

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 19

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. Thune and Mr. Nelson

Viz:

1 Strike all after the enacting clause and insert the following:
2

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. Communications facilities deployment on Federal property.

- Sec. 7. Broadband infrastructure deployment.
- Sec. 8. National broadband facilities asset database.
- Sec. 9. Reallocation incentives.
- Sec. 10. Bidirectional sharing study.
- Sec. 11. Unlicensed services in guard bands.
- Sec. 12. Pre-auction funding.
- Sec. 13. Immediate transfer of funds.
- Sec. 14. Amendments to the Spectrum Pipeline Act of 2015.
- Sec. 15. GAO assessment of unlicensed spectrum and Wi-Fi use in low-income neighborhoods.
- Sec. 16. Rulemaking related to partitioning or disaggregating licenses.
- Sec. 17. Unlicensed spectrum policy.
- Sec. 18. National plan for unlicensed spectrum.
- Sec. 19. Spectrum challenge prize.
- Sec. 20. Wireless telecommunications tax and fee collection fairness.
- Sec. 21. Rules of construction.
- Sec. 22. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE COMMITTEES OF 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.

16 (3) **FEDERAL ENTITY.**—The term “Federal en-
 17 tity” has the meaning given the term in section

1 113(l) of the National Telecommunications and In-
2 formation Administration Organization Act (47
3 U.S.C. 923(l)).

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

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

9 (6) SECRETARY.—The term “Secretary” means
10 the Secretary of Commerce.

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

12 (a) REQUIREMENTS.—

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

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

4 (A) 100 megahertz shall be made available
5 on an unlicensed basis; and

6 (B) 100 megahertz shall be made available
7 on an exclusive, licensed basis for commercial
8 mobile use, pursuant to the Commission's au-
9 thority to implement such licensing in a flexible
10 manner, and subject to potential continued use
11 of such spectrum by incumbent Federal entities
12 in designated geographic areas indefinitely or
13 for such length of time stipulated in transition
14 plans approved by the Technical Panel under
15 section 113(h) of the National Telecommuni-
16 cations and Information Administration Organi-
17 zation Act (47 U.S.C. 923(h)) for those incum-
18 bent entities to be relocated to alternate spec-
19 trum.

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

23 (A) The frequencies between 1695 and
24 1710 megahertz.

1 (B) The frequencies between 1755 and
2 1780 megahertz.

3 (C) The frequencies between 2155 and
4 2180 megahertz.

5 (D) The frequencies between 3550 and
6 3700 megahertz.

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

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

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

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

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

24 (C) the international implications;

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

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

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

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

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

15 (3) to affect any requirement under section 156
16 of the National Telecommunications and Informa-
17 tion Administration Organization Act (47 U.S.C.
18 921 note), as added by section 1062(a) of the Na-
19 tional Defense Authorization Act for Fiscal Year
20 2000, or any other relevant statutory requirement
21 applicable to the reallocation of Federal spectrum.

22 **SEC. 4. MILLIMETER WAVE SPECTRUM.**

23 (a) FEASIBILITY ASSESSMENT.—Not later than 18
24 months after the date of enactment of this Act, the NTLA,
25 in consultation with the Commission, shall conduct a feasi-

1 bility assessment regarding the impact, on Federal entities
2 and operations in any of the following bands, of author-
3 izing mobile or fixed terrestrial wireless operations, includ-
4 ing for advanced mobile service operations, in the fol-
5 lowing bands:

6 (1) The band between 31800 and 33400 mega-
7 hertz.

8 (2) The band between 71000 and 76000 mega-
9 hertz.

10 (3) The band between 81000 and 86000 mega-
11 hertz.

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

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

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

23 (3) identify any such frequencies in the bands
24 described in that subsection that the NTIA assess-
25 ment determines are feasible for authorizing for mo-

1 bile or fixed terrestrial wireless operations, including
2 any advanced mobile service operations.

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

4 Not later than 30 days after the date the feasibility assess-
5 ment under subsection (a) is complete, the NTLA shall
6 submit to the appropriate committees of Congress a report
7 on the feasibility assessment and provide a copy to the
8 Commission.

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

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

20 (2) The band between 25050 and 25250 mega-
21 hertz.

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

1 (4) The band between 42000 and 42500 mega-
2 hertz.

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

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

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

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

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

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

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

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

24 (3) include technical characteristics under
25 which the bands described in subsection (d) may be

1 employed for mobile or fixed terrestrial wireless op-
2 erations, including any appropriate coexistence re-
3 quirements.

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

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

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

24 (c) REQUIREMENTS.—A report under subsection (a)
25 or (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 NTLA, 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. COMMUNICATIONS FACILITIES DEPLOYMENT ON**
2 **FEDERAL PROPERTY.**

3 (a) IN GENERAL.—Section 6409 of the Middle Class
4 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
5 1455) is amended by striking subsections (b), (c), and (d)
6 and inserting the following:

7 “(b) FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND
8 LEASES.—

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

22 “(2) APPLICATION.—

23 “(A) IN GENERAL.—The Administrator of
24 General Services shall develop a common form
25 for applications for easements, rights-of-way,
26 and leases under paragraph (1) for all executive

1 agencies that, except as provided in subpara-
2 graph (B), shall be used by all executive agen-
3 cies and applicants with respect to the buildings
4 or other property of each such agency.

5 “(B) EXCEPTION.—The requirement under
6 subparagraph (A) for an executive agency to
7 use the common form developed by the Admin-
8 istrator of General Services shall not apply to
9 an executive agency if the head of an executive
10 agency notifies the Administrator that the exec-
11 utive agency uses a substantially similar appli-
12 cation.

13 “(3) FEE.—

14 “(A) IN GENERAL.—Notwithstanding any
15 other provision of law, the Administrator of
16 General Services shall establish a fee for the
17 grant of an easement, right-of-way, or lease
18 pursuant to paragraph (1) that is based on di-
19 rect cost recovery.

20 “(B) EXCEPTIONS.—The Administrator of
21 General Services may establish exceptions to
22 the fee amount required under subparagraph
23 (A)—

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

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

6 “(4) USE OF FEES COLLECTED.—Any fee
7 amounts collected by an executive agency pursuant
8 to paragraph (3) may be made available, as provided
9 in appropriations Acts, to such agency to cover the
10 costs of granting the easement, right-of-way, or
11 lease.

12 “(5) TIMELY CONSIDERATION OF APPLICA-
13 TIONS.—

14 “(A) IN GENERAL.—Not later than 270
15 days after the date on which an executive agen-
16 cy receives a duly filed application for an ease-
17 ment, right-of-way, or lease under this sub-
18 section, the executive agency shall—

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

21 “(ii) notify the applicant of the grant
22 or denial.

23 “(B) EXPLANATION OF DENIAL.—If an ex-
24 ecutive agency denies an application under sub-
25 paragraph (A), the executive agency shall notify

1 the applicant in writing, including a clear state-
2 ment of the reasons for the denial.

3 “(C) APPLICABILITY OF ENVIRONMENTAL
4 LAWS.—Nothing in this paragraph shall be con-
5 structed to relieve an executive agency of the re-
6 quirements of division A of subtitle III of title
7 54, United States Code, or the National Envi-
8 ronmental Policy Act of 1969 (42 U.S.C. 4321
9 et seq.).

10 “(D) POINT OF CONTACT.—Upon receiving
11 an application under subparagraph (A), an ex-
12 ecutive agency shall designate one or more ap-
13 propriate individuals within the executive agen-
14 cy to act as a point of contact with the appli-
15 cant.

16 “(e) MASTER CONTRACTS FOR COMMUNICATIONS
17 FACILITY INSTALLATION SITINGS.—

18 “(1) IN GENERAL.—Notwithstanding section
19 704 of the Telecommunications Act of 1996 (Public
20 Law 104–104; 110 Stat. 151) or any other provision
21 of law, the Administrator of General Services shall—

22 “(A) develop one or more master contracts
23 that shall govern the placement of communica-
24 tions facility installations on buildings and

1 other property owned by the Federal Govern-
2 ment; and

3 “(B) in developing the master contract or
4 contracts, standardize the treatment of the
5 placement of communications facility installa-
6 tions on building rooftops or facades, the place-
7 ment of communications facility installations on
8 rooftops or inside buildings, the technology used
9 in connection with communications facility in-
10 stallations placed on Federal buildings and
11 other property, and any other key issues the
12 Administrator of General Services considers ap-
13 propriate.

14 “(2) APPLICABILITY.—The master contract or
15 contracts developed by the Administrator of General
16 Services under paragraph (1) shall apply to all pub-
17 licly accessible buildings and other property owned
18 by the Federal Government, unless the Adminis-
19 trator of General Services decides that issues with
20 respect to the siting of a communications facility in-
21 stallation on a specific building or other property
22 warrant nonstandard treatment of such building or
23 other property.

24 “(3) APPLICATION.—

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

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

17 “(d) DEFINITIONS.—In this section:

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

21 “(A) any infrastructure, including any
22 transmitting device, tower, or support structure,
23 and any equipment, switches, wiring, cabling,
24 power sources, shelters, or cabinets, associated
25 with the licensed or permitted unlicensed wire-

1 less or wireline transmission of writings, signs,
2 signals, data, images, pictures, and sounds of
3 all kinds; and

4 “(B) any antenna or apparatus that—

5 “(i) is designed for the purpose of
6 emitting radio frequency;

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

12 “(iii) is added to a tower, building, or
13 other structure.

14 “(2) EXECUTIVE AGENCY.—The term ‘executive
15 agency’ has the meaning given such term in section
16 102 of title 40, United States Code.”.

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

24 (c) STREAMLINING BROADBAND FACILITY APPLICA-
25 TIONS.—

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

7 (2) RECOMMENDATIONS.—

8 (A) IN GENERAL.—Not later than 2 years
9 after the date of enactment of this Act, the
10 NTIA, in coordination with the Department of
11 the Interior, the Department of Agriculture, the
12 Department of Defense, the Department of
13 Transportation, OMB, and the General Services
14 Administration, shall develop recommendations
15 to streamline the process for considering appli-
16 cations by those agencies under section 6409(b)
17 of the Middle Class Tax Relief and Job Cre-
18 ation Act of 2012 (47 U.S.C. 1455(b)), as
19 amended by subsection (a).

20 (B) REQUIREMENTS FOR RECOMMENDA-
21 TIONS.—The recommendations developed under
22 subparagraph (A) shall include—

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

1 (ii) methods by which to reduce the
2 amount of time between the receipt of an
3 application and the issuance of a final de-
4 cision on an application; and

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

10 (C) REPORT TO CONGRESS.—Not later
11 than 2 years after the date on which the rec-
12 ommendations required under subparagraph
13 (A) are developed, the NTIA shall submit to the
14 Committee on Commerce, Science, and Trans-
15 portation of the Senate and the Committee on
16 Energy and Commerce of the House of Rep-
17 resentatives a report that describes—

18 (i) the status of the implementation of
19 the recommendations developed under sub-
20 paragraph (A); and

21 (ii) any improvements to the process
22 for considering applications described in
23 subparagraph (A) that have resulted from
24 those recommendations, including in par-
25 ticular the speed at which such applica-

1 tions are reviewed and a final determina-
2 tion is issued.

3 **SEC. 7. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

4 (a) FINDING REGARDING FEDERAL AND STATE DE-
5 PARTMENTS OF TRANSPORTATION.—Congress finds that
6 it is the policy of the United States for the Department
7 of Transportation and State departments of transpor-
8 tation—

9 (1) to adjust or otherwise develop right-of-way
10 policies for Federal-aid highways to effectively ac-
11 commodate broadband infrastructure;

12 (2) to allow for the safe and efficient accommo-
13 dation of broadband infrastructure in the public
14 right-of-way; and

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

19 (b) DEFINITIONS.—In this section:

20 (1) APPROPRIATE STATE AGENCY.—The term
21 “appropriate State agency” means a State govern-
22 mental agency that is recognized by the executive
23 branch of the State as having the experience nec-
24 essary to evaluate and carry out projects relating to

1 the proper and effective installation and operation of
2 broadband infrastructure.

3 (2) BROADBAND INFRASTRUCTURE.—The term
4 “broadband infrastructure” means any buried, un-
5 derground, or aerial facility, and any wireless or
6 wireline connection, that enables users to send and
7 receive voice, video, data, graphics, or any combina-
8 tion thereof.

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

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

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

18 (4) STATE.—The term “State” means—

19 (A) a State;

20 (B) the District of Columbia; and

21 (C) the Commonwealth of Puerto Rico.

22 (e) BROADBAND INFRASTRUCTURE DEPLOYMENT.—
23 To facilitate the installation of broadband infrastructure
24 and achieve the policy described in subsection (a), the Sec-
25 retary of Transportation shall ensure that each State that

1 receives funds under chapter 1 of title 23, United States
2 Code, meets the following requirements:

3 (1) BROADBAND CONSULTATION.—The State
4 department of transportation, in consultation with
5 appropriate State agencies, shall—

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

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

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

23 (D) coordinate initiatives carried out under
24 this section with other statewide telecommuni-
25 cation and broadband plans and State and local

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

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

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

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

23 (a) DEFINITIONS.—In this section:

1 (1) COMMUNICATIONS FACILITY 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) COVERED PROPERTY.—The term “covered
23 property”—

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 this Act, the Director of
15 the Office of Science and Technology Policy shall
16 seek public comment to inform the establishment
17 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 (e) is in-
6 cluded in the database not later than 7 days after
7 the date on which the Director receives the informa-
8 tion.

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. 9. 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. 10. 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. 11. 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. 12. 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. 13. 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 the Office of Manage-
19 ment and Budget (in this subsection referred to
20 as ‘OMB’) may transfer the amount under sub-
21 paragraph (A) immediately—

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

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

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

19 **SEC. 14. AMENDMENTS TO THE SPECTRUM PIPELINE ACT**
20 **OF 2015.**

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

1 **SEC. 15. 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. 16. 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. 17. 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. 18. 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 NTLA, 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 (c) 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. 19. SPECTRUM CHALLENGE PRIZE.**

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

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

20 (c) SPECTRUM CHALLENGE PRIZE.—

21 (1) IN GENERAL.—The Secretary, in consulta-
22 tion with the Assistant Secretary of Commerce for
23 Communications and Information and the Under
24 Secretary of Commerce for Standards and Tech-

1 nology, shall, subject to the availability of funds for
2 prize competitions under this section—

3 (A) conduct prize competitions to dramati-
4 cally accelerate the development and commer-
5 cialization of technology that improves spectrum
6 efficiency and is capable of cost-effective deploy-
7 ment; and

8 (B) define a measurable set of perform-
9 ance goals for participants in the prize competi-
10 tions to demonstrate their solutions on a level
11 playing field while making a significant ad-
12 vancement over the current state of the art.

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

15 (A) enter into a grant, contract, coopera-
16 tive agreement, or other agreement with a pri-
17 vate sector for-profit or nonprofit entity to ad-
18 minister the prize competitions;

19 (B) invite the Defense Advanced Research
20 Projects Agency, the Commission, the National
21 Aeronautics and Space Administration, the Na-
22 tional Science Foundation, or any other Federal
23 agency to provide advice and assistance in the
24 design or administration of the prize competi-
25 tions; and

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

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

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

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

16 (c) FINANCIAL TRANSACTION REQUIREMENT.—

17 (1) IN GENERAL.—A State, or a local jurisdic-
18 tion of a State, may not require a person to collect
19 from, or remit on behalf of, any other person a State
20 or local tax, fee, or surcharge imposed on a pur-
21 chaser or user with respect to the purchase or use
22 of any wireless telecommunications service within
23 the State unless the collection or remittance is in
24 connection with a financial transaction.

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

6 (d) ENFORCEMENT.—

7 (1) PRIVATE RIGHT OF ACTION.—Any person
8 aggrieved by a violation of subsection (c) may bring
9 a civil action in an appropriate district court of the
10 United States for equitable relief in accordance with
11 paragraph (2) of this subsection.

12 (2) JURISDICTION OF DISTRICT COURTS.—Not-
13 withstanding section 1341 of title 28, United States
14 Code, or the constitution or laws of any State, the
15 district courts of the United States shall have juris-
16 diction, without regard to the amount in controversy
17 or citizenship of the parties, to grant such manda-
18 tory or prohibitive injunctive relief, interim equitable
19 relief, and declaratory judgments as may be nec-
20 essary to prevent, restrain, or terminate any acts in
21 violation of subsection (c).

22 **SEC. 21. RULES OF CONSTRUCTION.**

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

1 (b) ASSESSMENT OF ELECTROMAGNETIC SPECTRUM
2 REALLOCATION.—Nothing in this Act shall be construed
3 to affect any requirement under section 156 of the Na-
4 tional Telecommunications and Information Administra-
5 tion Organization Act (47 U.S.C. 921 note), as added by
6 section 1062(a) of the National Defense Authorization Act
7 for Fiscal Year 2000.

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

10 Nothing in this Act shall be construed to limit, re-
11 strict, or circumvent in any way the implementation of the
12 nationwide public safety broadband network defined in
13 section 6001 of title VI of the Middle Class Tax Relief
14 and Job Creation Act of 2012 (47 U.S.C. 1401) or any
15 rules implementing that network under title VI of that Act
16 (47 U.S.C. 1401 et seq.).