

115TH CONGRESS
1ST SESSION

S. 19

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

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
6 Limiting Excessive and Needless Obstacles to Wireless
7 Act” or the “MOBILE NOW Act”.

8 (b) **TABLE OF CONTENTS.**—The table of contents of
9 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.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE COMMITTEES OF CON-
 4 GRESS.—The term “appropriate committees of Con-
 5 gress” 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
 12 a Federal entity affected by the applicable sec-
 13 tion in which the term appears.

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

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

6 (4) NTIA.—The term “NTIA” means the Na-
7 tional Telecommunications and Information Admin-
8 istration of the Department of Commerce.

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

11 (6) SECRETARY.—The term “Secretary” means
12 the Secretary of Commerce.

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

14 (a) REQUIREMENTS.—

15 (1) IN GENERAL.—Consistent with the Presi-
16 dential Memorandum of June 28, 2010, entitled
17 “Unleashing the Wireless Broadband Revolution”
18 and establishing a goal of making a total of 500
19 megahertz of Federal and non-Federal spectrum
20 available on a licensed or unlicensed basis for wire-
21 less broadband use by 2020, not later than Decem-
22 ber 31, 2020, the Secretary, working through the
23 NTIA, and the Commission shall make available a
24 total of at least 255 megahertz of Federal and non-
25 Federal spectrum below the frequency of 6000

1 megahertz for mobile and fixed wireless broadband
2 use.

3 (2) UNLICENSED AND LICENSED USE.—Of the
4 spectrum made available under paragraph (1), not
5 less than—

6 (A) 100 megahertz shall be made available
7 on an unlicensed basis; and

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

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

21 (A) The frequencies between 1695 and
22 1710 megahertz.

23 (B) The frequencies between 1755 and
24 1780 megahertz.

1 (C) The frequencies between 2155 and
2 2180 megahertz.

3 (D) The frequencies between 3550 and
4 3700 megahertz.

5 (E) Spectrum that the Commission deter-
6 mines had more than de minimis mobile or
7 fixed wireless broadband operations within the
8 band on the day before the date of enactment
9 of this Act.

10 (4) RELOCATION PRIORITIZED OVER SHAR-
11 ING.—This section shall be carried out in accordance
12 with section 113(j) of the National Telecommuni-
13 cations and Information Administration Organiza-
14 tion Act (47 U.S.C. 923(j)).

15 (5) CONSIDERATIONS.—In making spectrum
16 available under this section, the Secretary and Com-
17 mission shall consider—

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

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

22 (C) the international implications;

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

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

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

6 (1) to impair or otherwise affect the functions
7 of the Director of OMB relating to budgetary, ad-
8 ministrative, or legislative proposals;

9 (2) to require the disclosure of classified infor-
10 mation, law enforcement sensitive information, or
11 other information that must be protected in the in-
12 terest of national security; or

13 (3) to affect any requirement under section 156
14 of the National Telecommunications and Informa-
15 tion Administration Organization Act (47 U.S.C.
16 921 note), as added by section 1062(a) of the Na-
17 tional Defense Authorization Act for Fiscal Year
18 2000, or any other relevant statutory requirement
19 applicable to the reallocation of Federal spectrum.

20 **SEC. 4. MILLIMETER WAVE SPECTRUM.**

21 (a) FEASIBILITY ASSESSMENT.—Not later than 18
22 months after the date of enactment of this Act, the NTIA,
23 in consultation with the Commission, shall conduct a feasi-
24 bility assessment regarding the impact, on Federal entities
25 and operations in any of the following bands, of author-

1 izing mobile or fixed terrestrial wireless operations, includ-
2 ing for advanced mobile service operations, in the fol-
3 lowing bands:

4 (1) The band between 31800 and 33400 mega-
5 hertz.

6 (2) The band between 71000 and 76000 mega-
7 hertz.

8 (3) The band between 81000 and 86000 mega-
9 hertz.

10 (b) REQUIREMENTS.—In conducting the feasibility
11 assessment under subsection (a), the NTIA shall—

12 (1) consult directly with Federal entities with
13 respect to frequencies allocated to Federal use by
14 such entities in the bands identified in that sub-
15 section;

16 (2) consider what, if any, impact authorizing
17 mobile or fixed terrestrial wireless operations, in-
18 cluding advanced mobile services operations, in any
19 of such frequencies would have on an affected Fed-
20 eral entity; and

21 (3) identify any such frequencies in the bands
22 described in that subsection that the NTIA assess-
23 ment determines are feasible for authorizing for mo-
24 bile or fixed terrestrial wireless operations, including
25 any advanced mobile service operations.

1 (c) REPORT TO CONGRESS AND THE COMMISSION.—
2 Not later than 30 days after the date the feasibility assess-
3 ment under subsection (a) is complete, the NTLA shall
4 submit to the appropriate committees of Congress a report
5 on the feasibility assessment and provide a copy to the
6 Commission.

7 (d) FCC PROCEEDING.—Not later than 2 years after
8 the date of enactment of this Act or 90 days after the
9 date it receives the feasibility assessment under subsection
10 (c), whichever is earlier, the Commission, in consultation
11 with the NTLA, shall publish a notice of proposed rule-
12 making to consider service rules to authorize mobile or
13 fixed terrestrial wireless operations, including for ad-
14 vanced mobile service operations, in the following radio
15 frequency bands:

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

18 (2) The band between 25050 and 25250 mega-
19 hertz.

20 (3) The band between 31800 and 33400 mega-
21 hertz, except for any frequencies with Federal alloca-
22 tions.

23 (4) The band between 42000 and 42500 mega-
24 hertz.

1 (5) The band between 71000 and 76000 mega-
2 hertz, except for any frequencies with Federal alloca-
3 tions.

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

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

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

11 (1) consult with Federal entities via the NTLA
12 regarding the frequencies described in subsection
13 (d)(7);

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

17 (A) such spectrum may be best used for li-
18 censed or unlicensed services, or some combina-
19 tion thereof; and

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

22 (3) include technical characteristics under
23 which the bands described in subsection (d) may be
24 employed for mobile or fixed terrestrial wireless op-

1 erations, including any appropriate coexistence re-
2 quirements.

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

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

13 (b) BETWEEN 3700 MEGAHERTZ AND 4200 MEGA-
14 HERTZ.—Not later than 18 months after the date of en-
15 actment of this Act, after notice and an opportunity for
16 public comment, and in consultation with the Secretary
17 and the head of each affected Federal agency (or a des-
18 ignee thereof), the Commission shall submit to the Sec-
19 retary and the appropriate committees of Congress a re-
20 port evaluating the feasibility of allowing commercial wire-
21 less services, licensed or unlicensed, to share use of the
22 frequencies between 3700 megahertz and 4200 megahertz.

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

1 (1) An assessment of the operations of Federal
2 entities that operate Federal Government stations
3 authorized to use the frequencies described in that
4 subsection.

5 (2) An assessment of the possible impacts of
6 such sharing on Federal and non-Federal users al-
7 ready operating on the frequencies described in that
8 subsection.

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

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

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

1 **SEC. 6. DISTRIBUTED ANTENNA SYSTEMS AND SMALL CELL**
2 **INFRASTRUCTURE.**

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

7 **SEC. 7. COMMUNICATIONS FACILITIES DEPLOYMENT ON**
8 **FEDERAL PROPERTY.**

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

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

15 “(1) GRANT.—If an executive agency, a State,
16 a political subdivision or agency of a State, or a per-
17 son, firm, or organization applies for the grant of an
18 easement, right-of-way, or lease to, in, over, or on a
19 building or other property owned by the Federal
20 Government for the right to install, construct, mod-
21 ify, or maintain a communications facility installa-
22 tion, the executive agency having control of the
23 building or other property may grant to the appli-
24 cant, on behalf of the Federal Government, subject
25 to paragraph (5), an easement, right-of-way, or lease

1 to perform such installation, construction, modifica-
2 tion, or maintenance.

3 “(2) APPLICATION.—

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

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

20 “(3) FEE.—

21 “(A) IN GENERAL.—Notwithstanding any
22 other provision of law, the Administrator of
23 General Services shall establish a fee for the
24 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 “(e) 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 installation on buildings and other
8 property owned by the Federal Government;
9 and

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

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 effective date of this Act shall continue, subject to that
6 section as in effect on the day before such effective date.

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

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

15 (2) RECOMMENDATIONS.—

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

1 Middle Class Tax Relief and Job Creation Act
2 of 2012 (47 U.S.C. 1455(b)), as amended by
3 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; and

13 (iii) policies to expedite renewals of an
14 easement, license, or other authorization to
15 locate a communications facility installa-
16 tion on land managed by the agencies de-
17 scribed in subparagraph (A).

18 (C) REPORT TO CONGRESS.—Not later
19 than 2 years after the date on which the rec-
20 ommendations required under subparagraph
21 (A) are developed, the NTIA shall submit to the
22 Committee on Commerce, Science, and Trans-
23 portation of the Senate and the Committee on
24 Energy and Commerce of the House of Rep-
25 resentatives a report that describes—

1 (i) the status of the implementation of
2 the recommendations developed under sub-
3 paragraph (A); and

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

11 **SEC. 8. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

12 (a) UNITED STATES POLICY.—It is the policy of the
13 United States for the Department of Transportation and
14 State departments of transportation—

15 (1) to adjust or otherwise develop right-of-way
16 policies for Federal-aid highways to effectively ac-
17 commodate broadband infrastructure;

18 (2) to ensure the safe and efficient accommoda-
19 tion of broadband infrastructure in the public right-
20 of-way;

21 (3) to include broadband stakeholders in the
22 transportation planning process; and

23 (4) to coordinate highway construction plans
24 with other statewide telecommunications and
25 broadband plans.

1 (b) DEFINITIONS.—In this section:

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

9 (2) BROADBAND INFRASTRUCTURE.—The term
10 “broadband infrastructure” means any buried or
11 aerial facility, and any wireless or wireline connec-
12 tion, that enables users to send and receive voice,
13 video, data, graphics, or any combination thereof.

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

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

19 (B) provides broadband services to the
20 public in a manner consistent with the public
21 interest, convenience, and necessity, as deter-
22 mined by the State.

23 (4) STATE.—The term “State” means—

24 (A) a State;

25 (B) the District of Columbia; and

1 (C) the Commonwealth of Puerto Rico.

2 (c) BROADBAND INFRASTRUCTURE DEPLOYMENT.—

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

8 (1) BROADBAND COORDINATION.—The State
9 department of transportation, in coordination with
10 appropriate State agencies, shall—

11 (A) identify a broadband utility coordi-
12 nator, that may have additional responsibilities,
13 whether in the State department of transpor-
14 tation or in another State agency, and that is
15 responsible for coordinating the broadband in-
16 frastructure right-of-way needs of the State
17 with Federal-aid highway projects carried out in
18 the State;

19 (B) establish a process for the registration
20 of broadband infrastructure entities that seek
21 to be included in those broadband infrastruc-
22 ture right-of-way coordination efforts within the
23 State;

24 (C) 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; and

3 (D) develop strategies to minimize re-
4 peated excavations that involve the installation
5 of broadband infrastructure in a right-of-way.

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

16 (d) EFFECT OF SECTION.—This section applies only
17 to activities for which obligations or expenditures are ini-
18 tially approved on or after the date of enactment of this
19 Act. Nothing in this section establishes a mandate or re-
20 quirement, or authorizes the Secretary to establish a man-
21 date or requirement, that a State install broadband infra-
22 structure in a highway right-of-way.

23 **SEC. 9. NATIONAL BROADBAND FACILITIES ASSET DATA-**
24 **BASE.**

25 (a) 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 Federal Commu-
18 nications Commission or is using duly au-
19 thorized devices that do not require indi-
20 vidual licenses; and

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

23 (2) COVERED PROPERTY.—The term “covered
24 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
7 the 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 Com-
15 munications and Information, Under Secretary of Com-
16 merce for Standards and Technology, Administrator of
17 General 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
4 the Office of Science and Technology Policy de-
5 termines is appropriate; and

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

12 (c) PUBLIC COMMENT.—

13 (1) IN GENERAL.—Not later than 30 days after
14 the date of enactment of the MOBILE NOW Act,
15 the Director of the Office of Science and Technology
16 Policy shall seek public comment to inform the es-
17 tablishment and operation 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 capa-
22 ble of supporting communications facility instal-
23 lations;

1 (B) types of information related to covered
2 property that should be included in the data-
3 base;

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

7 (D) other information the Director deter-
8 mines necessary to establish and operate the
9 database.

10 (d) FEDERAL AGENCIES.—

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

21 (2) CHANGE TO INFORMATION PREVIOUSLY
22 PROVIDED.—In the case of any change to informa-
23 tion provided to the Director of the Office of Science
24 and Technology Policy by the head of an Executive
25 agency under paragraph (1), the head of the Execu-

1 tive agency shall provide updated information to the
2 Director not later than 30 days after the date of the
3 change.

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

13 (e) STATE AND LOCAL GOVERNMENTS.—

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

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

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

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

24 (i) consult with State and local gov-
25 ernments, or their representatives, to iden-

1 tify for inclusion in the report the most
2 cost-effective options for State and local
3 governments to collect and provide the in-
4 formation described in subparagraph (A),
5 including utilizing and leveraging State
6 broadband initiatives and programs; and

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

12 (C) REPORT UPDATE.—Not later than 2
13 years after the date on which the database is
14 established under this section, the Director
15 shall 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 an update to the re-
19 port required under subparagraph (A) that
20 identifies State and local governments that have
21 contributed to the database and recommends
22 ways to further incentivize participation by
23 State and local governments pursuant to para-
24 graph (1) of this subsection or through other
25 means.

1 (f) DATABASE UPDATES.—

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

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

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

1 utility to the entities described in subsection (b)(2), if any
2 recommendations are warranted, and how previous rec-
3 ommendations have been implemented.

4 **SEC. 10. REALLOCATION INCENTIVES.**

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

16 (b) POST-AUCTION PAYMENTS.—

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

19 (A) consider whether permitting eligible
20 Federal entities that are implementing a transi-
21 tion plan submitted under section 113(h) of the
22 National Telecommunications and Information
23 Administration Organization Act (47 U.S.C.
24 923(h)) to accept payments could result in ac-
25 cess to the eligible frequencies that are being

1 reallocated for exclusive non-Federal use or
2 shared use sooner than would otherwise occur
3 without such payments; and

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

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

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

16 (B) receipts collected from the auctions de-
17 scribed in subparagraph (A).

18 (3) DEFINITIONS.—In this subsection:

19 (A) PAYMENT.—The term “payment”
20 means a payment in cash or in-kind by any
21 auction winner, or any person affiliated with an
22 auction winner, of eligible frequencies during
23 the period after eligible frequencies have been
24 reallocated by competitive bidding under section
25 309(j) of the Communications Act of 1934 (47

1 U.S.C. 309(j)) but prior to the completion of
2 relocation or sharing transition of such eligible
3 frequencies per transition plans approved by the
4 Technical Panel.

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

10 **SEC. 11. BIDIRECTIONAL SHARING STUDY.**

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

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

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

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

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

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

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

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

20 (b) **LIMITATION.**—The Commission may not permit
21 any use of a guard band under this section that would
22 cause harmful interference to a licensed service or a Fed-
23 eral service operating in the guard band or in an adjacent
24 band.

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

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

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

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

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

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

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

24 “(ii) in the case of an incumbent Fed-
25 eral entity that is incurring relocation or

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

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

17 **SEC. 15. AMENDMENTS TO THE SPECTRUM PIPELINE ACT**
18 **OF 2015.**

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

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