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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

# H. R.

To amend the National Telecommunications and Information Administration Organization Act to enhance Federal spectrum relocation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Ms. MATSUI introduced the following bill; which was referred to the Committee on

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# A BILL

To amend the National Telecommunications and Information Administration Organization Act to enhance Federal spectrum relocation, and for other purposes.

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 “Spectrum Relocation  
5 Enhancement Act”.

6 **SEC. 2. FEDERAL SPECTRUM RELOCATION AND SHARING.**

7 (a) RELOCATION OR SHARING COSTS TO SATISFY  
8 OPERATIONAL REQUIREMENTS OF FEDERAL ENTITIES.—

1           (1) IN GENERAL.—The National Telecommuni-  
2           cations and Information Administration Organiza-  
3           tion Act (47 U.S.C. 901 et seq.) is amended—

4                   (A) in section 113(g)—

5                           (i) in paragraph (3)—

6                                   (I) in the first sentence of sub-  
7                                   paragraph (A), by striking “in order  
8                                   to achieve comparable capability of  
9                                   systems as before the relocation or  
10                                  sharing arrangement” and inserting  
11                                  “to deploy systems that satisfy the  
12                                  operational requirements of such enti-  
13                                  ty, which may have increased from the  
14                                  operational requirements being met  
15                                  before the relocation or sharing ar-  
16                                  rangement”; and

17                                  (II) by amending subparagraph

18                                  (B) to read as follows:

19                                  “(B) INCREASED OPERATIONAL REQUIRE-  
20                                  MENTS.—For purposes of subparagraph (A),  
21                                  paragraph (6), and section 118(f)(2)(B)(ii), the  
22                                  operational requirements of a Federal entity do  
23                                  not include any increased operational require-  
24                                  ments the costs of which jeopardize the oppor-  
25                                  tunity for a successful auction, sharing, or

1 other non-Federal use of the eligible frequencies  
2 involved.”; and

3 (ii) in paragraph (6)—

4 (I) in the first sentence, by strik-  
5 ing “of comparable capability” and in-  
6 serting “that meet the operational re-  
7 quirements of such entities”; and

8 (II) in the second sentence, by  
9 striking “a Federal entity has  
10 achieved comparable capability of sys-  
11 tems” and inserting “the operational  
12 requirements of a Federal entity are  
13 met”; and

14 (B) in section 118(f)(2)(B)(ii), by striking  
15 “to achieve comparable capability of systems af-  
16 fected by the reallocation of eligible frequencies  
17 from Federal use to exclusive non-Federal use  
18 or to shared use” and inserting “to deploy sys-  
19 tems that satisfy the operational requirements  
20 of the eligible Federal entity”.

21 (2) APPLICABILITY.—The amendments made  
22 by paragraph (1) shall apply with respect to reloca-  
23 tion or sharing costs, or payments under section  
24 118(f) of the National Telecommunications and In-  
25 formation Administration Organization Act (47

1 U.S.C. 928(f)), as the case may be, with respect to  
2 a transition plan that is found to be sufficient under  
3 section 113(h)(4) of such Act (47 U.S.C. 923(h)(4))  
4 after the date of the enactment of this Act.

5 (b) PAYMENTS FROM SPECTRUM RELOCATION FUND  
6 FOR RESEARCH AND DEVELOPMENT AND PLANNING AC-  
7 TIVITIES.—

8 (1) IN GENERAL.—Section 118(g)(2) of the Na-  
9 tional Telecommunications and Information Admin-  
10 istration Organization Act (47 U.S.C. 928(g)(2)) is  
11 amended to read as follows:

12 “(2) USE OF AMOUNTS.—

13 “(A) IN GENERAL.—The Director of OMB  
14 may use amounts made available under para-  
15 graph (1) to make payments intended to im-  
16 prove the efficiency and effectiveness of the  
17 spectrum use of Federal entities in order to  
18 make available frequencies described in sub-  
19 paragraph (C) for reallocation for non-Federal  
20 use or shared Federal and non-Federal use, or  
21 a combination thereof, and for auction in ac-  
22 cordance with such reallocation—

23 “(i) to Federal entities for research  
24 and development, engineering studies, eco-  
25 nomic analyses, activities with respect to

1 systems, preparing transition plans re-  
2 quired by section 113(h)(1), or other plan-  
3 ning activities; and

4 “(ii) to the NTIA for research and de-  
5 velopment, engineering studies, economic  
6 analyses, or other planning activities or to  
7 conduct activities required by subpara-  
8 graph (H).

9 “(B) ACTIVITIES WITH RESPECT TO SYS-  
10 TEMS.—For purposes of a payment under sub-  
11 paragraph (A)(i) for activities with respect to  
12 systems, such systems include the following:

13 “(i) Systems (including systems that  
14 obtain passive scientific observations) that  
15 have increased functionality or that in-  
16 crease the ability of a Federal entity to ac-  
17 commodate spectrum sharing with non-  
18 Federal entities.

19 “(ii) Systems that consolidate func-  
20 tions or services that have been provided  
21 using separate systems.

22 “(iii) Non-spectrum technology or sys-  
23 tems.

24 “(C) FREQUENCIES DESCRIBED.—The fre-  
25 quencies described in this subparagraph are,

1 with respect to a payment under subparagraph  
2 (A), frequencies—

3 “(i) that are assigned to a Federal en-  
4 tity; and

5 “(ii) at the time of the activities con-  
6 ducted with such payment, with respect to  
7 which no relocation or sharing costs have  
8 been transferred to the Federal entity  
9 under subsection (d)(3) or (e).

10 “(D) CONDITIONS.—The Director of OMB  
11 may not make a payment to a Federal entity  
12 under subparagraph (A)(i)—

13 “(i) unless—

14 “(I) the Federal entity has sub-  
15 mitted to the Technical Panel estab-  
16 lished under section 113(h)(3) a plan  
17 describing the activities that the Fed-  
18 eral entity will conduct with such pay-  
19 ment;

20 “(II) the NTIA has reviewed the  
21 plan, determined that the activities  
22 described in the plan and the costs as-  
23 sociated with such activities are ap-  
24 propriate, and advised the Director of

1 OMB as to the appropriateness of  
2 such costs;

3 “(III) the Technical Panel has  
4 approved such plan under subpara-  
5 graph (F); and

6 “(IV) the Director of OMB has  
7 submitted the plan approved under  
8 subparagraph (F) to the congressional  
9 committees described in subsection  
10 (d)(2)(C); and

11 “(ii) until 30 days have elapsed after  
12 submission of the plan under clause  
13 (i)(IV).

14 “(E) REQUIREMENTS FOR PLAN OF FED-  
15 ERAL ENTITY.—

16 “(i) REQUIRED CONTENTS.—A plan  
17 submitted by a Federal entity under sub-  
18 paragraph (D)(i)(I) with respect to a pay-  
19 ment under this subsection shall include  
20 the following:

21 “(I) A plan and timeline for the  
22 activities to be conducted with such  
23 payment, including a description and  
24 the estimated cost of each effort in-  
25 cluded as part of each such activity.

1                   “(II) A schedule for such activi-  
2                   ties, with incremental deliverables and  
3                   that includes time for review by the  
4                   NTIA of interim results and for the  
5                   NTIA to advise the Director of OMB  
6                   regarding subsequent payments.

7                   “(III) Requirements for status  
8                   reporting to the Director of OMB and  
9                   the NTIA.

10                  “(IV) Requirements for partici-  
11                  pation in any NTIA-led activities as-  
12                  sociated with the plan.

13                  “(ii) ESTABLISHMENT OF ADDITIONAL  
14                  REQUIREMENTS FOR CONTENTS.—The  
15                  Technical Panel established under section  
16                  113(h)(3) may establish additional require-  
17                  ments for the contents of the plan to be  
18                  submitted under subparagraph (D)(i)(I) to  
19                  facilitate review and approval or dis-  
20                  approval of the plan under subparagraph  
21                  (F).

22                  “(iii) COORDINATION BY FEDERAL  
23                  ENTITY WITH NTIA.—A Federal entity that  
24                  is developing a plan to be submitted under  
25                  subparagraph (D)(i)(I) shall coordinate



1 with the NTIA during the development of  
2 the plan, including any research, engineer-  
3 ing, or analysis activities included in the  
4 plan.

5 “(iv) REVISED ACTIVITIES AND UP-  
6 DATED PLAN.—

7 “(I) REVISED ACTIVITIES.—If  
8 the NTIA, in consultation with the  
9 Director of OMB, determines that re-  
10 visions to the activities that a Federal  
11 entity is conducting with a payment  
12 under this subsection are required to  
13 achieve the most efficient and effec-  
14 tive use of spectrum by Federal enti-  
15 ties in order to make frequencies  
16 available for reallocation for non-Fed-  
17 eral use or shared Federal and non-  
18 Federal use, or a combination thereof,  
19 and for auction in accordance with  
20 such reallocation—

21 “(aa) the NTIA, in consulta-  
22 tion with the Director of OMB,  
23 shall direct the Federal entity to  
24 revise such activities in accord-  
25 ance with the determination; and

1                   “(bb) not later than 45 days  
2                   after receiving the direction  
3                   under item (aa), the Federal en-  
4                   tity shall revise such activities as  
5                   directed.

6                   “(II) UPDATED PLAN.—If the  
7                   Director of OMB, in consultation with  
8                   the NTIA, determines that the revi-  
9                   sions the NTIA has directed a Fed-  
10                  eral entity to make under subclause  
11                  (I) to the activities the Federal entity  
12                  is conducting with a payment under  
13                  this subsection are outside the scope  
14                  of the original plan or the most recent  
15                  updated plan (as the case may be) of  
16                  the Federal entity with respect to  
17                  such payment that was approved  
18                  under subparagraph (F)—

19                  “(aa) the Director of OMB  
20                  shall direct the Federal entity to  
21                  submit an updated plan under  
22                  subparagraph (D)(i)(I) to reflect  
23                  such revisions; and

24                  “(bb) not later than 45 days  
25                  after receiving the direction

1 under item (aa), the Federal en-  
2 tity shall submit such updated  
3 plan under subparagraph  
4 (D)(i)(I), which shall be approved  
5 or disapproved under subpara-  
6 graph (F) in the same manner as  
7 the original plan.

8 “(F) REVIEW OF PLAN BY TECHNICAL  
9 PANEL.—

10 “(i) IN GENERAL.—Not later than  
11 120 days after a Federal entity submits a  
12 plan under subparagraph (D)(i)(I) to the  
13 Technical Panel established under section  
14 113(h)(3), the Technical Panel shall ap-  
15 prove or disapprove such plan.

16 “(ii) CRITERIA FOR REVIEW.—In con-  
17 sidering whether to approve or disapprove  
18 a plan under this subparagraph, the Tech-  
19 nical Panel shall consider whether—

20 “(I) the activities that the Fed-  
21 eral entity will conduct with the pay-  
22 ment will—

23 “(aa) increase or maintain  
24 the ability of the Federal entity

1 to meet the operational require-  
2 ments of the Federal entity;

3 “(bb) increase the prob-  
4 ability of relocation from or shar-  
5 ing of Federal spectrum;

6 “(cc) facilitate an auction  
7 intended to occur not later than  
8 8 years after the payment; and

9 “(dd) increase the net ex-  
10 pected auction proceeds in an  
11 amount not less than the time  
12 value of the amount of the pay-  
13 ment; and

14 “(II) the transfer will leave suffi-  
15 cient amounts in the Fund for the  
16 other purposes of the Fund.

17 “(G) REQUIRED USE OF PAYMENT.—

18 “(i) IN GENERAL.—Except as pro-  
19 vided in clause (ii), a Federal entity that  
20 receives a payment under this subsection  
21 may only use the payment in accordance  
22 with the original plan or the most recent  
23 updated plan (as the case may be) of the  
24 Federal entity with respect to such pay-

1                   ment that was approved under subpara-  
2                   graph (F).

3                   “(ii) INTERIM AUTHORITY TO CON-  
4                   DUCT REVISED ACTIVITIES.—In the case of  
5                   a Federal entity that has received a direc-  
6                   tion from the Director of OMB under sub-  
7                   paragraph (E)(iv)(II)(aa) to submit an up-  
8                   dated plan under subparagraph (D)(i)(I)  
9                   to reflect revisions that the NTIA has di-  
10                  rected the Federal entity to make under  
11                  subparagraph (E)(iv)(I)(aa) to the activi-  
12                  ties that the Federal entity is conducting  
13                  with a payment under this subsection, the  
14                  Federal entity may use the payment to  
15                  conduct activities that reflect such revi-  
16                  sions notwithstanding clause (i) until—

17                                   “(I) if the Federal entity fails to  
18                                   submit the updated plan by the dead-  
19                                   line            under            subparagraph  
20                                   (E)(iv)(II)(bb), such deadline; or

21                                   “(II) if the Federal entity sub-  
22                                   mits the updated plan by the deadline  
23                                   under subparagraph (E)(iv)(II)(bb),  
24                                   the date on which the updated plan is

1 approved or disapproved under sub-  
2 paragraph (F).

3 “(iii) TERMINATION OF AUTHORITY  
4 TO USE PAYMENT.—If a Federal entity de-  
5 scribed in clause (ii) fails to submit the up-  
6 dated plan by the deadline under subpara-  
7 graph (E)(iv)(II)(bb), or if the updated  
8 plan is disapproved under subparagraph  
9 (F), the Federal entity may not, after such  
10 deadline or the date on which the updated  
11 plan is disapproved (as the case may be),  
12 conduct any activities using such payment,  
13 until such time as the updated plan is sub-  
14 mitted or resubmitted (as the case may be)  
15 and approved under subparagraph (F).

16 “(H) ROLE OF NTIA.—

17 “(i) OVERSIGHT BY NTIA.—The NTIA  
18 shall—

19 “(I) establish and carry out a  
20 process to conduct oversight of the  
21 execution of plans approved under  
22 subparagraph (F);

23 “(II) in accordance with subpara-  
24 graph (D)(i)(II), review plans sub-  
25 mitted under subparagraph (D)(i)(I),

1 determine whether the activities de-  
2 scribed in such plans and the costs as-  
3 sociated with such activities are ap-  
4 propriate, and advise the Director of  
5 OMB as to the appropriateness of  
6 such costs;

7 “(III) in accordance with sub-  
8 paragraph (E)(i)(II), review the in-  
9 terim results of the activities con-  
10 ducted by Federal entities using pay-  
11 ments under this subsection and ad-  
12 vise the Director of OMB regarding  
13 subsequent payments to such entities;

14 “(IV) in accordance with sub-  
15 paragraph (E)(iv)(I), determine  
16 whether revisions to the activities that  
17 a Federal entity is conducting with a  
18 payment under this subsection are re-  
19 quired and, if so, direct the Federal  
20 entity to revise such activities;

21 “(V) in accordance with subpara-  
22 graph (E)(iv)(II), consult with the Di-  
23 rector of OMB on the need for the  
24 Federal entity to submit an updated

1 plan under subparagraph (D)(i)(I) to  
2 reflect any such revised activities; and  
3 “(VI) conduct activities required  
4 to aggregate the results of activities  
5 conducted by individual Federal enti-  
6 ties with payments under this sub-  
7 section into a comprehensive assess-  
8 ment to ensure any recommendation  
9 to the Commission for reallocation of  
10 a band of frequencies has properly ac-  
11 counted for, addressed, and protected  
12 all Federal interests in and adjacent  
13 to the band.  
14 “(ii) SPECTRUM STUDIES.—  
15 “(I) ACTIVITIES NOT IDENTIFIED  
16 IN PLANS OF FEDERAL ENTITIES.—  
17 The NTIA, in coordination with Fed-  
18 eral entities, shall, as needed, conduct  
19 spectrum studies (including studies  
20 relating to advances in spectrum engi-  
21 neering, science, and technology) that  
22 are not associated with the activities  
23 identified in the plans of Federal enti-  
24 ties approved under subparagraph  
25 (F).



1                   “(II) PARTICIPATION AND INFOR-  
2                   MATION FROM FEDERAL AGENCIES.—  
3                   A Federal agency shall participate in  
4                   the spectrum studies described in sub-  
5                   clause (I) and provide information to  
6                   the NTIA, as necessary for the NTIA  
7                   to carry out such subclause.”.

8                   (2) CONFORMING AMENDMENT.—Section  
9                   113(h)(3)(C) of the National Telecommunications  
10                  and Information Administration Organization Act  
11                  (47 U.S.C. 923(h)(3)(C)) is amended by striking  
12                  “section 118(g)(2)(E)” and inserting “section  
13                  118(g)(2)(F)”.

14                  (3) APPLICABILITY.—The amendments made  
15                  by this subsection shall apply with respect to pay-  
16                  ments requested under section 118(g)(2) of the Na-  
17                  tional Telecommunications and Information Admin-  
18                  istration Organization Act (47 U.S.C. 928(g)(2))  
19                  after the date of the enactment of this Act.

20                  (c) PAYMENTS FROM SPECTRUM RELOCATION FUND  
21                  FOR ADMINISTRATIVE SUPPORT FOR TECHNICAL  
22                  PANEL.—Section 118 of the National Telecommunications  
23                  and Information Administration Organization Act (47  
24                  U.S.C. 928) is amended by adding at the end the fol-  
25                  lowing:

1       “(j) ADMINISTRATIVE SUPPORT FOR TECHNICAL  
2 PANEL.—Notwithstanding subsections (c) through (e),  
3 there are appropriated from the Fund and available to the  
4 Director of OMB such sums as are required to make pay-  
5 ments to the NTIA to enable the NTIA to provide admin-  
6 istrative support services to the Technical Panel estab-  
7 lished by subparagraph (A) of section 113(h)(3), as re-  
8 quired by subparagraph (C) of such section.”.