

117TH CONGRESS
2D SESSION

S. 4117

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 SENATE OF THE UNITED STATES

APRIL 28, 2022

Mr. LUJÁN (for himself and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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”.

6 **SEC. 2. SPECTRUM AUCTIONS AND INNOVATION.**

7 (a) **DEFINITIONS.**—In this section:

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

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

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

9 (4) FEDERAL ENTITY.—The term “Federal en-
10 tity” has the meaning given the term in section
11 113(l) of the National Telecommunications and In-
12 formation Administration Organization Act (47
13 U.S.C. 923(l)).

14 (5) 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;

19 (B) the Committee on Armed Services of
20 the Senate;

21 (C) the Committee on Energy and Com-
22 merce of the House of Representatives; and

23 (D) the Committee on Armed Services of
24 the House of Representatives.

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

3 (b) 3.1–3.45 GHz BAND.—

4 (1) PIPELINE FUNDING.—

5 (A) IN GENERAL.—Immediately following
6 the approval under subparagraph (E) of sub-
7 section (g)(2) of section 118 of the National
8 Telecommunications and Information Adminis-
9 tration Organization Act (47 U.S.C. 928) of a
10 plan submitted under subparagraph (D)(i)(I) of
11 such subsection by a Federal entity with oper-
12 ations in the covered band, the Director of the
13 Office of Management and Budget shall trans-
14 fer to such Federal entity from the Spectrum
15 Relocation Fund established under such section
16 \$50,000,000 for such Federal entity to carry
17 out activities described in subparagraph (A) of
18 such subsection in order to make available the
19 entire covered band for non-Federal use, shared
20 Federal and non-Federal use, or a combination
21 thereof, including by making available—

22 (i) frequencies in the covered band for
23 identification by the Secretary under para-
24 graph (2)(A); and

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

4 (B) EXEMPTION.—Section
5 118(g)(2)(D)(ii) of the National Telecommuni-
6 cations and Information Administration Organi-
7 zation Act (47 U.S.C. 928(g)(2)(D)(ii)) shall
8 not apply with respect to the payment required
9 under subparagraph (A).

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

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

1 to the Secretary and the relevant congressional
2 committees a report that—

3 (i) contains the findings of the activi-
4 ties carried out using such payment; and

5 (ii) recommends—

6 (I) frequencies in the covered
7 band for identification by the Sec-
8 retary under paragraph (2)(A); and

9 (II) frequencies in the covered
10 band for identification by the Sec-
11 retary under paragraph (2)(B).

12 (2) IDENTIFICATION.—Not later than 2 years
13 after the date of enactment of this Act, informed by
14 the activities carried out using a payment under
15 paragraph (1)(A) and the report required under
16 paragraph (1)(D), the Secretary, in consultation
17 with the Secretary of Defense, the Director of the
18 Office of Science and Technology Policy, and the
19 Commission, shall submit to the President, the Com-
20 mission, and the relevant congressional committees a
21 report that—

22 (A) identifies for inclusion in a system of
23 competitive bidding under paragraph (3) at
24 least 200 megahertz of frequencies in the cov-
25 ered band for non-Federal use, shared Federal

1 and non-Federal use, or a combination thereof;
2 and

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

7 (3) AUCTION.—

8 (A) IN GENERAL.—Not later than 7 years
9 after the date of enactment of this Act, the
10 Commission, in coordination with the Assistant
11 Secretary, shall commence a system of competi-
12 tive bidding under section 309(j) of the Com-
13 munications Act of 1934 (47 U.S.C. 309(j)), in
14 accordance with paragraph (2) of this sub-
15 section, of the frequencies identified under sub-
16 paragraph (A) of that paragraph.

17 (B) PROHIBITION.—No entity that is on
18 the list required by section 2 of the Secure and
19 Trusted Communications Networks Act of 2019
20 (47 U.S.C. 1601) may participate in the system
21 of competitive bidding required under subpara-
22 graph (A).

23 (C) SCOPE.—The Commission may not in-
24 clude in the system of competitive bidding re-

quired under 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.”.

(2) SPECTRUM PIPELINE ACT OF 2015.—Section 1004 of the Spectrum Pipeline Act of 2015 (47 U.S.C. 921 note; Public Law 114–74) is amended—

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

1 (B) in subsection (b)(1), by striking
2 “2022” and inserting “2024”.

3 (d) REPEAL.—Section 90008 of the Infrastructure
4 Investment and Jobs Act (47 U.S.C. 921 note; Public Law
5 117–58), and the item relating to such section in the table
6 of contents in section 1(b) of such Act, are repealed.

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