

115TH CONGRESS  
2D SESSION

# S. 3617

To require the National Telecommunications and Information Administration to determine the value of electromagnetic spectrum assigned or otherwise allocated to Federal entities.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2018

Mr. LEE (for himself and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require the National Telecommunications and Information Administration to determine the value of electromagnetic spectrum assigned or otherwise allocated to Federal entities.

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.**

4 This Act may be cited as the “Government Spectrum  
5 Valuation Act of 2018”.

1 **SEC. 2. DETERMINATION OF VALUE OF ELECTROMAGNETIC**  
2 **SPECTRUM.**

3 (a) IN GENERAL.—Part A of the National Tele-  
4 communications and Information Administration Organi-  
5 zation Act (47 U.S.C. 901 et seq.) is amended—

6 (1) by redesignating section 105 (47 U.S.C.  
7 904) as section 106; and

8 (2) by inserting after section 104 (47 U.S.C.  
9 903) the following:

10 **“SEC. 105. DETERMINATION OF VALUE OF ELECTRO-**  
11 **MAGNETIC SPECTRUM.**

12 “(a) DEFINITIONS.—In this section—

13 “(1) the term ‘Federal entity’ has the meaning  
14 given the term in section 113(l); and

15 “(2) the term ‘OMB’ means the Office of Man-  
16 agement and Budget.

17 “(b) DETERMINATION REQUIRED.—Not later than 1  
18 year after the date of enactment of the Government Spec-  
19 trum Valuation Act of 2018, and each year thereafter, the  
20 NTIA, in consultation with the Commission and OMB,  
21 shall determine the value of electromagnetic spectrum as-  
22 signed or otherwise allocated to each Federal entity as of  
23 the date of the determination.

24 “(c) SCOPE.—The valuation under subsection (b)  
25 shall cover the frequencies between 3 kilohertz and 300  
26 gigahertz.

1       “(d) BASIS FOR DETERMINATION.—The NTIA shall  
2 base the value determination under subsection (b) on the  
3 value that the electromagnetic spectrum would have if the  
4 spectrum were reallocated for licensed or unlicensed com-  
5 mercial wireless services.

6       “(e) AGENCY REPORT ON VALUE OF ELECTRO-  
7 MAGNETIC SPECTRUM.—A Federal entity that has been  
8 assigned or otherwise allocated use of electromagnetic  
9 spectrum within the range of frequencies described in sub-  
10 section (c) shall report the value of the spectrum as deter-  
11 mined under subsection (b)—

12               “(1) in the budget of the Federal entity to be  
13 included in the budget of the United States Govern-  
14 ment submitted by the President under section 1105  
15 of title 31, United States Code; and

16               “(2) in the annual financial statement of the  
17 Federal entity required to be filed under section  
18 3515 of title 31, United States Code.”.

19       (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
20 Section 103(b) of the National Telecommunications and  
21 Information Administration Organization Act (47 U.S.C.  
22 902(b)) is amended—

23               (1) in paragraph (1), by striking “section  
24 105(d)” and inserting “section 106(d)”; and

1           (2) in paragraph (2), in the matter preceding  
2           subparagraph (A), by striking “section 105(d)” and  
3           inserting “section 106(d)”.

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