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
3 This Act may be cited as the “Simplifying Management, Access, Reallocation, and Transfer of Spectrum Act” or the “SMART Spectrum Act”.

5 SEC. 2. INCUMBENT INFORMING CAPABILITY.
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7 Part B of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) is amended by adding at the end the following:

10 “SEC. 120. INCUMBENT INFORMING CAPABILITY.
11
12 “(a) In general.—The Assistant Secretary shall—
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14 “(1) not later than 120 days after the date of the enactment of this section, begin to amend the Department of Commerce spectrum management document entitled ‘Manual of Regulations and Procedures for Federal Radio Frequency Management’ so as to incorporate an incumbent informing capability; and

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

“(b) ESTABLISHMENT OF THE INCUMBENT INFORMING CAPABILITY.—

“(1) IN GENERAL.—The incumbent informing capability required by subsection (a) shall include a system to enable sharing, including time-based sharing, to securely manage harmful interference between non-Federal users and incumbent Federal entities sharing a band of covered spectrum and between Federal entities sharing a band of covered spectrum.

“(2) REQUIREMENTS.—The system required by paragraph (1) shall contain, at a minimum, the following:

“(A) One or more mechanisms to allow non-Federal use in covered spectrum, as authorized by the rules of the Commission. Such mechanism or mechanisms shall include interfaces to commercial sharing systems, as appropriate.
“(B) One or more mechanisms to facilitate Federal-to-Federal sharing, as authorized by the NTIA.

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

“(i) Sensing.
“(ii) Identification.
“(iii) Reporting.
“(iv) Analysis.
“(v) Resolution.

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

“(3) COMPLIANCE WITH COMMISSION RULES.—The incumbent informing capability required by subsection (a) shall ensure that use of covered spectrum is in accordance with the applicable rules of the Commission.

“(4) INPUT OF INFORMATION.—
“(A) IN GENERAL.—Each incumbent Federal entity sharing a band of covered spectrum shall—
“(i) input into the system required by paragraph (1) such information as the Assistant Secretary may require, including the frequency, time, and location of the use of the band by such Federal entity; and

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

“(B) PAYMENT OF COSTS.—Notwithstanding subsections (c) through (e) of section 118 and subparagraphs (C) through (E) of subsection (g)(2) of such section, the Director of the Office of Management and Budget, in consultation with the Assistant Secretary, may use amounts available in the Spectrum Relocation Fund to pay the costs incurred by Federal entities to input information as required by subparagraph (A).

“(5) PROTECTION OF CLASSIFIED INFORMATION AND CONTROLLED UNCLASSIFIED INFORMATION.—The system required by paragraph (1) shall contain appropriate measures to protect classified information and controlled unclassified information, including any such classified information or con-
trolled unclassified information that relates to mili-
tary operations.

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

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

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

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

“(e) DEFINITIONS.—In this section:

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

“(A) electromagnetic spectrum for which
usage rights are assigned to or authorized for
(including before the date on which the incum-
bent informing capability required by subsection
(a) is implemented) a non-Federal user or class
of non-Federal users for use on a shared basis
with an incumbent Federal entity in accordance
with the rules of the Commission; and

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

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

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

“(f) RULE OF CONSTRUCTION.—Nothing in this sec-
tion shall be construed to alter or expand the authority
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 Adminis-
tration Organization Act to provide for an incumbent in-
forming capability, and for other purposes.”.