Senators Mull Selling More Airwaves to Boost Broadband Access

By Alisha Green
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A draft bill making the rounds among Senate lawmakers would require selling even more airwaves than initially agreed to in the recent budget deal.

The language is part of a proposal that would move forward several bipartisan efforts aimed at boosting high-speed Internet access nationwide. The wide-ranging discussion draft bill in the Senate Commerce, Science and Transportation Committee comes after a series of hearings in recent weeks by the committee and its House counterpart where Republicans and Democrats have called for auctioning government-held airwaves to the private sector to increase the amount of wireless spectrum available to carry voice and data over the air.

The draft bill would dovetail with the Obama administration's efforts to expand high-speed Internet - especially to 25 percent of the country that now lacks it - and would help broadband Internet service providers trying to meet exploding consumer demand for high-speed connections as more people use smartphones and other wireless devices.

"The spectrum . . . shall be made available . . . to enable the deployment of licensed or unlicensed wireless broadband technologies," according to the draft bill titled Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act.

There are no co-sponsors attached to the discussion draft.

The draft calls for amending language in the two-year bipartisan budget deal (PL 114-74) to require federal agencies to give up 50 megahertz of spectrum that they use instead of the 30 megahertz currently required by the law.

The Congressional Budget Office and Joint Committee on Taxation staff estimated that the sale of 30 megahertz of spectrum could result in a $4.4 billion total boost to government funds by the end of the 2025 fiscal year. There is no estimate yet of what the sale of an additional 20 megahertz could raise.

Beyond boosting the amount of spectrum available, the draft would aim to address another major concern of broadband providers: permit delays. The draft bill calls for
establishing deadlines for federal agencies to respond to applications for building broadband infrastructure on federal land.

Internet service providers have said it can take months for federal agencies to process those permits, which significantly delay the expansion or upgrading of broadband networks. In general, the draft would give federal agencies 90 days to respond, though they could set shorter timelines.

The U.S. government owns around 640 million acres or some 28 percent of land in the country, according to the Congressional Research Service, making access to federal land a key component of building out broadband networks in many areas.

Another part of the discussion draft includes a placeholder for what is known as a dig-once policy. It would require evaluating the need for broadband conduit to be installed at the same time as a federal highway construction project.

There is bipartisan legislation in the House (HR 3805) and Senate (S 2163) to establish a dig-once policy, but the bills have different approaches. A Senate Commerce Committee aide told CQ Roll Call they are still sorting out which language might be included.

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Broadband expansion has been a signature initiative of the Obama administration, and several parts of the draft including the dig-once policy align closely with recommendations made in a White House report released in September. The recommendations were the result of work by the Broadband Opportunity Council, created by President Barack Obama in March to develop a strategy for delivering high-speed Internet to areas that lack it. An estimated 25 percent of households do not subscribe to broadband because of prohibitive costs or limited availability.

The Senate Commerce discussion draft would put into law a June 2010 Obama administration directive that called for making 500 megahertz of airwaves available through auctions to bidders such as AT&T and Verizon, eager to boost connection speeds.

The Federal Communications Commission and National Telecommunications and Information Administration would work together to identify spectrum that can be made available and to auction off the airwaves.