, 2020, the Secretary, working through the
6 NTIA, and the Commission shall make available a
7 total of at least 255 megahertz of Federal and non-
8 Federal spectrum below the frequency of 6000
9 megahertz for mobile and fixed wireless broadband
10 use.

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

14 (A) 100 megahertz shall be made available
15 on an unlicensed basis; and

16 (B) 100 megahertz shall be made available
17 on an exclusive, licensed basis for commercial
18 mobile use, pursuant to the Commission’s au-
19 thority to implement such licensing in a flexible
20 manner, and subject to potential continued use
21 of such spectrum by incumbent Federal entities
22 in designated geographic areas indefinitely or
23 for such length of time stipulated in transition
24 plans approved by the Technical Panel under
25 section 113(h) of the National Telecommuni-

1 cations and Information Administration Organi-
2 zation Act (47 U.S.C. 923(h)) for those incum-
3 bent entities to be relocated to alternate spec-
4 trum.

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

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

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

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

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

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

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

(5) CONSIDERATIONS.—In making spectrum available under this section, the Secretary and Commission shall consider—

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

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

(C) the international implications;

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

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

(b) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to impair or otherwise affect the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals;

(2) to require the disclosure of classified information, law enforcement sensitive information, or other information that must be protected in the interest of national security; or

(3) to affect any requirement under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C.

1 921 note), as added by section 1062(a) of the Na-
 2 tional Defense Authorization Act for Fiscal Year
 3 2000, or any other relevant statutory requirement
 4 applicable to the reallocation of Federal spectrum.

5 **SEC. 4. MILLIMETER WAVE SPECTRUM.**

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

14 (1) The band between 31800 and 33400 mega-
 15 hertz.

16 (2) The band between 71000 and 76000 mega-
 17 hertz.

18 (3) The band between 81000 and 86000 mega-
 19 hertz.

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

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

1 (2) consider what, if any, impact authorizing
2 mobile or fixed terrestrial wireless operations, in-
3 cluding advanced mobile services operations, in any
4 of such frequencies would have on an affected Fed-
5 eral entity; and

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

11 (c) REPORT TO CONGRESS AND THE COMMISSION.—
12 Not later than 30 days after the date the feasibility assess-
13 ment under subsection (a) is complete, the NTIA shall
14 submit to the appropriate committees of Congress a report
15 on the feasibility assessment and provide a copy to the
16 Commission.

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

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

3 (2) The band between 25050 and 25250 mega-
4 hertz.

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

8 (4) The band between 42000 and 42500 mega-
9 hertz.

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

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

16 (7) Any frequencies with Federal allocations
17 identified as feasible under subsection (b)(3).

18 (e) CONSIDERATIONS.—In conducting a rulemaking
19 under subsection (d), the Commission shall—

20 (1) consult with Federal entities via the NTIA
21 regarding the frequencies described in subsection
22 (d)(7);

23 (2) consider how the bands described in sub-
24 section (d) may be used to provide commercial wire-
25 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 (3) 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 (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. COMMUNICATIONS FACILITIES DEPLOYMENT ON**
 9 **FEDERAL PROPERTY.**

10 (a) IN GENERAL.—Section 6409 of the Middle Class
 11 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
 12 1455) is amended by striking subsections (b), (c), and (d)
 13 and inserting the following:

14 “(b) FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND
 15 LEASES.—

16 “(1) GRANT.—If an executive agency, a State,
 17 a political subdivision or agency of a State, or a per-
 18 son, firm, or organization applies for the grant of an
 19 easement, right-of-way, or lease to, in, over, or on a
 20 building or other property owned by the Federal
 21 Government for the right to install, construct, mod-
 22 ify, or maintain a communications facility installa-
 23 tion, the executive agency having control of the
 24 building or other property may grant to the appli-
 25 cant, on behalf of the Federal Government, subject

1 to paragraph (5), an easement, right-of-way, or lease
2 to perform such installation, construction, modifica-
3 tion, or maintenance.

4 “(2) APPLICATION.—

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

13 “(B) EXCEPTION.—The requirement under
14 subparagraph (A) for an executive agency to
15 use the common form developed by the Admin-
16 istrator of General Services shall not apply to
17 an executive agency if the head of an executive
18 agency notifies the Administrator that the exec-
19 utive agency uses a substantially similar appli-
20 cation.

21 “(3) FEE.—

22 “(A) IN GENERAL.—Notwithstanding any
23 other provision of law, the Administrator of
24 General Services shall establish a fee for the
25 grant of an easement, right-of-way, or lease

1 pursuant to paragraph (1) that is based on di-
2 rect cost recovery.

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

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

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

12 “(4) USE OF FEES COLLECTED.—Any fee
13 amounts collected by an executive agency pursuant
14 to paragraph (3) may be made available, as provided
15 in appropriations Acts, to such agency to cover the
16 costs of granting the easement, right-of-way, or
17 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 agen-
22 cy receives a duly filed application for an ease-
23 ment, right-of-way, or lease under this sub-
24 section, the 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 ex-
6 ecutive 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
16 et seq.).

17 “(D) POINT OF CONTACT.—Upon receiving
18 an application under subparagraph (A), an ex-
19 ecutive agency shall designate one or more ap-
20 propriate individuals within the executive agen-
21 cy to act as a point of contact with the appli-
22 cant.

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

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

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

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

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

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

6 “(3) APPLICATION.—

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

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

23 “(d) DEFINITIONS.—In this section:

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

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

12 “(B) any antenna or apparatus that—

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

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

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

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

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

8 (c) STREAMLINING BROADBAND FACILITY APPLICA-
9 TIONS.—

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

16 (2) RECOMMENDATIONS.—

17 (A) IN GENERAL.—Not later than 2 years
18 after the date of enactment of this Act, the
19 NTIA, in coordination with the Department of
20 the Interior, the Department of Agriculture, the
21 Department of Defense, the Department of
22 Transportation, OMB, and the General Services
23 Administration, shall develop recommendations
24 to streamline the process for considering appli-
25 cations by those agencies under section 6409(b)

1 of the Middle Class Tax Relief and Job Cre-
2 ation Act of 2012 (47 U.S.C. 1455(b)), as
3 amended by subsection (a).

4 (B) REQUIREMENTS FOR RECOMMENDA-
5 TIONS.—The recommendations developed under
6 subparagraph (A) shall include—

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

9 (ii) methods by which to reduce the
10 amount of time between the receipt of an
11 application and the issuance of a final de-
12 cision on an application;

13 (iii) policies to expedite renewals of an
14 easement, license, or other authorization to
15 locate communications facility installations
16 on land managed by the agencies described
17 in subparagraph (A); and

18 (iv) policies that would prioritize or
19 streamline a permit for construction in a
20 previously-disturbed right-of-way.

21 (C) REPORT TO CONGRESS.—Not later
22 than 2 years after the date on which the rec-
23 ommendations required under subparagraph
24 (A) are developed, the NTIA shall submit to the
25 Committee on Commerce, Science, and Trans-

portation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

(i) the status of the implementation of the recommendations developed under subparagraph (A); and

(ii) any improvements to the process for considering applications described in subparagraph (A) that have resulted from those recommendations, including in particular the speed at which such applications are reviewed and a final determination is issued.

SEC. 7. BROADBAND INFRASTRUCTURE DEPLOYMENT.

(a) FINDING REGARDING FEDERAL AND STATE DEPARTMENTS OF TRANSPORTATION.—Congress finds that it is the policy of the United States for the Department of Transportation and State departments of transportation—

(1) to adjust or otherwise develop right-of-way policies for Federal-aid highways to effectively accommodate broadband infrastructure;

(2) to allow for the safe and efficient accommodation of broadband infrastructure in the public right-of-way; and

(3) to the extent applicable, to coordinate with other statewide telecommunication and broadband plans when developing a statewide transportation improvement program.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE STATE AGENCY.—The term “appropriate State agency” means a State governmental agency that is recognized by the executive branch of the State as having the experience necessary to evaluate and carry out projects relating to the proper and effective installation and operation of broadband infrastructure.

(2) BROADBAND INFRASTRUCTURE.—The term “broadband infrastructure” means any buried, underground, or aerial facility, and any wireless or wireline connection, that enables users to send and receive voice, video, data, graphics, or any combination thereof.

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

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

(B) provides broadband services in a manner consistent with the public interest, conven-

1 ience, and necessity, as determined by the
2 State.

3 (4) STATE.—The term “State” means—

4 (A) a State;

5 (B) the District of Columbia; and

6 (C) the Commonwealth of Puerto Rico.

7 (c) 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 CONSULTATION.—The State
14 department of transportation, in consultation with
15 appropriate State agencies, shall—

16 (A) identify a broadband utility coordi-
17 nator, that may have additional responsibilities,
18 whether in the State department of transpor-
19 tation or in another State agency, that is re-
20 sponsible for facilitating the broadband infra-
21 structure right-of-way efforts within the State;

22 (B) establish a process for the registration
23 of broadband infrastructure entities that seek
24 to be included in those broadband infrastruc-

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

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

9 (D) coordinate initiatives carried out under
10 this section with other statewide telecommuni-
11 cation and broadband plans and State and local
12 transportation and land use plans, including
13 strategies to minimize repeated excavations that
14 involve the installation of broadband infrastruc-
15 ture in a right-of-way.

16 (2) PRIORITY.—If a State chooses to provide
17 for the installation of broadband infrastructure in
18 the right-of-way of an applicable Federal-aid high-
19 way project under this subsection, the State depart-
20 ment of transportation shall carry out any appro-
21 priate measures to ensure that any existing
22 broadband infrastructure entities are not disadvan-
23 taged, as compared to other broadband infrastruc-
24 ture entities, with respect to the program under this
25 subsection.

1 (d) EFFECT OF SECTION.—This section applies only
 2 to activities for which obligations or expenditures are ini-
 3 tially approved on or after the date of enactment of this
 4 Act. Nothing in this section establishes a mandate or re-
 5 quirement that a State install broadband infrastructure
 6 in a highway right-of-way.

7 **SEC. 8. NATIONAL BROADBAND FACILITIES ASSET DATA-**
 8 **BASE.**

9 (a) DEFINITIONS.—In this section:

10 (1) COMMUNICATIONS FACILITY INSTALLA-
 11 TION.—The term “communications facility installa-
 12 tion” includes—

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

21 (B) any antenna or apparatus that—

22 (i) is designed for the purpose of
 23 emitting radio frequency;

24 (ii) is designed to be operated, or is
 25 operating, from a fixed location pursuant

1 to authorization by the Commission or is
 2 using duly authorized devices that do not
 3 require individual licenses; and

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

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

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

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

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

15 (4) EXECUTIVE AGENCY.—The term “Executive
 16 agency” has the meaning given the term in section
 17 105 of title 5, United States Code.

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

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

4 (2) make the database available to—

5 (A) any entity that—

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

8 (ii) provides communications service;

9 and

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

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

19 (c) PUBLIC COMMENT.—

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

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

(A) criteria that make real property capable of supporting communications facility installations;

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

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

(D) other information the Director determines necessary to establish and operate the database.

(d) FEDERAL AGENCIES.—

(1) INITIAL PROVISION OF INFORMATION.—Not later than 90 days after the date on which the database is established under subsection (b), the head of an Executive agency shall provide to the Director of the Office of Science and Technology Policy, in a manner and format to be determined by the Director, such information as the Director determines appropriate with respect to covered property owned,

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

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

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

20 (e) STATE AND LOCAL GOVERNMENTS.—

21 (1) IN GENERAL.—The Director of the Office of
 22 Science and Technology Policy (referred to in this
 23 subsection as the “Director”) shall make the data-
 24 base available to State and local governments so
 25 that such governments may provide to the Director

1 for inclusion in the database similar information to
2 the information required under subsection (d)(1) re-
3 garding covered property owned, leased, or otherwise
4 managed by such governments.

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

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

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

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

(i) consult with State and local governments, or their representatives, to identify for inclusion in the report the most cost-effective options for State and local governments to collect and provide the information described in subparagraph (A), including utilizing and leveraging State broadband initiatives and programs; and

(ii) make recommendations on ways the Federal Government can assist State and local governments in collecting and providing the information described in subparagraph (A).

(C) REPORT UPDATE.—Not later than 2 years after the date on which the database is established under this section, the Director shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives an update to the re-

port required under subparagraph (A) that identifies State and local governments that have contributed to the database and recommends ways to further incentivize participation by State and local governments pursuant to paragraph (1) of this subsection or through other means.

(f) DATABASE UPDATES.—

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

(2) DATE OF ADDITION OR UPDATE.—Information in the database relating to covered property shall include the date on which the information was added or most recently updated.

(g) REPORT.—Not later than 180 days after the date the Director of the Office of Science and Technology Policy seeks public comment under subsection (c)(1), the Director shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Rep-

1 representatives a report on the progress in establishing the
2 database under this section. The Director shall update the
3 report annually until the date that the database is fully
4 operational. After the database is fully operational and for
5 the next 5 years thereafter, the Director shall provide an-
6 nual reports regarding the use of the database, rec-
7 ommendations of how the database may provide additional
8 utility to the entities described in subsection (b)(2), if any
9 recommendations are warranted, and how previous rec-
10 ommendations have been implemented.

11 **SEC. 9. REALLOCATION INCENTIVES.**

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

23 (b) POST-AUCTION PAYMENTS.—

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

1 (A) consider whether permitting eligible
2 Federal entities that are implementing a transi-
3 tion plan submitted under section 113(h) of the
4 National Telecommunications and Information
5 Administration Organization Act (47 U.S.C.
6 923(h)) to accept payments could result in ac-
7 cess to the eligible frequencies that are being
8 reallocated for exclusive non-Federal use or
9 shared use sooner than would otherwise occur
10 without such payments; and

11 (B) include the findings under subpara-
12 graph (A), including the analysis under para-
13 graph (2) and any recommendations for legisla-
14 tion, in the report.

15 (2) ANALYSIS.—In considering payments under
16 paragraph (1)(A), the Secretary shall conduct an
17 analysis of whether and how such payments would
18 affect—

19 (A) bidding in auctions conducted under
20 section 309(j) of the Communications Act of
21 1934 (47 U.S.C. 309(j)) of such eligible fre-
22 quencies; and

23 (B) receipts collected from the auctions de-
24 scribed in subparagraph (A).

25 (3) DEFINITIONS.—In this subsection:

1 (A) PAYMENT.—The term “payment”
2 means a payment in cash or in-kind by any
3 auction winner, or any person affiliated with an
4 auction winner, of eligible frequencies during
5 the period after eligible frequencies have been
6 reallocated by competitive bidding under section
7 309(j) of the Communications Act of 1934 (47
8 U.S.C. 309(j)) but prior to the completion of
9 relocation or sharing transition of such eligible
10 frequencies per transition plans approved by the
11 Technical Panel.

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

17 **SEC. 10. BIDIRECTIONAL SHARING STUDY.**

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

22 (1) conduct a bidirectional sharing study to de-
23 termine the best means of providing Federal entities
24 flexible access to non-Federal spectrum on a shared
25 basis across a range of short-, mid-, and long-range

1 timeframes, including for intermittent purposes like
2 emergency use; and

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

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

8 (1) consider the regulatory certainty that com-
9 mercial spectrum users and Federal entities need to
10 make longer-term investment decisions for shared
11 access to be viable; and

12 (2) evaluate any barriers to voluntary commer-
13 cial arrangements in which non-Federal users could
14 provide access to Federal entities.

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

16 (a) IN GENERAL.—After public notice and comment,
17 and in consultation with the Secretary and the head of
18 each affected Federal agency (or a designee thereof), with
19 respect to frequencies allocated for Federal use, the Com-
20 mission shall adopt rules that permit unlicensed services
21 where feasible to use any frequencies that are designated
22 as guard bands to protect frequencies allocated after the
23 date of enactment of this Act by competitive bidding under
24 section 309(j) of the Communications Act of 1934 (47

1 U.S.C. 309(j)), including spectrum that acts as a duplex
 2 gap between transmit and receive frequencies.

3 (b) LIMITATION.—The Commission may not permit
 4 any use of a guard band under this section that would
 5 cause harmful interference to a licensed service or a Fed-
 6 eral service operating in the guard band or in an adjacent
 7 band.

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

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

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

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

20 Section 118(e)(1) of the National Telecommuni-
 21 cations and Information Administration Organization Act
 22 (47 U.S.C. 928(e)(1)) is amended by adding at the end
 23 the following:

24 “(D) At the request of an eligible Federal
 25 entity, the Director of the Office of Manage-

1 ment and Budget (in this subsection referred to
2 as ‘OMB’) may transfer the amount under sub-
3 paragraph (A) immediately—

4 “(i) after the frequencies are reallo-
5 cated by competitive bidding under section
6 309(j) of the Communications Act of 1934
7 (47 U.S.C. 309(j)); or

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

19 “(E) Prior to the deposit of proceeds into
20 the Fund from an auction, the Director of
21 OMB may borrow from the Treasury the
22 amount under subparagraph (A) for a transfer
23 under subparagraph (D). The Treasury shall
24 immediately be reimbursed, without interest,
25 from funds deposited into the Fund.”.

1 **SEC. 14. AMENDMENTS TO THE SPECTRUM PIPELINE ACT**
2 **OF 2015.**

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

8 **SEC. 15. GAO ASSESSMENT OF UNLICENSED SPECTRUM**
9 **AND WI-FI USE IN LOW-INCOME NEIGHBOR-**
10 **HOODS.**

11 (a) STUDY.—

12 (1) IN GENERAL.—The Comptroller General of
13 the United States shall conduct a study to evaluate
14 the availability of broadband Internet access using
15 unlicensed spectrum and wireless networks in low-in-
16 come neighborhoods.

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

20 (A) the availability of wireless Internet hot
21 spots and access to unlicensed spectrum in low-
22 income neighborhoods, particularly for elemen-
23 tary and secondary school-aged children in such
24 neighborhoods;

1 (B) any barriers preventing or limiting the
2 deployment and use of wireless networks in low-
3 income neighborhoods;

4 (C) how to overcome any barriers described
5 in subparagraph (B), including through incen-
6 tives, policies, or requirements that would in-
7 crease the availability of unlicensed spectrum
8 and related technologies in low-income neigh-
9 borhoods; and

10 (D) how to encourage home broadband
11 adoption by households with elementary and
12 secondary school-age children that are in low-
13 income neighborhoods.

14 (b) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Comptroller General shall
16 submit to the Committee on Commerce, Science, and
17 Transportation of the Senate and the Committee on En-
18 ergy and Commerce of the House of Representatives a re-
19 port that—

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

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

1 **SEC. 16. RULEMAKING RELATED TO PARTITIONING OR**
2 **DISAGGREGATING LICENSES.**

3 (a) DEFINITIONS.—In this section—

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

8 (A) has not more than 1,500 employees (as
9 determined under section 121.106 of title 13,
10 Code of Federal Regulations, or any successor
11 thereto); and

12 (B) offers services using the facilities of
13 the carrier.

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

16 (A) a city, town, or incorporated area that
17 has a population of more than 20,000 inhab-
18 itants; or

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

22 (b) RULEMAKING.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Commission
25 shall initiate a rulemaking proceeding to assess
26 whether to establish a program, or modify existing

1 programs, under which a licensee that receives a li-
 2 cense for the exclusive use of spectrum in a specific
 3 geographic area under section 301 of the Commu-
 4 nications Act of 1934 (47 U.S.C. 301) may partition
 5 or disaggregate the license by sale or long-term
 6 lease—

7 (A) in order to—

8 (i) provide services consistent with the
 9 license; and

10 (ii) make unused spectrum available
 11 to—

12 (I) an unaffiliated covered small
 13 carrier; or

14 (II) an unaffiliated carrier to
 15 serve a rural area; and

16 (B) if the Commission finds that such a
 17 program would promote—

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

20 (ii) spectrum availability for covered
 21 small carriers.

22 (2) CONSIDERATIONS.—In conducting the rule-
 23 making proceeding under paragraph (1), the Com-
 24 mission shall consider, with respect to the program
 25 proposed to be established under that paragraph—

1 (A) whether reduced performance require-
2 ments with respect to spectrum obtained
3 through the program would facilitate deploy-
4 ment of advanced telecommunications services
5 in the areas covered by the program;

6 (B) what conditions may be needed on
7 transfers of spectrum under the program to
8 allow covered small carriers that obtain spec-
9 trum under the program to build out the spec-
10 trum in a reasonable period of time;

11 (C) what incentives may be appropriate to
12 encourage licensees to lease or sell spectrum, in-
13 cluding—

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

17 (ii) modifying performance require-
18 ments of the license relating to the leased
19 or sold spectrum; and

20 (D) the administrative feasibility of—

21 (i) the incentives described in sub-
22 paragraph (C); and

23 (ii) other incentives considered by the
24 Commission that further the goals of this
25 section.

1 (3) FORFEITURE OF SPECTRUM.—If a party
2 fails to meet any build out requirements set by the
3 Commission for any spectrum sold or leased under
4 this section, the right to the spectrum shall be for-
5 feited to the Commission unless the Commission
6 finds that there is good cause for the failure of the
7 party.

8 (4) REQUIREMENT.—The Commission may
9 offer a licensee incentives or reduced performance
10 requirements under this section only if the Commis-
11 sion finds that doing so would likely result in in-
12 creased availability of advanced telecommunications
13 services in a rural area.

14 **SEC. 17. UNLICENSED SPECTRUM POLICY.**

15 (a) STATEMENT OF POLICY.—It is the policy of the
16 United States—

17 (1) to maximize the benefit to the people of the
18 United States of the spectrum resources of the
19 United States;

20 (2) to advance innovation and investment in
21 wireless broadband services; and

22 (3) to promote spectrum policy that makes
23 available on an unlicensed basis radio frequency
24 bands sufficient to meet consumer demand for unli-
25 censed wireless broadband operations.

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

8 (1) reasonable; and

9 (2) in the public interest.

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

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

14 (a) DEFINITIONS.—In this section:

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

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

23 (A) part 15 of title 47, Code of Federal
 24 Regulations; or

1 (B) licensing by rule under part 96 of title
2 47, Code of Federal Regulations.

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

8 (c) REQUIREMENTS.—The plan developed under this
9 section shall—

10 (1) identify an approach that ensures that con-
11 sumers have access to additional spectrum to con-
12 duct unlicensed operations in a range of radio fre-
13 quencies to meet consumer demand;

14 (2) recommend specific actions by the Commis-
15 sion and the NTIA to permit unlicensed operations
16 in additional radio frequency ranges that the Com-
17 mission finds—

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

20 (B) will—

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

23 (ii) otherwise improve spectrum utili-
24 zation and intensity of use of bands where

1 unlicensed operations are already per-
 2 mitted;

3 (C) will not cause harmful interference to
 4 Federal or non-Federal users of such bands;
 5 and

6 (D) will not significantly impact homeland
 7 security or national security communications
 8 systems; and

9 (3) examine additional ways, with respect to ex-
 10 isting and planned databases or spectrum access sys-
 11 tems designed to promote spectrum sharing and ac-
 12 cess to spectrum for unlicensed operations—

13 (A) to improve accuracy and efficacy;

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

16 (C) to protect sensitive Government infor-
 17 mation.

18 (d) SPECTRUM RELOCATION FUND.—To be included
 19 as part of the plan developed under this section, the NTIA
 20 shall share with the Commission recommendations about
 21 how to reform the Spectrum Relocation Fund—

22 (1) to address costs incurred by Federal entities
 23 related to sharing radio frequency bands with radio
 24 technologies conducting unlicensed operations; and

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

3 (A) the costs described in paragraph (1);
4 and

5 (B) other expenditures allowed of the
6 Spectrum Relocation Fund under section 118 of
7 the National Telecommunications and Informa-
8 tion Administration Organization Act (47
9 U.S.C. 928).

10 (e) REPORT REQUIRED.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Commission
13 shall submit to the appropriate committees of Con-
14 gress a report that describes the plan developed
15 under this section, including any recommendations
16 for legislative change.

17 (2) PUBLICATION ON COMMISSION WEBSITE.—

18 Not later than the date on which the Commission
19 submits the report under paragraph (1), the Com-
20 mission shall make the report publicly available on
21 the website of the Commission.

22 **SEC. 19. SPECTRUM CHALLENGE PRIZE.**

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

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

5 (c) SPECTRUM CHALLENGE PRIZE.—

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

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

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

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

24 (A) enter into a grant, contract, coopera-
 25 tive agreement, or other agreement with a pri-

1 vate sector for-profit or nonprofit entity to ad-
 2 minister the prize competitions;

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

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

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

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

21 **SEC. 20. WIRELESS TELECOMMUNICATIONS TAX AND FEE**
 22 **COLLECTION FAIRNESS.**

23 (a) SHORT TITLE.—This section may be cited as the
 24 “Wireless Telecommunications Tax and Fee Collection
 25 Fairness Act”.

1 (b) DEFINITIONS.—In this section:

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

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

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

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

20 (5) WIRELESS TELECOMMUNICATIONS SERV-
21 ICE.—The term “wireless telecommunications serv-
22 ice” means a commercial mobile radio service, as de-
23 fined in section 20.3 of title 47, Code of Federal
24 Regulations, or any successor thereto.

25 (c) FINANCIAL TRANSACTION REQUIREMENT.—

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

9 (2) RULE OF CONSTRUCTION.—Nothing in this
10 subsection shall be construed to affect the right of
11 a State or local jurisdiction to require the collection
12 of any tax, fee, or surcharge in connection with a fi-
13 nancial transaction.

14 (d) ENFORCEMENT.—

15 (1) PRIVATE RIGHT OF ACTION.—Any person
16 aggrieved by a violation of subsection (c) may bring
17 a civil action in an appropriate district court of the
18 United States for equitable relief in accordance with
19 paragraph (2) of this subsection.

20 (2) JURISDICTION OF DISTRICT COURTS.—Not-
21 withstanding section 1341 of title 28, United States
22 Code, or the constitution or laws of any State, the
23 district courts of the United States shall have juris-
24 diction, without regard to the amount in controversy
25 or citizenship of the parties, to grant such manda-

1 tory or prohibitive injunctive relief, interim equitable
2 relief, and declaratory judgments as may be nec-
3 essary to prevent, restrain, or terminate any acts in
4 violation of subsection (c).

5 **SEC. 21. RULES OF CONSTRUCTION.**

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

9 (b) ASSESSMENT OF ELECTROMAGNETIC SPECTRUM
10 REALLOCATION.—Nothing in this Act shall be construed
11 to affect any requirement under section 156 of the Na-
12 tional Telecommunications and Information Administra-
13 tion Organization Act (47 U.S.C. 921 note), as added by
14 section 1062(a) of the National Defense Authorization Act
15 for Fiscal Year 2000.

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

18 Nothing in this Act shall be construed to limit, re-
19 strict, or circumvent in any way the implementation of the
20 nationwide public safety broadband network defined in
21 section 6001 of title VI of the Middle Class Tax Relief
22 and Job Creation Act of 2012 (47 U.S.C. 1401) or any

- 1 rules implementing that network under title VI of that Act
- 2 (47 U.S.C. 1401 et seq.).

Passed the Senate August 3, 2017.

Attest:

Secretary.

115TH CONGRESS
1ST Session

S. 19

AN ACT

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