

# Committee Print by the Committee on Energy and Commerce

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(Providing for reconciliation pursuant to S. Con. Res. 14, the  
Concurrent Resolution on the Budget for Fiscal Year 2022)

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1           **TITLE III—COMMITTEE ON**  
2           **ENERGY AND COMMERCE**  
3   **Subtitle L—Budget Reconciliation**  
4   **Legislative Recommendations**  
5   **Relating to Wireless**  
6   **Connectivity**

7   **SEC. 31201. SPECTRUM AUCTIONS.**

8           (a) DEFINITIONS.—In this section:

9                   (1) COMMISSION.—The term “Commission”  
10                   means the Federal Communications Commission.

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

14                   (3) RELEVANT CONGRESSIONAL COMMIT-  
15                   TEES.—The term “relevant congressional commit-  
16                   tees” means—

17                           (A) the Committee on Commerce, Science,  
18                           and Transportation of the Senate; and

1 (B) the Committee on Energy and Com-  
2 merce of the House of Representatives.

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 of Commerce for the purpose  
13 of engineering studies, economic analyses, ac-  
14 tivities with respect to systems, or other plan-  
15 ning activities to improve efficiency and effec-  
16 tiveness of Federal spectrum use in order to  
17 make available electromagnetic spectrum in the  
18 covered band—

19 (i) for reallocation for shared Federal  
20 and non-Federal use; and

21 (ii) for auction under paragraph (3)  
22 of this subsection.

23 (B) OVERSIGHT.—The Assistant Secretary  
24 of Commerce for Communications and Informa-  
25 tion, in coordination with the Secretary of De-

1 fense and the Executive Office of the President,  
2 shall develop a plan for conducting the planning  
3 activities described in subparagraph (A). The  
4 Assistant Secretary and the Executive Office of  
5 the President shall continuously review and pro-  
6 vide oversight of such activities.

7 (C) EXEMPTION.—Section 118(g) of the  
8 National Telecommunications and Information  
9 Administration Organization Act (47 U.S.C.  
10 928(g)) shall not apply with respect to the pay-  
11 ment required under subparagraph (A).

12 (D) CONSIDERATION OF COMMON PLAT-  
13 FORM.—The plan required by subparagraph (B)  
14 shall include consideration of spectrum sharing  
15 implemented via a common platform developed  
16 by the Assistant Secretary of Commerce for  
17 Communications and Information, in consulta-  
18 tion with the Commission.

19 (E) REPORT TO SECRETARY OF COM-  
20 MERCE.—Not later than 18 months after the  
21 date of enactment of this Act, for purposes of  
22 paragraph (2), the Assistant Secretary of Com-  
23 merce for Communications and Information, in  
24 coordination with the Secretary of Defense,  
25 shall submit to the Secretary of Commerce a re-

1 port on the findings of the planning activities  
2 described in subparagraph (A), including an  
3 identification of at least 200 megahertz of fre-  
4 quencies in the covered band that could be  
5 made available on a shared basis between Fed-  
6 eral and non-Federal use.

7 (2) IDENTIFICATION.—Not later than 24  
8 months after the date of enactment of this Act, in-  
9 formed by the findings of the planning activities de-  
10 scribed in paragraph (1)(A), the Secretary of Com-  
11 merce, in consultation with the Secretary of Defense,  
12 the Director of the Office of Science and Technology  
13 Policy, and the Commission, shall—

14 (A) determine which frequencies of electro-  
15 magnetic spectrum in the covered band could be  
16 made available on a shared basis between Fed-  
17 eral and non-Federal use; and

18 (B) submit to the President and the Com-  
19 mission a report that identifies for auction, sub-  
20 ject to flexible-use service rules, at least 200  
21 megahertz of the frequencies with respect to  
22 which an affirmative determination is made  
23 under subparagraph (A).

24 (3) AUCTION.—Not later than 7 years after the  
25 date of enactment of this Act, the Commission, in

1 coordination with the Assistant Secretary of Com-  
2 merce for Communications and Information, shall,  
3 through a system of competitive bidding under sec-  
4 tion 309(j) of the Communications Act of 1934 (47  
5 U.S.C. 309(j)), grant new licenses for the use, in ac-  
6 cordance with paragraph (2) of this subsection, of at  
7 least 200 megahertz of the frequencies identified  
8 under subparagraph (B) of that paragraph.

9 (4) SHARING OF SPECTRUM.—

10 (A) IN GENERAL.—The President shall  
11 modify any assignment to a Federal Govern-  
12 ment station of the frequencies identified under  
13 subparagraph (B) of paragraph (2) as nec-  
14 essary in order to accommodate shared Federal  
15 and non-Federal use in accordance with that  
16 paragraph.

17 (B) TIMING.—The President may not  
18 modify any assignment to a Federal Govern-  
19 ment station as described in subparagraph (A)  
20 before November 30, 2024.

21 (5) AUCTION PROCEEDS TO COVER 110 PER-  
22 CENT OF FEDERAL RELOCATION OR SHARING  
23 COSTS.—Nothing in this subsection shall be con-  
24 strued to relieve the Commission from the require-

1       ments under section 309(j)(16)(B) of the Commu-  
2       nications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

3           (6) RULES AUTHORIZING SHARING OF ADDI-  
4       TIONAL SPECTRUM IN COVERED BAND.—Not later  
5       than November 30, 2024, the Commission, in con-  
6       sultation with the Assistant Secretary of Commerce  
7       for Communications and Information, shall adopt  
8       rules that authorize the sharing of spectrum in the  
9       covered band (other than the frequencies identified  
10      under paragraph (2)(B)) among Federal and non-  
11      Federal uses.

12          (7) OPPORTUNISTIC USE OF IDENTIFIED FRE-  
13      QUENCIES.—If the President modifies assignments  
14      under paragraph (4), or if such modification is not  
15      necessary in order to accommodate shared Federal  
16      and non-Federal use in accordance with paragraph  
17      (2), the Commission and the Assistant Secretary of  
18      Commerce for Communications and Information  
19      shall allow for the opportunistic use of the fre-  
20      quencies identified under paragraph (2)(B) before  
21      the auction required by paragraph (3) is conducted.  
22      Such opportunistic use though shall cease upon the  
23      Commission's issuance of licenses in accordance with  
24      paragraph (3) of this subsection.

25      (c) FCC AUCTION AUTHORITY.—

1           (1) **TERMINATION.**—Section 309(j)(11) of the  
2           Communications Act of 1934 (47 U.S.C. 309(j)(11))  
3           is amended by inserting after “2025” the following:  
4           “, and with respect to the electromagnetic spectrum  
5           identified under section 3\_\_001(b)(2)(B) of the Act  
6           to provide for reconciliation pursuant to title II of  
7           S. Con. Res. 14, such authority shall expire on the  
8           date that is 7 years after the date of enactment of  
9           that Act”.

10           (2) **SPECTRUM PIPELINE ACT OF 2015.**—Section  
11           1006(e)(1) of the Spectrum Pipeline Act of 2015  
12           (Public Law 114–74; 129 Stat. 624) is amended by  
13           striking “2022” and inserting “2024”.

14 **SEC. 31202. FUTURE OF TELECOMMUNICATIONS COUNCIL.**

15           In addition to amounts otherwise available, there is  
16           appropriated to the Secretary of Commerce for fiscal year  
17           2022, out of any money in the Treasury not otherwise ap-  
18           propriated, \$10,000,000, to remain available until Sep-  
19           tember 30, 2031, to establish, in coordination with the  
20           Committee on Energy and Commerce of the House of  
21           Representatives, the Committee on Commerce, Science,  
22           and Transportation of the Senate, the Deputy Secretary  
23           of Commerce, the Administrator of the National Tele-  
24           communications and Information Administration, the Un-  
25           dersecretary of the National Institute of Standards and

1 Technology, the Chair of the Federal Communications  
2 Commission, the Director of the National Science Founda-  
3 tion, the Majority Leader of the Senate, and the Speaker  
4 of the House of Representatives, a council of 14 members,  
5 to be known as the “Future of Telecommunications Coun-  
6 cil”, to advise Congress on the development and adoption  
7 of 6G and other advanced wireless communications tech-  
8 nologies, including ensuring equity in access to such tech-  
9 nologies for communities of color and rural communities.