

113TH CONGRESS
1ST SESSION

H. R. 2739

To require the reallocation and auction for commercial use of the electromagnetic spectrum between the frequencies from 1755 megahertz to 1780 megahertz.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2013

Ms. MATSUI (for herself, Mr. GUTHRIE, Mr. SMITH of Washington, and Mr. HUNTER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the reallocation and auction for commercial use of the electromagnetic spectrum between the frequencies from 1755 megahertz to 1780 megahertz.

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 “Efficient Use of Gov-
5 ernment Spectrum Act of 2013”.

1 **SEC. 2. REALLOCATION AND AUCTION OF 1755–1780 MHZ**
2 **BAND.**

3 (a) IN GENERAL.—Notwithstanding paragraph
4 (15)(A) of section 309(j) of the Communications Act of
5 1934 (47 U.S.C. 309(j)), not later than 3 years after the
6 date of the enactment of the Middle Class Tax Relief and
7 Job Creation Act of 2012 (Public Law 112–96), the Com-
8 mission shall—

9 (1) reallocate the electromagnetic spectrum de-
10 scribed in subsection (d) for commercial use; and

11 (2) as part of the system of competitive bidding
12 required by section 6401(b)(1)(B) of such Act (47
13 U.S.C. 1451(b)(1)(B)), grant new initial licenses,
14 subject to flexible-use service rules, for the use of
15 such spectrum, paired with the spectrum between
16 the frequencies from 2155 megahertz to 2180 mega-
17 hertz, inclusive.

18 (b) AUCTION PROCEEDS.—For purposes of depos-
19 iting the proceeds from the competitive bidding described
20 in subsection (a)(2) that are attributable to the electro-
21 magnetic spectrum described in subsection (d), such spec-
22 trum shall be treated as spectrum that is required to be
23 auctioned by section 6401(b)(1)(B) of the Middle Class
24 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
25 1451(b)(1)(B)).

1 (c) RELOCATION OF AND SHARING BY FEDERAL
2 GOVERNMENT STATIONS.—

3 (1) RELOCATION PRIORITIZED OVER SHAR-
4 ING.—

5 (A) IN GENERAL.—Except as provided in
6 paragraph (2), all Federal Government stations
7 in the electromagnetic spectrum described in
8 subsection (d) shall be relocated to other fre-
9 quencies under the procedures implemented
10 pursuant to section 113(g)(6) of the National
11 Telecommunications and Information Adminis-
12 tration Organization Act (47 U.S.C. 923(g)(6)).
13 Such relocation procedures shall ensure max-
14 imum cooperation and coordination between the
15 affected Federal and commercial entities.

16 (B) DEPARTMENT OF DEFENSE STA-
17 TIONS.—Section 1062(b) of the National De-
18 fense Authorization Act for Fiscal Year 2000
19 (Public Law 106–65; 113 Stat. 768) shall apply
20 to the relocation of stations operated by the De-
21 partment of Defense in the electromagnetic
22 spectrum described in subsection (d).

23 (2) SHARING WHERE RELOCATION NOT POS-
24 SIBLE.—

1 (A) IDENTIFICATION OF STATIONS.—If a
2 Federal entity that operates a Federal Govern-
3 ment station in the electromagnetic spectrum
4 described in subsection (d) determines, based
5 on an operational impact assessment, that such
6 station cannot be relocated from such spectrum
7 without jeopardizing essential military capa-
8 bility, such entity shall identify such station in
9 the transition plan of such entity required, by
10 section 113(h)(1) of the National Telecommuni-
11 cations and Information Administration Organi-
12 zation Act (47 U.S.C. 923(h)(1)), to be sub-
13 mitted not later than 240 days before the com-
14 mencement of the competitive bidding described
15 in subsection (a)(2).

16 (B) REQUIRED ELEMENTS OF TRANSITION
17 PLAN.—Each transition plan in which a station
18 is identified pursuant to subparagraph (A) shall
19 provide for non-Federal users to share with
20 such station the electromagnetic spectrum de-
21 scribed in subsection (d). Where exclusion zones
22 are necessary to avoid jeopardizing essential
23 military capability, such plan shall provide for
24 the smallest possible zones necessary for such
25 purpose.

1 (3) WITHDRAWAL OR MODIFICATION OF AS-
2 SIGNMENTS.—

3 (A) WITHDRAWAL.—Upon relocation of a
4 Federal Government station pursuant to para-
5 graph (1), the President shall withdraw the as-
6 signment to such station of the electromagnetic
7 spectrum described in subsection (d).

8 (B) MODIFICATION.—For each Federal
9 Government station identified in a transition
10 plan pursuant to paragraph (2)(A), the Presi-
11 dent shall modify the assignment to such sta-
12 tion of the electromagnetic spectrum described
13 in subsection (d) to permit shared Federal and
14 non-Federal use.

15 (d) SPECTRUM DESCRIBED.—The electromagnetic
16 spectrum described in this subsection is the spectrum be-
17 tween the frequencies from 1755 megahertz to 1780
18 megahertz, inclusive.

19 (e) COMMISSION DEFINED.—In this section, the term
20 “Commission” means the Federal Communications Com-
21 mission.

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