

 S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require the Comptroller General of the United States to study Federal spectrum opportunity cost and Federal spectrum technology.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2644

To reauthorize the Federal Communications Commission for fiscal years 2017 and 2018, 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 intended to be proposed by Mr. RUBIO (for himself and Mr. GARDNER)

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . FEDERAL SPECTRUM TRANSPARENCY AND**
3 **VALUE.**

4 (a) SPECTRUM OPPORTUNITY COST STUDY AND RE-
5 PORT.—

6 (1) IN GENERAL.—Not later than 2 years after
7 the date of enactment of this Act, and every 2 years
8 thereafter, the Comptroller General of the United
9 States shall submit to the appropriate committees of
10 Congress a report on the annual opportunity cost of

1 each specific Federal spectrum band assigned to, or
2 otherwise allocated for use by, Federal entities.

3 (2) SCOPE.—Each report submitted under
4 paragraph (1) shall cover all federally allocated spec-
5 trum bands between 150 megahertz and 6000 mega-
6 hertz, inclusive.

7 (3) REQUIREMENTS.—Each report submitted
8 under paragraph (1) shall—

9 (A) define the term “opportunity cost” as
10 the value of the spectrum, in dollar terms, as
11 if such spectrum were to be reallocated on a li-
12 censed or unlicensed basis to the highest com-
13 mercial alternative use that currently does not
14 have access to that spectrum;

15 (B) take into account the national security
16 implications, including mission effectiveness, of
17 the potential transfer of Federal spectrum and
18 the ability of Federal entities to move to new
19 bands or share existing bands, and any limita-
20 tions on such moving or sharing;

21 (C) take into account the time required to
22 relocate and the cost of any potential relocation
23 or sharing of spectrum;

24 (D) take into account observed market
25 valuations from spectrum auctions, secondary

1 spectrum trading, and other market indicators
2 of spectrum value; and

3 (E) determine the opportunity costs of
4 spectrum assigned or otherwise allocated to
5 Federal entities on an exclusive or shared basis.

6 (b) SPECTRUM TECHNOLOGY STUDY.—

7 (1) IN GENERAL.—Not later than 2 years after
8 the date of enactment of this Act, and every 5 years
9 thereafter, the Comptroller General of the United
10 States shall—

11 (A) examine the technologies and equip-
12 ment used by Federal entities operating on
13 Federal spectrum allocations; and

14 (B) determine whether such technologies
15 and equipment are the most spectrum-efficient
16 available compared to existing technology to as-
17 sist in efficient use of spectrum.

18 (2) SCOPE.—Each study conducted under para-
19 graph (1) shall cover all federally allocated spectrum
20 bands between 150 megahertz and 6000 megahertz,
21 inclusive.

22 (3) CONSIDERATIONS.—In conducting each
23 study under paragraph (1), the Comptroller General
24 shall take into account—

1 (A) limitations on the acceptance of new
2 technology and equipment such as design char-
3 acteristics of national security programs and
4 acquisition challenges associated with intro-
5 ducing new technologies into complex defense
6 programs with unique requirements, including
7 national security satellite programs; and

8 (B) the impact of accepting new technology
9 and equipment on mission effectiveness.

10 (4) CERTAIN DETERMINATIONS MADE.—If any
11 study required under paragraph (1) determines that
12 the technologies and equipment of Federal entities
13 operating on Federal spectrum allocations are not
14 the most spectrum-efficient available, the Comp-
15 troller General shall determine—

16 (A) what the costs would be to upgrade
17 such systems to more up-to-date and readily
18 available systems;

19 (B) what benefits would be gained from
20 upgrading, particularly any cost savings or in-
21 creases in spectrum utilization efficiency; and

22 (C) whether there are any potential prob-
23 lems with upgrading to more up-to-date sys-
24 tems.

1 (5) REPORTS.—The Comptroller General shall
2 submit to the appropriate committees of Congress a
3 report on each study required under paragraph (1).

4 (c) SUNSET.—This section shall terminate on the
5 date that is 10 years after the date on which the first
6 report is submitted under subsection (a).

7 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
8 FINED.—For purposes of this section, the term “appro-
9 priate committees of Congress” means—

10 (1) the Committee on Commerce, Science, and
11 Transportation of the Senate;

12 (2) the Committee on Armed Services of the
13 Senate;

14 (3) the Select Committee on Intelligence of the
15 Senate;

16 (4) the Committee on Energy and Commerce of
17 the House of Representatives;

18 (5) the Committee on Armed Services of the
19 House of Representatives; and

20 (6) the Permanent Select Committee on Intel-
21 ligence of the House of Representatives.