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

Mr. Michael F. Doyle of Pennsylvania introduced the following bill; which was referred to the Committee on ____________________

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 2021”.
6 SEC. 2. SPECTRUM AUCTIONS AND INNOVATION.
7 (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 subsection (g)(2) of section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) of a plan submitted under subparagraph (D)(i)(I) of such subsection by a Federal entity with operations in the covered band, the Director of the Office of Management and Budget shall transfer 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 paragraph (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 Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)(2)(D)(ii)) shall not apply with respect to the payment required under subparagraph (A).

(C) **CONSIDERATION OF COMMON PLATFORM.**—In carrying out activities using a payment under subparagraph (A), any Federal entity receiving such a payment shall consider facilitating the sharing of spectrum between Federal and non-Federal users implemented through a Federal user informing common platform developed by the Assistant Secretary, in coordination with the Commission.

(D) **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).

(E) **REPORT TO SECRETARY OF COMMERCE 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 Federal entity receiving such a payment, in consultation 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)(E), 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 Com-
mmission, 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 cov-
ered 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-Fed-
eral 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 competi-
tive bidding under section 309(j) of the Com-
munications Act of 1934 (47 U.S.C. 309(j)), in
accordance with paragraph (2) of this sub-
section, of the frequencies identified under sub-
paragraph (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).

(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 requirements 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 consultation 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.

(7) **Opportunistic use of identified frequencies.**—

(A) **In general.**—Not later than 4 years after the date of enactment of this Act, if the President modifies or withdraws assignments under paragraph (4), or if the President accommodates the use described in paragraph (2)(A) without such modification or withdrawal, the Commission, in coordination with the Assistant Secretary, shall allow for the opportunistic use of the frequencies identified under such para-
graph before the auction required by paragraph (3) is conducted. Opportunistic use, if such use is inconsistent with the rights of licensees that obtained licenses through such auction, shall cease upon the issuance by the Commission of such licenses.

(B) LIMITATION.—The Commission may allow for opportunistic use described in subparagraph (A) only if the President, in consultation with the Assistant Secretary, determines that the primary mission of Federal entities in the covered band will not be compromised by the introduction of devices operating in the covered band.

(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 2021, such authority shall expire on the date that is 7 years after the date of enactment of that Act.”.
(2) **SPECTRUM PIPELINE ACT OF 2015.**—The Spectrum Pipeline Act of 2015 (Public Law 114–74; 129 Stat. 621) is amended—

(A) in section 1004—

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

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

(B) in section 1006(c)(1), by striking “Not later” and all that follows through “for at least” and inserting “Not later than January 1, 2024, for at least”.

(d) **RELATIONSHIP TO OTHER LAW.**—

(1) **IN GENERAL.**—This section and the amendments made by this section shall apply instead of any other provision of law relating to the covered band that is enacted during the period beginning on September 24, 2021, and ending on January 1, 2022.

(2) **RULE OF CONSTRUCTION.**—For purposes of paragraph (1), a provision of law that applies both to frequencies in the covered band and to other frequencies may not be construed to relate to the covered band.