To make available additional frequencies in the 3.1–3.45 GHz band for non-Federal use, shared Federal and non-Federal use, or a combination thereof, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2022

Mr. MICHAEL F. DOYLE of Pennsylvania (for himself, Mr. LATTA, Ms. MATSUI, Mr. BILIRAKIS, Ms. ESHOO, Mr. CARTER of Georgia, Mr. O’HALLERAN, Mr. DUNCAN, Ms. SCHRIER, Mr. UPTON, Mr. MCEACHIN, Mr. HUDSON, Mr. WELCH, Mr. GUTHRIE, Ms. SCHARSKOWSKY, Mr. LONG, Ms. DEGETTE, Mr. KINZINGER, Ms. KUSTER, Mr. WELBERG, and Mr. MCNERNEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To make available additional frequencies in the 3.1–3.45 GHz band for non-Federal use, shared Federal and non-Federal use, or a combination thereof, 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 Innovation

5 Act of 2022”.

SEC. 2. SPECTRUM AUCTIONS AND INNOVATION.

(a) DEFINITIONS.—In this section:

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

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

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

(4) FEDERAL ENTITY.—The term “Federal entity” has the meaning given such term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).

(5) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” means—

(A) the Committee on Energy and Commerce of the House of Representatives;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Armed Services of the House of Representatives; and

(D) the Committee on Armed Services of the Senate.
(6) **SECRETARY.**—The term “Secretary” means
the Secretary of Commerce.

(b) **3.1–3.45 GHz Band.**—

(1) **Pipeline Funding.**—

(A) **In General.**—Immediately following
the approval under subparagraph (E) of sub-
section (g)(2) of section 118 of the National
Telecommunications and Information Adminis-
tration Organization Act (47 U.S.C. 928) of a
plan submitted under subparagraph (D)(i)(I) of
such subsection by a Federal entity with oper-
ations in the covered band, the Director of the
Office of Management and Budget shall trans-
fer to such Federal entity from the Spectrum
Relocation Fund established under such section
$50,000,000 for such Federal entity to carry
out activities described in subparagraph (A) of
such subsection in order to make available the
entire covered band for non-Federal use, shared
Federal and non-Federal use, or a combination
thereof, including by making available—

(i) frequencies in the covered band for
identification by the Secretary under para-
graph (2)(A); and
(ii) frequencies in the covered band
for identification by the Secretary under
paragraph (2)(B).

(B) EXEMPTION.—Section
118(g)(2)(D)(ii) of the National Telecommuni-
cations and Information Administration Organi-
zation Act (47 U.S.C. 928(g)(2)(D)(ii)) shall
not apply with respect to the payment required
under subparagraph (A).

(C) OVERSIGHT.—The Assistant Secretary
and the Executive Office of the President shall
continuously review and provide oversight of the
activities carried out using a payment under
subparagraph (A).

(D) REPORT TO SECRETARY OF COM-
MERCE AND CONGRESS.—Not later than 18
months after the date of enactment of this Act,
for the purposes of aiding the Secretary in
making the identification under paragraph (2)
and informed by the activities carried out using
a payment under subparagraph (A), any Fed-
eral entity receiving such a payment, in con-
sultation with the Assistant Secretary and the
Executive Office of the President, shall submit
to the Secretary and the relevant congressional committees a report that—

(i) contains the findings of the activities carried out using such payment; and

(ii) recommends—

(I) frequencies in the covered band for identification by the Secretary under paragraph (2)(A); and

(II) frequencies in the covered band for identification by the Secretary under paragraph (2)(B).

(2) IDENTIFICATION.—Not later than 24 months after the date of enactment of this Act, informed by the activities carried out using a payment under paragraph (1)(A) and the report required under paragraph (1)(D), the Secretary, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Commission, shall submit to the President, the Commission, and the relevant congressional committees a report that—

(A) identifies for inclusion in a system of competitive bidding under paragraph (3) at least 200 megahertz of frequencies in the covered band for non-Federal use, shared Federal
and non-Federal use, or a combination thereof; and

(B) identifies additional frequencies in the covered band that could be made available for non-Federal use, shared Federal and non-Federal use, or a combination thereof.

(3) AUCTION.—

(A) IN GENERAL.—Not later than 7 years after the date of enactment of this Act, the Commission, in coordination with the Assistant Secretary, shall commence a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), in accordance with paragraph (2) of this subsection, of the frequencies identified under subparagraph (A) of that paragraph.

(B) PROHIBITION.—No entity that is on the list required by section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601) may participate in the system of competitive bidding required by subparagraph (A).

(C) SCOPE.—The Commission may not include in the system of competitive bidding re-
quired by subparagraph (A) any frequencies that are not in the covered band.

(4) MODIFICATION OR WITHDRAWAL.—

(A) IN GENERAL.—The President shall modify or withdraw any assignment to a Federal Government station of the frequencies identified under paragraph (2)(A) to accommodate non-Federal use, shared Federal and non-Federal use, or a combination thereof in accordance with that paragraph.

(B) LIMITATIONS.—The President may not modify or withdraw any assignment to a Federal Government station as described in subparagraph (A)—

(i) unless the President determines that such modification or withdrawal will not compromise the primary mission of a Federal entity operating in the covered band; or

(ii) before November 30, 2024.

(5) AUCTION PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in this subsection shall be construed to relieve the Commission from the require-
ments under section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(6) Rules authorizing additional use of spectrum in covered band.—Not later than 4 years after the date of enactment of this Act, the Commission, in coordination with the Assistant Secretary, shall adopt rules that authorize the use of spectrum in the covered band identified under paragraph (2)(B) for non-Federal use, shared Federal and non-Federal use, or a combination thereof.

(c) FCC Auction Authority.—

(1) Termination.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “2025” and all that follows and inserting “2025, and with respect to the electromagnetic spectrum identified under section 2(b)(2)(A) of the Spectrum Innovation Act of 2022, such authority shall expire on the date that is 7 years after the date of enactment of that Act.”.


(A) in subsection (a), by striking “2022” and inserting “2024”; and
(B) in subsection (b)(1), by striking “2022” and inserting “2024”.

(d) REPEAL.—Section 90008 of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.