

118TH CONGRESS
1ST SESSION

S. 999

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

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2023

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

A BILL

To require the National Telecommunications and Information Administration to estimate 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”.

1 **SEC. 2. ESTIMATE OF VALUE OF ELECTROMAGNETIC SPEC-**
 2 **TRUM.**

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. ESTIMATE OF VALUE OF ELECTROMAGNETIC**
 11 **SPECTRUM.**

12 “(a) DEFINITIONS.—In this section—

13 “(1) the term ‘covered band’ means the band of
 14 frequencies between 3 kilohertz and 95 gigahertz;

15 “(2) the term ‘Federal entity’ has the meaning
 16 given the term in section 113(l); and

17 “(3) the term ‘OMB’ means the Office of Man-
 18 agement and Budget.

19 “(b) ESTIMATES REQUIRED.—The NTIA, in con-
 20 sultation with the Commission and OMB, shall estimate
 21 the value of electromagnetic spectrum in the covered band
 22 that is assigned or otherwise allocated to each Federal en-
 23 tity as of the date of the estimate, in accordance with the
 24 schedule under subsection (c).

25 “(c) SCHEDULE.—The NTIA shall conduct the esti-
 26 mates under subsection (b) for the frequencies between—

1 “(1) 3 kilohertz and 33 gigahertz not later than
2 1 year after the date of enactment of this section,
3 and every 3 years thereafter;

4 “(2) 33 gigahertz and 66 gigahertz not later
5 than 2 years after the date of enactment of this sec-
6 tion, and every 3 years thereafter; and

7 “(3) 66 gigahertz and 95 gigahertz not later
8 than 3 years after the date of enactment of this sec-
9 tion, and every 3 years thereafter.

10 “(d) BASIS FOR ESTIMATE.—

11 “(1) IN GENERAL.—The NTIA shall base each
12 value estimate under subsection (b) on the value
13 that the electromagnetic spectrum would have if the
14 spectrum were reallocated for the use with the high-
15 est potential value of licensed or unlicensed commer-
16 cial wireless services that do not have access to that
17 spectrum as of the date of the estimate.

18 “(2) CONSIDERATION OF GOVERNMENT CAPA-
19 BILITIES.—In estimating the value of spectrum
20 under subsection (b), the NTIA may consider the
21 spectrum needs of commercial interests while pre-
22 serving the spectrum access necessary to satisfy mis-
23 sion requirements and operations of Federal entities.

24 “(3) DYNAMIC SCORING.—To the greatest ex-
25 tent practicable, the NTIA shall incorporate dynamic

1 scoring methodology into the value estimate under
2 subsection (b).

3 “(4) DISCLOSURE.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graph (B), the NTIA shall publicly disclose how
6 the NTIA arrived at each value estimate under
7 subsection (b), including any findings made
8 under paragraph (2) of this subsection.

9 “(B) CLASSIFIED, LAW ENFORCEMENT-
10 SENSITIVE, AND PROPRIETARY INFORMATION.—
11 If any information involved in a value estimate
12 under subsection (b), including any finding
13 made under paragraph (2) of this subsection, is
14 classified, law enforcement-sensitive, or propri-
15 etary, the NTIA—

16 “(i) may not publicly disclose the clas-
17 sified, law enforcement-sensitive, or propri-
18 etary information; and

19 “(ii) shall make the classified, law en-
20 forcement-sensitive, or proprietary infor-
21 mation available to any Member of Con-
22 gress, upon request, in a classified annex.

23 “(e) AGENCY REPORT ON VALUE OF ELECTRO-
24 MAGNETIC SPECTRUM.—A Federal entity that has been
25 assigned or otherwise allocated use of electromagnetic

1 spectrum within the covered band shall report the value
2 of the spectrum as most recently estimated under sub-
3 section (b)—

4 “(1) in the budget of the Federal entity to be
5 included in the budget of the United States Govern-
6 ment submitted by the President under section 1105
7 of title 31, United States Code; and

8 “(2) in the annual financial statement of the
9 Federal entity required to be filed under section
10 3515 of title 31, United States Code.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
12 Section 103(b) of the National Telecommunications and
13 Information Administration Organization Act (47 U.S.C.
14 902(b)) is amended—

15 (1) in paragraph (1), by striking “section
16 105(d)” and inserting “section 106(d)”; and

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

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