

FCC APPROPRIATIONS LANGUAGE FOR FISCAL YEAR 2018

The Federal Communications Commission's (FCC) funding is appropriated to the FCC by Congress and the President through the annual appropriations process. The actual text of the FCC's funding language for Fiscal Year 2018 from Title V of Division E of the Consolidated Appropriations Act, 2018, Public Law 115-141, is contained below. The full text of the Consolidated Appropriations Act, 2018 is available at www.congress.gov and <https://www.gpo.gov/fdsys/>.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$322,035,000, to remain available until expended: *Provided*, That \$322,035,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2018 so as to result in a final fiscal year 2018 appropriation estimated at \$0: *Provided further*, That any offsetting collections received in excess of \$322,035,000 in fiscal year 2018 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2017, shall not be available for obligation: *Provided further*, That, notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed \$111,150,000 for fiscal year 2018: *Provided further*, That, of the amount appropriated under this heading, not less than \$11,020,000 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510.

None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

SEC. 511.

Section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1452) is amended by adding at the end the following:

“(j) Reserve source for payment of relocation costs.—

“(1) FUNDING.—There are hereby authorized to be appropriated, and appropriated, to the TV Broadcaster Relocation Fund established by subsection (d), out of any monies in the Treasury not otherwise appropriated—

“(A) for fiscal year 2018, \$600,000,000, to remain available, notwithstanding subsection (d)(4), until not later than July 3, 2023, pursuant to this subsection; and

“(B) for fiscal year 2019, \$400,000,000, to remain available, notwithstanding subsection (d)(4), until not later than July 3, 2023, pursuant to this subsection.

“(2) AVAILABILITY OF FUNDS.—

“(A) IN GENERAL.—If the Commission makes the certification described in subparagraph (B), amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) shall be available to the Commission to make—

“(i) reimbursements pursuant to subsection (b)(4)(A)(i) or (b)(4)(A)(ii), including not more than \$350,000,000 for this purpose from funds made available by paragraph (1)(A);

“(ii) payments required by subsection (k), including not more than \$150,000,000 for this purpose from funds made available by paragraph (1)(A);

“(iii) payments required by subsection (l), including not more than \$50,000,000 for this purpose from funds made available by paragraph (1)(A); and

“(iv) payments solely for the purposes of consumer education relating to the reorganization of broadcast television spectrum under subsection (b), including \$50,000,000 for this purpose from funds made available by paragraph (1)(A).

“(B) CERTIFICATION.—The certification described in this subparagraph is a certification from the Commission to the Secretary of the Treasury that the funds available prior to the date of enactment of this subsection in the TV Broadcaster Relocation Fund are likely to be insufficient to reimburse reasonably incurred costs described in subsection (b)(4)(A)(i) or (b)(4)(A)(ii).

“(C) AVAILABILITY FOR PAYMENTS AFTER APRIL 13, 2020.—

“(i) FOR PAYMENTS TO BROADCAST TELEVISION LICENSEES AND MVPDS.—Notwithstanding subsection (b)(4)(D), the Commission may make payments pursuant to subsection (b)(4)(A)(i) or (b)(4)(A)(ii) from amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) after April 13, 2020, if, before making any such payments after such date, the Commission submits to Congress a certification that such payments are necessary to reimburse reasonably incurred costs described in such subsection.

“(ii) FOR PAYMENTS TO TELEVISION TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) shall not be available to the Commission to make payments required by subsection (k) after April 13, 2020, unless, before making any such payments after such date, the Commission submits to Congress a certification that such payments are necessary to reimburse costs reasonably incurred by a television translator station or low power television station (as such terms are defined in subsection (k)) on or after January 1, 2017, in order for such station to relocate its television service from one channel to another channel or otherwise modify its facility as a result of the reorganization of broadcast television spectrum under subsection (b).

“(iii) FOR PAYMENTS TO FM BROADCAST STATIONS.—Amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) shall not be available to the Commission to make payments required by subsection (l) after April 13, 2020, unless, before making any such payments after such date, the Commission submits to Congress a certification that such payments are necessary to reimburse costs reasonably incurred by an FM broadcast station (as defined in subsection (l)) for facilities necessary for such station to reasonably minimize disruption of service as a result of the reorganization of broadcast television spectrum under subsection (b).

“(3) UNUSED FUNDS RESCINDED AND DEPOSITED INTO THE GENERAL FUND OF THE TREASURY.—

“(A) RESCISSION AND DEPOSIT.—If any unobligated amounts made available to the TV Broadcaster Relocation Fund by paragraph (1) remain in the Fund after the date described in subparagraph (B), such amounts shall be rescinded and deposited into the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

“(B) DATE DESCRIBED.—The date described in this subparagraph is the earlier of—

“(i) the date of a certification by the Commission under subparagraph (C) that all reimbursements pursuant to subsections (b)(4)(A)(i) and (b)(4)(A)(ii) have been made and that all reimbursements pursuant to subsections (k) and (l) have been made; or

“(ii) July 3, 2023.

“(C) CERTIFICATION.—If all reimbursements pursuant to subsections (b)(4)(A)(i) and (b)(4)(A)(ii) and all reimbursements pursuant to subsections (k) and (l) have been made before July 3, 2023, the Commission shall submit to the Secretary of the Treasury a certification that all such reimbursements have been made.

“(4) ADMINISTRATIVE COSTS.—The amount of auction proceeds that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)), including from the proceeds of the forward auction under this section, shall be sufficient to cover the administrative costs incurred by the Commission in making any reimbursements out of the TV Broadcaster Relocation Fund from amounts made available to that Fund by paragraph (1).

“(k) Payment of relocation costs of television translator stations and low power television stations.—

“(1) PAYMENT REQUIRED.—From amounts made available under subsection (j)(2), the Commission shall reimburse costs reasonably incurred by a television translator station or low power television station on or after January 1, 2017, in order for such station to relocate its television service from one channel to another channel or otherwise modify its facility as a result of the reorganization of broadcast television spectrum under subsection (b). Only stations that are eligible to file and do file an application in the Commission’s Special Displacement Window are eligible to seek reimbursement under this paragraph.

“(2) LIMITATION.—The Commission may not make reimbursements under paragraph (1) for lost revenues.

“(3) DUPLICATIVE PAYMENTS PROHIBITED.—In the case of a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations—

“(A) if the licensee of such station has received reimbursement with respect to such station under subsection (b)(4)(A)(i) (including from amounts made available under subsection (j)(2)(A)(i)), or from any other source, such station may not receive reimbursement under paragraph (1); and

“(B) if such station has received reimbursement under paragraph (1), the licensee of such station may not receive reimbursement with respect to such station under subsection (b)(4)(A)(i).

“(4) ADDITIONAL LIMITATION.—The Commission may not make reimbursement under paragraph (1) for costs incurred to resolve mutually exclusive applications, including costs incurred in any auction of available channels.

“(5) DEFINITIONS.—In this subsection:

“(A) LOW POWER TELEVISION STATION.—The term ‘low power television station’ means a low power TV station (as defined in section 74.701 of title 47, Code of Federal Regulations) that was licensed and transmitting for at least 9 of the 12 months prior to April 13, 2017. For purposes of the preceding sentence, the operation of analog and digital companion facilities may be combined.

“(B) TELEVISION TRANSLATOR STATION.—The term ‘television translator station’ means a television broadcast translator station (as defined in section 74.701 of title 47, Code of Federal Regulations) that was licensed and transmitting for at least 9 of the 12 months prior to April 13, 2017. For purposes of the preceding sentence, the operation of analog and digital companion facilities may be combined.

“(1) Payment of relocation costs of fm broadcast stations.—

“(1) PAYMENT REQUIRED.—

“(A) IN GENERAL.—From amounts made available under subsection (j)(2), the Commission shall reimburse costs reasonably incurred by an FM broadcast station for facilities necessary for such station to reasonably minimize disruption of service as a result of the reorganization of broadcast television spectrum under subsection (b).

“(B) LIMITATION.—The Commission may not make reimbursements under subparagraph (A) for lost revenues.

“(C) DUPLICATIVE PAYMENTS PROHIBITED.—If an FM broadcast station has received a payment for interim facilities from the licensee of a television broadcast station that was reimbursed for such payment under subsection (b)(4)(A)(i) (including from amounts made available under subsection (j)(2)(A)(i)), or from any other source, such FM broadcast station may not receive any reimbursements under subparagraph (A).

“(2) FM BROADCAST STATION DEFINED.—In this subsection, the term ‘FM broadcast station’ has the meaning given such term in section 73.310 of title 47, Code of

Federal Regulations, and includes an FM translator, which has the meaning given the term ‘FM translator’ in section 74.1201 of such title.

“(m) Rulemaking.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Commission shall complete a rulemaking to implement subsections (k) and (l).

“(2) MATTERS FOR INCLUSION.—The rulemaking completed under paragraph (1) shall include the development of lists of reasonable eligible costs to be reimbursed by the Commission pursuant to subsections (k) and (l), and procedures for the submission and review of cost estimates and other materials related to those costs consistent with the regulations developed by the Commission pursuant to subsection (b)(4).

“(n) Rule of construction.—

“(1) Nothing in subsections (j) through (m) shall alter the final transition phase completion date established by the Commission for full power and Class A television stations.”.