

# **“The MOBILE NOW Act”**

## *SECTION-BY-SECTION SUMMARY*

### **Sec. 1. Short Title; Table of Contents.**

This section provides that short title of the bill will be “Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act” or the “MOBILE NOW Act.” This section further provides a table of contents for the bill.

### **Sec. 2. Definitions.**

This section provides definitions for various terms throughout the bill.

### **Sec. 3. Making 500 Megahertz Available.**

This section seeks to codify parts of the 2010 Presidential Memorandum in which the President directed Federal agencies to make available 500 megahertz of spectrum for wireless broadband use by 2020. Specifically, this section requires the Department of Commerce and the Federal Communications Commission (FCC) to make available at least 255 megahertz of Federal and non-Federal spectrum below the frequency of six gigahertz for mobile and fixed wireless broadband services. This section allows such spectrum to be made available for either licensed or unlicensed uses and requires the spectrum needs of government entities to be taken into consideration.

### **Sec. 4. Millimeter Wave Evaluation.**

This section directs the National Telecommunications and Information Administration (NTIA) at the Department of Commerce to conduct an assessment evaluating the feasibility of allowing mobile or fixed terrestrial wireless operations, including for broadband, in six specified bands between the frequencies of 24 gigahertz and 86 gigahertz. This assessment will consider the impact of allowing such services on Federal entities and operations in the identified bands.

This section further directs the FCC to publish a notice of proposed rulemaking (NPRM) within two years of enactment to consider service rules authorizing mobile or fixed terrestrial wireless operations in these millimeter wave spectrum bands. The NPRM would cover any Federal bands identified in the NTIA assessment as being feasible for terrestrial wireless operations, along with the bands between the frequencies of 24 gigahertz and 86 gigahertz that do not contain Federal allocations.

### **Sec. 5. Reports on 3 Gigahertz Bands.**

This section directs the Department of Commerce to submit a report to the President and to Congress within three years of enactment evaluating the feasibility of allowing commercial wireless services, licensed or unlicensed, to share the use of the frequencies between 3100 megahertz and 3550 megahertz. This section further directs the FCC to submit a report to the President and to Congress, within three years of enactment, evaluating the feasibility of allowing commercial wireless services, licensed or unlicensed, to share the use of the frequencies between 3700 megahertz and 4200 megahertz.

Both reports are required to include an assessment of the impacts such sharing may have on the incumbent Federal and non-Federal operations in the relevant bands (along with criteria that can protect such operations from harmful interference), and an identification of which frequencies in those bands may be most suitable for sharing with commercial services, if such sharing is determined to be feasible.

**Sec. 6. Distributed Antenna Systems and Small Cell Infrastructure.**

This section directs the FCC to take action in its proceeding titled “Program Alternatives for Small Wireless Communications Facility Deployments” no later than December 31, 2016.

**Sec. 7. Communications Facilities Deployment on Federal Property.**

This section amends section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 to require executive agencies to use applications developed by the General Services Administration (GSA) for easements and rights-of-way requests and GSA-developed master contracts for placement of communications facility installations on Federal property. Review of any application submitted under this section must occur within a reasonable period of time. This section further requires a Federal agency to provide any applicant for a Federal easement or right-of-way: a written denial of the application, if applicable; a written explanation of any delay longer than five months; and a point of contact within the agency. This section also expands the types of infrastructure covered by section 6409 to further facilitate the deployment of wireless, wireline, licensed, and unlicensed communications services.

**Sec. 8. Dig Once.**

This section states that it is the policy of the United States to encourage the deployment of communications facilities. This section further states that it is the sense of Congress that Federal agencies should endeavor to provide for the inclusion of broadband conduits in federally-funded highway construction projects and to do so in a manner that does not negatively impact highway safety or operations and limits burdens on State Departments of Transportation.

**Sec. 9. National Broadband Facilities Asset Database.**

This section requires the Office of Science and Technology Policy (OSTP), in consultation with the FCC, NTIA, GSA, National Institute of Standards and Technology, and Office of Management and Budget, to establish and operate a database, not later than June 30, 2018, of Federal property capable of supporting the installation of communications facilities. This section requires a process for withholding data from the database to protect national security and public safety. This section further requires OSTP to report to Congress on progress in establishing the database within 180 days of enactment, then annually thereafter until the database is fully operational.

**Sec. 10. Reallocation Incentives.**

This section directs the Department of Commerce to submit within 18 months of enactment a report to Congress on legislative or regulatory proposals to incentivize Federal entities to relinquish or share their spectrum for commercial wireless broadband services. This report will also evaluate allowing the winners of spectrum auctions involving spectrum being reallocated from Federal use to pay Federal entities to accelerate the post-auction relocation and transition process.

**Sec. 11. Bidirectional Sharing Study.**

This section directs the FCC to conduct a bidirectional sharing study to determine the best means of providing Federal entities flexible access to non-Federal spectrum on a shared basis. This study shall be submitted to Congress along with any recommendations for legislation or proposed regulations.

**Sec. 12. Unlicensed Use in Guard Bands.**

This section requires the FCC to allow unlicensed use in the guard bands of any auctioned spectrum bands, as long as doing so is feasible and will not cause harmful interference to a licensed service or a Federal service operating in the guard band or in an adjacent band.

**Sec. 13. Pre-Auction Funding.**

This section allows Federal agencies to receive pre-auction funding for potential auctions that are likely to occur within eight years, rather than the current statutory window of five years.

**Sec. 14. Immediate Transfer of Funds.**

This section accelerates the relocation of Federal entities by allowing existing Spectrum Relocation Fund balances to be transferred to agencies for transition efforts immediately upon completion of an auction, rather than after the actual receipt by the Fund of auction proceeds.

**Sec. 15. Amendment to the Spectrum Pipeline Act of 2015.**

This section amends section 1008 of the Spectrum Pipeline Act to require public comment for that section's reports.

**Sec. 16. Rules of Construction.**

This section provides that each range of frequencies described in the bill shall be construed as being inclusive of the upper and lower frequencies in the range. This section further provides that nothing in the bill shall affect any requirements under section 156 of the National Telecommunications and Information Administration Organization Act, as added by the National Defense Authorization Act for Fiscal Year 2000.

**Sec. 17. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.**

This section provides that nothing in the bill shall limit, restrict, or circumvent the implementation of the public safety network known as FirstNet.