

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5486
OFFERED BY MS. MATSUI OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Simplifying Manage-
3 ment, Access, Reallocation, and Transfer of Spectrum
4 Act” or the “SMART Spectrum Act”.

5 SEC. 2. INCUMBENT INFORMING CAPABILITY.

6 Part B of the National Telecommunications and In-
7 formation Administration Organization Act (47 U.S.C.
8 921 et seq.) is amended by adding at the end the fol-
9 lowing:

10 “SEC. 120. INCUMBENT INFORMING CAPABILITY.

11 “(a) IN GENERAL.—The Assistant Secretary shall—

12 “(1) not later than 120 days after the date of
13 the enactment of this section, begin to amend the
14 Department of Commerce spectrum management
15 document entitled ‘Manual of Regulations and Pro-
16 cedures for Federal Radio Frequency Management’
17 so as to incorporate an incumbent informing capa-
18 bility; and

1 “(2) not later than the date on which amounts
2 appropriated under subsection (d) are made avail-
3 able, begin to implement such capability, including
4 the development and testing of such capability.

5 “(b) ESTABLISHMENT OF THE INCUMBENT INFORM-
6 ING CAPABILITY.—

7 “(1) IN GENERAL.—The incumbent informing
8 capability required by subsection (a) shall include a
9 system to enable sharing, including time-based shar-
10 ing, to securely manage harmful interference be-
11 tween non-Federal users and incumbent Federal en-
12 tities sharing a band of covered spectrum and be-
13 tween Federal entities sharing a band of covered
14 spectrum.

15 “(2) REQUIREMENTS.—The system required by
16 paragraph (1) shall contain, at a minimum, the fol-
17 lowing:

18 “(A) One or more mechanisms to allow
19 non-Federal use in covered spectrum, as au-
20 thorized by the rules of the Commission. Such
21 mechanism or mechanisms shall include inter-
22 faces to commercial sharing systems, as appro-
23 priate.

1 “(B) One or more mechanisms to facilitate
2 Federal-to-Federal sharing, as authorized by
3 the NTIA.

4 “(C) One or more mechanisms to prevent,
5 eliminate, or mitigate harmful interference to
6 incumbent Federal entities, including one or
7 more of the following functions:

8 “(i) Sensing.

9 “(ii) Identification.

10 “(iii) Reporting.

11 “(iv) Analysis.

12 “(v) Resolution.

13 “(D) Dynamic coordination area analysis,
14 definition, and control, if appropriate for a
15 band.

16 “(3) COMPLIANCE WITH COMMISSION RULES.—
17 The incumbent informing capability required by sub-
18 section (a) shall ensure that use of covered spectrum
19 is in accordance with the applicable rules of the
20 Commission.

21 “(4) INPUT OF INFORMATION.—

22 “(A) IN GENERAL.—Each incumbent Fed-
23 eral entity sharing a band of covered spectrum
24 shall—

1 “(i) input into the system required by
2 paragraph (1) such information as the As-
3 sistant Secretary may require, including
4 the frequency, time, and location of the use
5 of the band by such Federal entity; and

6 “(ii) to the extent practicable, input
7 such information into such system on an
8 automated basis.

9 “(B) PAYMENT OF COSTS.—Notwith-
10 standing subsections (c) through (e) of section
11 118 and subparagraphs (C) through (E) of sub-
12 section (g)(2) of such section, the Director of
13 the Office of Management and Budget, in con-
14 sultation with the Assistant Secretary, may use
15 amounts available in the Spectrum Relocation
16 Fund to pay the costs incurred by Federal enti-
17 ties to input information as required by sub-
18 paragraph (A).

19 “(5) PROTECTION OF CLASSIFIED INFORMA-
20 TION AND CONTROLLED UNCLASSIFIED INFORMA-
21 TION.—The system required by paragraph (1) shall
22 contain appropriate measures to protect classified
23 information and controlled unclassified information,
24 including any such classified information or con-

1 trolled unclassified information that relates to mili-
2 tary operations.

3 “(c) BRIEFING.—Not later than 1 year after the date
4 on which amounts appropriated under subsection (d) are
5 made available, the Assistant Secretary shall provide a
6 briefing on the implementation of this section to the Com-
7 mittee on Energy and Commerce of the House of Rep-
8 resentatives and the Committee on Commerce, Science,
9 and Transportation of the Senate.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Assistant Sec-
12 retary to carry out this section—

13 “(1) \$117,400,000 for fiscal year 2023 (and
14 such amount is authorized to remain available
15 through fiscal year 2029); and

16 “(2) \$8,700,000 for fiscal year 2030 and each
17 fiscal year thereafter.

18 “(e) DEFINITIONS.—In this section:

19 “(1) COVERED SPECTRUM.—The term ‘covered
20 spectrum’ means—

21 “(A) electromagnetic spectrum for which
22 usage rights are assigned to or authorized for
23 (including before the date on which the incum-
24 bent informing capability required by subsection
25 (a) is implemented) a non-Federal user or class

1 of non-Federal users for use on a shared basis
2 with an incumbent Federal entity in accordance
3 with the rules of the Commission; and

4 “(B) electromagnetic spectrum allocated
5 on a primary or co-primary basis for Federal
6 use that is shared among Federal entities.

7 “(2) FEDERAL ENTITY.—The term ‘Federal en-
8 tity’ has the meaning given such term in section
9 113(l).

10 “(3) INCUMBENT INFORMING CAPABILITY.—
11 The term ‘incumbent informing capability’ means a
12 capability to facilitate the sharing of covered spec-
13 trum.

14 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion shall be construed to alter or expand the authority
16 of the NTIA as described in section 113(j)(1).”.

Amend the title so as to read: “A bill to amend the National Telecommunications and Information Administration Organization Act to provide for an incumbent informing capability, and for other purposes.”.

