

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO SUBTITLE L
OFFERED BY MR. MICHAEL F. DOYLE OF
PENNSYLVANIA**

Strike all and insert the following:

1 Subtitle L—Spectrum Auctions

2 SEC. 31201. SPECTRUM AUCTIONS AND INNOVATION.

3 (a) DEFINITIONS.—In this section:

4 (1) ASSISTANT SECRETARY.—The term “Assistant
5 ant Secretary” means the Assistant Secretary of
6 Commerce for Communications and Information.

7 (2) COMMISSION.—The term “Commission”
8 means the Federal Communications Commission.

9 (3) COVERED BAND.—The term “covered
10 band” means the band of frequencies between 3100
11 megahertz and 3450 megahertz, inclusive.

12 (4) RELEVANT CONGRESSIONAL COMMIT-
13 TEES.—The term “relevant congressional commit-
14 tees” means—

15 (A) the Committee on Energy and Com-
16 merce of the House of Representatives; and

17 (B) the Committee on Commerce, Science,
18 and Transportation of the Senate.

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of Commerce.

3 (b) 3.1–3.45 GHZ BAND.—

4 (1) PRE-AUCTION FUNDING.—

5 (A) IN GENERAL.—On the date of enact-
6 ment of this Act, the Director of the Office of
7 Management and Budget shall transfer
8 \$50,000,000 from the Spectrum Relocation
9 Fund established under section 118 of the Na-
10 tional Telecommunications and Information Ad-
11 ministration Organization Act (47 U.S.C. 928)
12 to the Secretary for the purpose of engineering
13 studies, economic analyses, activities with re-
14 spect to systems, or other planning activities to
15 improve efficiency and effectiveness of Federal
16 spectrum use in order to make available—

17 (i) frequencies in the covered band for
18 identification by the Secretary under para-
19 graph (2)(A); and

20 (ii) frequencies in the covered band
21 for identification by the Secretary under
22 paragraph (2)(B).

23 (B) EXEMPTION.—Section 118(g) of the
24 National Telecommunications and Information
25 Administration Organization Act (47 U.S.C.

1 928(g)) shall not apply with respect to the pay-
2 ment required under subparagraph (A).

3 (C) PLAN.—Not later than 180 days after
4 the date of enactment of this Act, the Assistant
5 Secretary, in coordination with the Secretary of
6 Defense and the Executive Office of the Presi-
7 dent, shall develop a plan for conducting the en-
8 gineering studies, economic analyses, activities
9 with respect to systems, or other planning ac-
10 tivities described in subparagraph (A).

11 (D) CONSIDERATION OF COMMON PLAT-
12 FORM.—In developing the plan required by sub-
13 paragraph (C), the Assistant Secretary shall
14 consider facilitating the sharing of spectrum be-
15 tween Federal and non-Federal users imple-
16 mented through a Federal user informing com-
17 mon platform developed by the Assistant Sec-
18 retary, in coordination with the Commission.

19 (E) OVERSIGHT.—The Assistant Secretary
20 and the Executive Office of the President shall
21 continuously review and provide oversight of the
22 execution of the plan required by subparagraph
23 (C).

24 (F) REPORT TO SECRETARY OF COMMERCE
25 AND CONGRESS.—Not later than 18 months

1 after the date of enactment of this Act, for the
2 purposes of aiding the Secretary in making the
3 identification under paragraph (2) and in-
4 formed by the findings of the engineering stud-
5 ies, economic analyses, activities with respect to
6 systems, or other planning activities described
7 in subparagraph (A), the Assistant Secretary,
8 in consultation with the Secretary of Defense,
9 shall submit to the Secretary and the relevant
10 congressional committees a report that—

11 (i) contains such findings; and

12 (ii) recommends—

13 (I) frequencies in the covered
14 band for identification by the Sec-
15 retary under paragraph (2)(A); and

16 (II) frequencies in the covered
17 band for identification by the Sec-
18 retary under paragraph (2)(B).

19 (2) IDENTIFICATION.—Not later than 24
20 months after the date of enactment of this Act, in-
21 formed by the findings of the engineering studies,
22 economic analyses, activities with respect to systems,
23 or other planning activities described in paragraph
24 (1)(A) and the report required under paragraph
25 (1)(F), the Secretary, in consultation with the Sec-

1 retary of Defense, the Director of the Office of
2 Science and Technology Policy, and the Commission,
3 shall submit to the President, the Commission, and
4 the relevant congressional committees a report
5 that—

6 (A) identifies for inclusion in a system of
7 competitive bidding under paragraph (3) at
8 least 200 megahertz of frequencies in the cov-
9 ered band for non-Federal use, shared Federal
10 and non-Federal use, or a combination thereof;
11 and

12 (B) identifies additional frequencies of
13 electromagnetic spectrum in the covered band
14 that could be made available for non-Federal
15 use, shared Federal and non-Federal use, or a
16 combination thereof.

17 (3) AUCTION.—

18 (A) IN GENERAL.—Not later than 7 years
19 after the date of enactment of this Act, the
20 Commission, in coordination with the Assistant
21 Secretary, shall commence a system of competi-
22 tive bidding under section 309(j) of the Com-
23 munications Act of 1934 (47 U.S.C. 309(j)), in
24 accordance with paragraph (2) of this sub-

1 section, of the frequencies identified under sub-
2 paragraph (A) of that paragraph.

3 (B) PROHIBITION.—No entity that is on
4 the list required by section 2 of the Secure and
5 Trusted Communications Networks Act of 2019
6 (47 U.S.C. 1601) may participate in the system
7 of competitive bidding required by subpara-
8 graph (A).

9 (4) PREPARING SPECTRUM FOR AUCTION.—

10 (A) IN GENERAL.—The President shall
11 modify or withdraw any assignment to a Fed-
12 eral Government station of the frequencies iden-
13 tified under paragraph (2)(A) to accommodate
14 non-Federal use or shared Federal and non-
15 Federal use in accordance with that paragraph.

16 (B) TIMING.—The President may not
17 modify or withdraw any assignment to a Fed-
18 eral Government station as described in sub-
19 paragraph (A) before November 30, 2024.

20 (5) AUCTION PROCEEDS TO COVER 110 PER-
21 CENT OF FEDERAL RELOCATION OR SHARING
22 COSTS.—Nothing in this subsection shall be con-
23 strued to relieve the Commission from the require-
24 ments under section 309(j)(16)(B) of the Commu-
25 nications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

1 (6) RULES AUTHORIZING ADDITIONAL USE OF
2 SPECTRUM IN COVERED BAND.—Not later than 4
3 years after the date of enactment of this Act, the
4 Commission, in consultation with the Assistant Sec-
5 retary, shall adopt rules that authorize the use of
6 spectrum in the covered band identified under para-
7 graph (2)(B) for non-Federal use, shared Federal
8 and non-Federal use, or a combination thereof.

9 (7) OPPORTUNISTIC USE OF IDENTIFIED FRE-
10 QUENCIES.—Not later than 4 years after the date of
11 enactment of this Act, if the President modifies or
12 withdraws assignments under paragraph (4), or if
13 President accommodates the use described in para-
14 graph (2)(A) without such modification or with-
15 drawal, the Commission, in coordination with the
16 Assistant Secretary, shall allow for the opportunistic
17 use of the frequencies identified under such para-
18 graph before the auction required by paragraph (3)
19 is conducted. Opportunistic use, if such use is incon-
20 sistent with the rights of licensees that obtained li-
21 censes through such auction, shall cease upon the
22 issuance by the Commission of such licenses.

23 (c) FCC AUCTION AUTHORITY.—

24 (1) TERMINATION.—Section 309(j)(11) of the
25 Communications Act of 1934 (47 U.S.C. 309(j)(11))

1 is amended by inserting after “2025” the following:
2 “, and with respect to the electromagnetic spectrum
3 identified under section 31201(b)(2)(A) of the Act
4 to provide for reconciliation pursuant to title II of
5 S. Con. Res. 14, such authority shall expire on the
6 date that is 7 years after the date of enactment of
7 that Act”.

8 (2) SPECTRUM PIPELINE ACT OF 2015.—The
9 Spectrum Pipeline Act of 2015 (Public Law 114–74;
10 129 Stat. 621) is amended—

11 (A) in section 1004—

12 (i) in subsection (a), by striking
13 “2022” and inserting “2024”; and

14 (ii) in subsection (b)(1), by striking
15 “2022” and inserting “2024”; and

16 (B) in section 1006(c)(1), by striking
17 “2022” and inserting “2024”.

