

116TH CONGRESS
1ST SESSION

H. R. 4171

To provide for a transition process to make electromagnetic spectrum between the frequencies of 3700 megahertz and 4200 megahertz available for allocation and auction, to make available Federal spectrum for non-Federal use or shared Federal and non-Federal use, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 2019

Ms. MATSUI introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To provide for a transition process to make electromagnetic spectrum between the frequencies of 3700 megahertz and 4200 megahertz available for allocation and auction, to make available Federal spectrum for non-Federal use or shared Federal and non-Federal use, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Wireless Investment Now in 5G Act” or the “WIN 5G
6 Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Rule of construction.

TITLE I—TRANSITION OF CERTAIN SPECTRUM

- Sec. 101. Transition of spectrum between 3700 megahertz and 4200 megahertz.

TITLE II—FEDERAL SPECTRUM AVAILABILITY

- Sec. 201. Costs of spectrum research and development and planning activities.
- Sec. 202. Inclusion of spectrum sharing in annual NTIA report on relocation.
- Sec. 203. Studies on reallocation of certain Federal spectrum.
- Sec. 204. Identification, reallocation, and auction of certain Federal spectrum.
- Sec. 205. Definitions.

TITLE III—NTIA RESEARCH AND DEVELOPMENT

- Sec. 301. NTIA independent research and development costs.

TITLE IV—RURAL BROADBAND DEPLOYMENT

- Sec. 401. Rural Broadband Deployment Fund.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) APPROPRIATE COMMITTEES OF CON-
 6 GRESS.—The term “appropriate committees of Con-
 7 gress” means—

8 (A) the Committee on Appropriations of
 9 the House of Representatives;

10 (B) the Committee on Appropriations of
 11 the Senate;

12 (C) the Committee on Energy and Com-
 13 merce of the House of Representatives; and

14 (D) the Committee on Commerce, Science,
 15 and Transportation of the Senate.

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

3 **SEC. 3. RULE OF CONSTRUCTION.**

4 Each range of frequencies described in this Act shall
5 be construed to be inclusive of the upper and lower fre-
6 quencies in the range.

7 **TITLE I—TRANSITION OF**
8 **CERTAIN SPECTRUM**

9 **SEC. 101. TRANSITION OF SPECTRUM BETWEEN 3700 MEGA-**
10 **HERTZ AND 4200 MEGAHERTZ.**

11 (a) DESIGNATION OF TRANSITION FACILITATOR.—

12 (1) IN GENERAL.—Not later than 60 days after
13 the date of the enactment of this Act, the Commis-
14 sion shall designate to serve as the Transition
15 Facilitator for purposes of this section an organiza-
16 tion that—

17 (A) consists of all satellite operators pro-
18 viding service using spectrum between the fre-
19 quencies of 3700 megahertz and 4200 mega-
20 hertz to the continental United States pursuant
21 to a license or grant of market access issued by
22 the Commission; and

23 (B) agrees to serve as the Transition
24 Facilitator and to carry out the duties of the
25 Transition Facilitator under this section.

1 (2) EXCEPTION.—The Commission may des-
2 ignate under paragraph (1) an organization con-
3 sisting of less than all satellite operators described
4 in subparagraph (A) of such paragraph if—

5 (A) any satellite operator described in such
6 subparagraph that is not part of such organiza-
7 tion—

8 (i) notifies the Commission that such
9 operator does not wish to be part of the
10 Transition Facilitator; or

11 (ii) is otherwise determined by the
12 Commission not to be necessary to be part
13 of the Transition Facilitator; and

14 (B) the organization designated by the
15 Commission consists of not fewer than 4 sat-
16 ellite operators described in such subparagraph.

17 (b) TRANSITION FACILITATION PLAN.—

18 (1) SUBMISSION BY TRANSITION
19 FACILITATOR.—Not later than 120 days after the
20 Transition Facilitator is designated under subsection
21 (a), the Transition Facilitator shall submit to the
22 Commission and the appropriate committees of Con-
23 gress a transition facilitation plan for the spectrum
24 between the frequencies of 3700 megahertz and

1 4200 megahertz that contains the information re-
2 quired by paragraph (2).

3 (2) REQUIRED CONTENTS.—The transition fa-
4 cilitation plan shall contain the following:

5 (A) A specification of the amount of spec-
6 trum between the frequencies of 3700 mega-
7 hertz and 4200 megahertz that the Transition
8 Facilitator determines can be cleared in each
9 geographic area in the continental United
10 States, together with—

11 (i) a demonstration that the amount
12 of spectrum specified for each such area is
13 the maximum amount of spectrum in such
14 area that can be made available for the as-
15 signment of licenses through a system of
16 competitive bidding under subsection
17 (c)(1); and

18 (ii) a demonstration that end users
19 will receive service after the implementa-
20 tion of the transition facilitation plan that
21 is comparable in quality to service received
22 before the implementation of the transition
23 facilitation plan.

24 (B) A service migration plan, including—

1 (i) a description, for each geographic
2 area in the continental United States, of
3 any activities that will be conducted or
4 measures that will be taken by the Transi-
5 tion Facilitator to ensure the continuation
6 of services corresponding to an earth sta-
7 tion receiving transmissions using spec-
8 trum between the frequencies of 3700
9 megahertz and 4200 megahertz; and

10 (ii) a description of any other activi-
11 ties that will be conducted or measures
12 that will be taken by the Transition
13 Facilitator to implement the service migra-
14 tion plan.

15 (C) A technical migration plan, including a
16 description of any activities or measures nec-
17 essary to ensure continuation of service to in-
18 cumbent end users.

19 (D) An end user protection plan, includ-
20 ing—

21 (i) any documentation received by the
22 Transition Facilitator from end users of
23 any activities, measures, or equipment nec-
24 essary to ensure end users receive service
25 after the implementation of the transition

1 facilitation plan that is comparable in qual-
2 ity to service received before the implemen-
3 tation of the transition facilitation plan;
4 and

5 (ii) any reasonable requests from end
6 users for inclusion of estimated costs under
7 subparagraph (E)(ii).

8 (E) An estimate of the costs expected to be
9 incurred by—

10 (i) the Transition Facilitator for ac-
11 tivities, measures, or equipment necessary
12 to clear spectrum in accordance with the
13 transition facilitation plan in each geo-
14 graphic area in the continental United
15 States, including any necessary equipment
16 associated with migrating services; and

17 (ii) end users in each geographic area
18 in the continental United States for activi-
19 ties, measures, or equipment necessary to
20 clear spectrum in accordance with the
21 transition facilitation plan, including costs
22 to migrate services to—

23 (I) alternative technologies; or

1 (II) spectrum other than spec-
2 trum between the frequencies of 3700
3 megahertz and 4200 megahertz.

4 (F) A proceeds division plan stating a
5 method by which the portion of the proceeds of
6 a system of competitive bidding under para-
7 graph (1) of subsection (c) that is paid to the
8 Transition Facilitator under paragraph
9 (3)(A)(i)(II) of such subsection may be divided
10 between—

11 (i) entities that comprise the Transi-
12 tion Facilitator; and

13 (ii) licensees and registrants of earth
14 stations receiving signals between the fre-
15 quencies of 3700 megahertz and 4200
16 megahertz.

17 (3) REVIEW BY COMMISSION.—Not later than
18 60 days after the submission of the transition facili-
19 tation plan under paragraph (1), the Commission
20 shall—

21 (A) review such plan to determine whether
22 such plan contains the information required by
23 paragraph (2); and

24 (B) submit to the Transition Facilitator
25 and the appropriate committees of Congress a

1 report on the determination under subpara-
2 graph (A), including, if the Commission deter-
3 mines that any such information is omitted or
4 inadequate—

5 (i) a description of the omitted or in-
6 adequate information; and

7 (ii) if the Commission determines that
8 the transition facilitation plan does not
9 contain an adequate demonstration of a
10 matter specified in clause (i) or (ii) of
11 paragraph (2)(A), the steps that the Com-
12 mission determines are necessary to correct
13 the inadequacy.

14 (4) OPPORTUNITY TO CURE OMISSION OR INAD-
15 EQUACY.—

16 (A) SUBMISSION OF REVISED PLAN.—If
17 the Commission determines under paragraph
18 (3)(A) that any information required by para-
19 graph (2) to be in the transition facilitation
20 plan is omitted or inadequate, the Transition
21 Facilitator shall, not later than 90 days after
22 receiving the report of the Commission under
23 paragraph (3)(B), submit a revised transition
24 facilitation plan to cure the omission or inad-
25 equacy.

1 (B) REVIEW OF REVISED PLAN.—Not later
2 than 60 days after the submission of a revised
3 transition facilitation plan under subparagraph
4 (A), the Commission shall—

5 (i) review such plan to determine
6 whether such plan contains the information
7 required by paragraph (2); and

8 (ii) submit to the Transition Facilitator and the appropriate committees of
9 Congress a report on the determination
10 under clause (i), including, if the Commission determines that any such information
11 is omitted or inadequate, a description of
12 the omitted or inadequate information.

13 (C) EFFECT OF FAILURE TO CURE.—If the
14 Transition Facilitator fails to submit a revised
15 transition facilitation plan as required by sub-
16 paragraph (A), subsections (c), (d), and (e)
17 shall not apply.

18 (5) MODIFICATIONS BY COMMISSION.—

19 (A) IN GENERAL.—If the Commission de-
20 termines under paragraph (4)(B)(i) that infor-
21 mation required by paragraph (2) is omitted or
22 inadequate in a revised transition facilitation
23 plan submitted by the Transition Facilitator
24
25

1 under paragraph (4)(A), the Commission shall,
2 after public notice and an opportunity for pub-
3 lic comment, modify such plan in order to cure
4 the omission or inadequacy.

5 (B) LIMITATION.—In making any modi-
6 fication under subparagraph (A), the Commis-
7 sion—

8 (i) may not, subject to subparagraph
9 (A)(ii), change the amount of spectrum to
10 be cleared in each geographic area under
11 such plan; and

12 (ii) shall ensure that any such modi-
13 fication does not harm end users.

14 (C) DEADLINE.—The Commission shall
15 complete any modification under subparagraph
16 (A) not later than 90 days after the date on
17 which the Commission submits the report re-
18 quired by paragraph (4)(B)(ii).

19 (D) REPORT.—Not later than 30 days
20 after completing any modification under sub-
21 paragraph (A), the Commission shall submit to
22 the Transition Facilitator and the appropriate
23 committees of Congress a report that contains
24 the modified transition facilitation plan.

1 (c) ASSIGNMENT OF LICENSES THROUGH COMPETITIVE BIDDING.—
2

3 (1) IN GENERAL.—Consistent with the transition facilitation plan submitted under paragraph (1)
4 of subsection (b) or the revised transition facilitation plan submitted under paragraph (4)(A) of such subsection (including any modification of such plan by
5 the Commission under paragraph (5)(A) of such subsection), as the case may be, the Commission
6 shall—
7
8
9
10

11 (A) allocate the spectrum to be cleared in each geographic area in the continental United States, as specified under subsection (b)(2)(A),
12 for terrestrial use (other than the use for which such spectrum is allocated on the date of the enactment of this Act);
13
14
15
16

17 (B) modify the spectrum usage rights of each satellite operator providing service and each end user using such spectrum (including
18 any such operator that is not part of the Transition Facilitator, as provided in subsection (a)(2)) so as to effect the removal of the co-primary allocation protection afforded to such operator with respect to the use of such spectrum
19 for satellite service (except with respect to a
20
21
22
23
24
25

1 limited number of telemetry, tracking, and com-
2 mand sites, as the Commission considers nec-
3 essary); and

4 (C) through a system of competitive bid-
5 ding under section 309(j) of the Communica-
6 tions Act of 1934 (47 U.S.C. 309(j)), assign li-
7 censes for the use of such spectrum.

8 (2) DEADLINE.—The Commission shall com-
9 plete the actions required by paragraph (1) not later
10 than—

11 (A) if the Commission determines under
12 paragraph (3)(A) of subsection (b) that the
13 transition facilitation plan submitted under
14 paragraph (1) of such subsection contains the
15 information required by paragraph (2) of such
16 subsection, the date that is 6 months after the
17 Commission submits the report required by
18 paragraph (3)(B) of such subsection; or

19 (B) if the Commission determines under
20 paragraph (3)(A) of subsection (b) that the
21 transition facilitation plan submitted under
22 paragraph (1) of such subsection does not con-
23 tain the information required by paragraph (2)
24 of such subsection—

1 (i) if the Commission determines
2 under subparagraph (B)(i) of paragraph
3 (4) of subsection (b) that the revised tran-
4 sition facilitation plan submitted under
5 subparagraph (A) of such paragraph con-
6 tains the information required by para-
7 graph (2) of such subsection, the date that
8 is 6 months after the Commission submits
9 the report required by subparagraph
10 (B)(ii) of such paragraph (4); or

11 (ii) if the Commission determines
12 under subparagraph (B)(i) of paragraph
13 (4) of subsection (b) that the revised tran-
14 sition facilitation plan submitted under
15 subparagraph (A) of such paragraph does
16 not contain the information required by
17 paragraph (2) of such subsection, the date
18 that is 6 months after the Commission
19 completes the modification required by
20 paragraph (5)(A) of such subsection.

21 (3) USE OF PROCEEDS.—

22 (A) IN GENERAL.—Notwithstanding sub-
23 paragraphs (A) and (C)(i) of section 309(j)(8)
24 of the Communications Act of 1934 (47 U.S.C.
25 309(j)(8)), in the case of the proceeds from the

1 use of a system of competitive bidding under
2 paragraph (1) that are attributable to the li-
3 censes assigned in a geographic area in the con-
4 tinental United States (including deposits and
5 upfront payments from successful bidders and
6 excluding the costs retained by the salaries and
7 expenses account of the Commission under sub-
8 paragraph (B) of such section)—

9 (i) the Commission shall pay the
10 Transition Facilitator an amount of such
11 proceeds that is equal to the sum of—

12 (I) the costs reasonably incurred
13 and documented by the Transition
14 Facilitator for activities, measures, or
15 equipment necessary to clear spec-
16 trum in such geographic area in ac-
17 cordance with the transition facilita-
18 tion plan submitted under paragraph
19 (1) of subsection (b) or the revised
20 transition facilitation plan submitted
21 under paragraph (4)(A) of such sub-
22 section (including any modification of
23 such plan by the Commission under
24 paragraph (5)(A) of such subsection),
25 as the case may be; and

1 (II) a percentage of such pro-
2 ceeds (excluding the amount of the
3 costs described in subclause (I) and
4 any amounts paid to end users under
5 clause (ii) with respect to such geo-
6 graphic area) determined under sub-
7 paragraph (B);

8 (ii) the Commission shall pay each
9 end user an amount of such proceeds that
10 is equal to the costs (if any) reasonably in-
11 curred and documented by such end user
12 for activities, measures, or equipment nec-
13 essary to clear spectrum in accordance
14 with the transition facilitation plan in such
15 geographic area, including costs to migrate
16 services in such geographic area to alter-
17 native technologies or to spectrum other
18 than spectrum between the frequencies of
19 3700 megahertz and 4200 megahertz; and

20 (iii) the remainder of such proceeds
21 shall be deposited in the Rural Broadband
22 Deployment Fund established by section
23 401.

24 (B) PERCENTAGE OF PROCEEDS DETER-
25 MINED.—The percentage of proceeds deter-

1 mined under this subparagraph with respect to
2 a geographic area is the following:

3 (i) If the amount of spectrum cleared
4 in such geographic area is less than 100
5 megahertz, 0 percent.

6 (ii) If the amount of spectrum cleared
7 in such geographic area is 100 megahertz
8 or greater but less than 200 megahertz, 10
9 percent.

10 (iii) If the amount of spectrum cleared
11 in such geographic area is 200 megahertz
12 or greater but less than 300 megahertz, 35
13 percent.

14 (iv) If the amount of spectrum cleared
15 in such geographic area is 300 megahertz
16 or greater but less than 400 megahertz, 75
17 percent.

18 (v) If the amount of spectrum cleared
19 in such geographic area is 400 megahertz
20 or greater but less than 500 megahertz, 90
21 percent.

22 (vi) If the amount of spectrum cleared
23 in such geographic area is 500 megahertz,
24 100 percent.

1 (C) TREATMENT OF GUARD BANDS.—In
2 the case of spectrum that is designated as a
3 guard band after the reallocation required by
4 paragraph (1), such spectrum shall be treated
5 as having been cleared for purposes of deter-
6 mining the percentage of proceeds under sub-
7 paragraph (B), except that not more than 20
8 megahertz of spectrum in each geographic area
9 may be so treated.

10 (D) PROCEEDS ADJUSTMENTS.—The Com-
11 mission shall increase the percentage of pro-
12 ceeds determined with respect to a geographic
13 area under subparagraph (B) (except for clause
14 (vi) of such subparagraph) by 5 percent if—

15 (i) the Commission determines under
16 paragraph (3)(A) of subsection (b) that
17 the transition facilitation plan submitted
18 under paragraph (1) of such subsection
19 contains the information required by para-
20 graph (2) of such subsection; and

21 (ii) not later than 30 days after the
22 Commission makes the determination de-
23 scribed in clause (i), the Transition
24 Facilitator demonstrates to the Commis-
25 sion that the Transition Facilitator has

1 taken any steps necessary to clear spec-
2 trum in such geographic area in accord-
3 ance with the transition facilitation plan.

4 (d) IMPLEMENTATION OF TRANSITION FACILITATION
5 PLAN.—The Commission may not make a payment to the
6 Transition Facilitator under subsection (c)(3) until the
7 Transition Facilitator has fully implemented the transition
8 facilitation plan submitted under paragraph (1) of sub-
9 section (b) or the revised transition facilitation plan sub-
10 mitted under paragraph (4)(A) of such subsection (includ-
11 ing any modification of such plan by the Commission
12 under paragraph (5)(A) of such subsection), as the case
13 may be, except for the portion of such plan required by
14 paragraph (2)(F) of such subsection.

15 (e) SUBMISSION OF ADDITIONAL TRANSITION FA-
16 CILITATION PLANS.—Not later than 3 years after the
17 Commission determines that the implementation of the
18 transition facilitation plan submitted under paragraph (1)
19 of subsection (b) or the revised transition facilitation plan
20 submitted under paragraph (4)(A) of such subsection (in-
21 cluding any modification of such plan by the Commission
22 under paragraph (5)(A) of such subsection), as the case
23 may be, is completed, the Transition Facilitator may sub-
24 mit an additional transition facilitation plan to the Com-
25 mission to clear additional spectrum between the fre-

1 quencies of 3700 megahertz and 4200 megahertz. Except
2 for the deadline for the submission of the transition facili-
3 tation plan under paragraph (1) of such subsection, any
4 such additional transition facilitation plan shall be subject
5 to this section in the same manner and to the same extent
6 as the initial transition facilitation plan, and, not later
7 than 3 years after the Commission determines that the
8 implementation of such additional transition facilitation
9 plan is completed, the Transition Facilitator may submit
10 another additional transition facilitation plan as described
11 in this subsection.

12 (f) DEFINITIONS.—In this section:

13 (1) CLEAR.—The term “clear” means, with re-
14 spect to electromagnetic spectrum between the fre-
15 quencies of 3700 megahertz and 4200 megahertz, to
16 make such spectrum available for allocation and the
17 assignment of licenses through a system of competi-
18 tive bidding under subsection (c)(1).

19 (2) END USER.—The term “end user” means
20 any entity that—

21 (A) is a licensee or registrant of an earth
22 station receiving signals between the fre-
23 quencies of 3700 megahertz and 4200 mega-
24 hertz; or

1 (B) receives or distributes programming or
2 services using spectrum between the frequencies
3 of 3700 megahertz and 4200 megahertz.

4 (3) TRANSITION FACILITATOR.—The term
5 “Transition Facilitator” means the organization des-
6 ignated under subsection (a).

7 **TITLE II—FEDERAL SPECTRUM**
8 **AVAILABILITY**

9 **SEC. 201. COSTS OF SPECTRUM RESEARCH AND DEVELOP-**
10 **MENT AND PLANNING ACTIVITIES.**

11 Section 118(g) of the National Telecommunications
12 and Information Administration Organization Act (47
13 U.S.C. 928(g)) is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (A), by striking “;
16 and” and inserting a semicolon;

17 (B) in subparagraph (B), by striking the
18 period at the end and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(C) the Director of OMB may make a
21 payment described in paragraph (2) from
22 amounts in the Fund other than amounts made
23 available under subparagraphs (A) and (B) if,
24 before making the payment, the Director of
25 OMB, in consultation with the NTIA, deter-

1 mines and submits to the congressional commit-
2 tees described in subsection (d)(2)(C) a certifi-
3 cation that—

4 “(i) the conditions described in sub-
5 clauses (I) and (II) of paragraph (2)(D)(i)
6 have been met;

7 “(ii) as of the date of the certification,
8 amounts made available under subpara-
9 graphs (A) and (B) are insufficient to
10 make the payment requested by the Fed-
11 eral entity in the plan approved under
12 paragraph (2)(E) by the Technical Panel
13 established under section 113(h)(3); and

14 “(iii) the payment will leave sufficient
15 amounts in the Fund to pay the relocation
16 or sharing costs that will be incurred by el-
17 igible Federal entities to complete the im-
18 plementation of all transition plans that,
19 as of the date of the certification, have
20 been found sufficient by the Technical
21 Panel under section 113(h)(4).”; and

22 (2) in paragraph (2)—

23 (A) in subparagraph (D)(ii), by inserting
24 after “60 days” the following: “(or, in the case

1 of a payment under paragraph (1)(C), 30
2 days)”; and

3 (B) by adding at the end the following:

4 “(F) CONSULTATION REGARDING SHARING
5 FREQUENCIES ON UNLICENSED BASIS.—If a
6 Federal entity that receives a payment under
7 subparagraph (A) determines, in carrying out
8 activities under a plan approved by the Tech-
9 nical Panel under subparagraph (E), that it is
10 not feasible for such Federal entity to make
11 available frequencies described in such plan for
12 reallocation for non-Federal use or shared Fed-
13 eral and non-Federal use, or a combination
14 thereof, and for auction in accordance with
15 such reallocation—

16 “(i) such Federal entity shall submit
17 to the NTIA a certification stating the de-
18 termination; and

19 “(ii) the NTIA shall consult with the
20 Commission and such Federal entity re-
21 garding whether such frequencies may be
22 shared with non-Federal entities on an un-
23 licensed basis.”.

1 **SEC. 202. INCLUSION OF SPECTRUM SHARING IN ANNUAL**
2 **NTIA REPORT ON RELOCATION.**

3 Section 207 of the Commercial Spectrum Enhance-
4 ment Act (47 U.S.C. 928 note) is amended—

5 (1) in paragraph (1)—

6 (A) by inserting “or sharing of” after “re-
7 location from”; and

8 (B) by striking “section 118(d)(2)(A)” and
9 inserting “section 118(d)(2)(B)”; and

10 (2) in paragraph (2)—

11 (A) by striking “relocated communication
12 system” and inserting “such communication
13 system”;

14 (B) by striking “relocation costs” and in-
15 serting “relocation or sharing costs”; and

16 (C) by striking “relocations costs” and in-
17 serting “relocation or sharing costs”.

18 **SEC. 203. STUDIES ON REALLOCATION OF CERTAIN FED-**
19 **ERAL SPECTRUM.**

20 (a) IN GENERAL.—Not later than 6 months after the
21 date of the enactment of this Act, each Federal entity
22 that, as of such date of enactment, is operating on spec-
23 trum between the frequencies of 3450 megahertz to 3550
24 megahertz shall—

25 (1) request a payment under section 118(g)(2)
26 of the National Telecommunications and Informa-

1 tion Administration Organization Act (47 U.S.C.
2 928(g)(2)) for the purpose of conducting a study of
3 any such frequencies on which such entity operates
4 in order to determine the feasibility of the realloca-
5 tion of such frequencies, or a portion thereof, for
6 non-Federal use or shared Federal and non-Federal
7 use, or a combination thereof, and auction in accord-
8 ance with such reallocation; and

9 (2) if such Federal entity receives such pay-
10 ment—

11 (A) conduct such study; and

12 (B) submit to the appropriate committees
13 of Congress and the Secretary a report on the
14 results of such study.

15 (b) CONDITIONS AND LIMITATIONS.—

16 (1) RECEIPT OF PAYMENT.—A Federal entity is
17 not required to conduct a study under subsection (a)
18 if such entity requests such payment in accordance
19 with section 118(g)(2) of the National Telecommuni-
20 cations and Information Administration Organiza-
21 tion Act (47 U.S.C. 928(g)(2)) but does not receive
22 such payment.

23 (2) INABILITY TO ACHIEVE COMPARABLE CAPA-
24 BILITY OF SYSTEMS.—If it is found in a study con-
25 ducted under subsection (a) that any Federal entity

1 operating on spectrum with respect to which the
2 study is conducted would not be able to achieve com-
3 parable capability of systems in the case of the re-
4 allocation of such spectrum or a portion thereof for
5 non-Federal use or shared Federal and non-Federal
6 use, or a combination thereof, and auction in accord-
7 ance with such reallocation, the Federal entity that
8 conducted the study shall submit to the National
9 Telecommunications and Information Administration
10 and the Director of the Office of Management and
11 Budget a certification stating such finding.

12 **SEC. 204. IDENTIFICATION, REALLOCATION, AND AUCTION**
13 **OF CERTAIN FEDERAL SPECTRUM.**

14 (a) IDENTIFICATION OF SPECTRUM.—Not later than
15 January 1, 2025, the Secretary shall—

16 (1) for the frequencies with respect to which a
17 Federal entity makes an affirmative feasibility deter-
18 mination under section 203(a), determine whether
19 the Secretary concurs with the determination of the
20 Federal entity; and

21 (2) if the Secretary concurs with the determina-
22 tion of the Federal entity, submit to the President
23 and the Commission a report identifying for re-
24 allocation the frequencies with respect to which the
25 Federal entity made the determination.

1 (b) CLEARING OF SPECTRUM.—The President
2 shall—

3 (1) not later than 180 days after the Secretary
4 submits a report under subsection (a)(2), begin the
5 process of withdrawing or modifying the assignment
6 to a Federal Government station of the frequencies
7 identified in such report; and

8 (2) not later than 30 days after completing the
9 withdrawal or modification, notify the Commission
10 that the withdrawal or modification is complete.

11 (c) REALLOCATION AND AUCTION.—

12 (1) IN GENERAL.—The Commission shall—

13 (A) reallocate the frequencies identified in
14 a report under subsection (a)(2) for non-Fed-
15 eral use or shared Federal and non-Federal use,
16 or a combination thereof; and

17 (B) notwithstanding paragraph (15)(A) of
18 section 309(j) of the Communications Act of
19 1934 (47 U.S.C. 309(j)), not later than Janu-
20 ary 1, 2026, begin a system of competitive bid-
21 ding under such section to grant new initial li-
22 censes for the use of such frequencies, subject
23 to flexible-use service rules.

24 (2) PROCEEDS.—

1 (A) IN GENERAL.—Notwithstanding sub-
2 paragraphs (A), (C)(i), and (D)(i) of section
3 309(j)(8) of the Communications Act of 1934
4 (47 U.S.C. 309(j)(8)), in the case of the pro-
5 ceeds from the use of a system of competitive
6 bidding under paragraph (1)(B) (including de-
7 posits and upfront payments from successful
8 bidders), after the retention of costs by the sal-
9 aries and expenses account of the Commission
10 under subparagraph (B) of such section and the
11 deposit in the Spectrum Relocation Fund estab-
12 lished by section 118 of the National Tele-
13 communications and Information Administra-
14 tion Organization Act (47 U.S.C. 928) of such
15 portion of such proceeds as is necessary to
16 cover the relocation or sharing costs (as defined
17 in section 113(g)(3) of such Act (47 U.S.C.
18 923(g)(3)) of Federal entities with respect to
19 such system of competitive bidding and the
20 amounts required to be made available to the
21 Director of the Office of Management and
22 Budget under subsections (f) and (g) of such
23 section 118, the remainder of such proceeds
24 shall be deposited in the Rural Broadband De-
25 ployment Fund established by section 401.

1 (B) RULE OF CONSTRUCTION.—Nothing in
2 this section shall be construed to relieve the
3 Commission from the requirements of section
4 309(j)(16)(B) of the Communications Act of
5 1934 (47 U.S.C. 309(j)(16)(B)).

6 (d) AUCTION AUTHORITY.—Section 309(j)(11) of the
7 Communications Act of 1934 (47 U.S.C. 309(j)(11)) is
8 amended—

9 (1) by striking the period at the end and insert-
10 ing “; and”;

11 (2) by striking “except that, with respect to”
12 and inserting “except that—

13 “(A) with respect to”; and

14 (3) by adding at the end the following:

15 “(B) with respect to the frequencies identi-
16 fied under section 204(a)(2) of the Wireless In-
17 vestment Now in 5G Act, such authority shall
18 expire on September 30, 2027.”.

19 (e) RELATIONSHIP TO SPECTRUM PIPELINE IDENTI-
20 FICATION REQUIREMENT.—The identification of fre-
21 quencies under subsection (a)(2), withdrawal or modifica-
22 tion of the assignment to a Federal Government station
23 of such frequencies under subsection (b), or reallocation
24 or auction of such frequencies under subsection (c) does
25 not preclude such frequencies from being identified under

1 section 1006(c) of the Spectrum Pipeline Act of 2015
2 (Public Law 114–74; 129 Stat. 624).

3 **SEC. 205. DEFINITIONS.**

4 In this title:

5 (1) **COMPARABLE CAPABILITY OF SYSTEMS.**—

6 The term “comparable capability of systems” has
7 the meaning described in section 113(g)(3)(B) of the
8 National Telecommunications and Information Ad-
9 ministration Organization Act (47 U.S.C.
10 923(g)(3)(B)).

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

16 (3) **SECRETARY.**—The term “Secretary” means
17 the Secretary of Commerce.

18 **TITLE III—NTIA RESEARCH AND**
19 **DEVELOPMENT**

20 **SEC. 301. NTIA INDEPENDENT RESEARCH AND DEVELOP-**
21 **MENT COSTS.**

22 Section 118 of the National Telecommunications and
23 Information Administration Organization Act (47 U.S.C.
24 928) is amended by adding at the end the following:

1 “(j) NTIA INDEPENDENT RESEARCH AND DEVELOP-
2 MENT COSTS.—

3 “(1) IN GENERAL.—Notwithstanding sub-
4 sections (c) through (e), from amounts described in
5 paragraph (2), the Director of OMB may transfer to
6 the salaries and expenses account of the NTIA such
7 sums as may be necessary for costs incurred by the
8 NTIA to conduct independent research and develop-
9 ment, engineering studies, economic analyses, or
10 other activities not already subject to a plan ap-
11 proved under subsection (g)(2)(E) and intended to
12 improve the efficiency and effectiveness of the spec-
13 trum use of Federal entities in order to make avail-
14 able frequencies described in paragraph (3) for re-
15 allocation for non-Federal use or shared Federal and
16 non-Federal use, or a combination thereof, and for
17 auction in accordance with such reallocation.

18 “(2) AMOUNTS DESCRIBED.—The amounts de-
19 scribed in this paragraph are amounts in the Fund
20 from auctions of eligible frequencies that are made
21 available for reallocation and auction primarily as a
22 result of research and development, engineering
23 studies, economic analyses, or other activities in-
24 tended to improve the efficiency and effectiveness of
25 the spectrum use of Federal entities in order to

1 make available frequencies for reallocation for non-
2 Federal use or shared Federal and non-Federal use,
3 or a combination thereof, and for auction in accord-
4 ance with such reallocation, that are conducted by
5 the NTIA after the date of the enactment of this
6 subsection, regardless of whether the NTIA conducts
7 such activities using amounts transferred to the
8 NTIA under paragraph (1).

9 “(3) FREQUENCIES DESCRIBED.—The fre-
10 quencies described in this paragraph are frequencies
11 that—

12 “(A) are assigned to a Federal entity; and

13 “(B) at the time when the activities de-
14 scribed in paragraph (1) are conducted, are not
15 identified for auction.

16 “(4) AVAILABILITY OF FUNDS.—Amounts
17 transferred under paragraph (1) shall be available
18 for obligation subject to the terms and conditions of
19 the receiving appropriations account and shall re-
20 main available until expended.

21 “(5) NO CHARGE TO FEDERAL AGENCIES.—
22 Notwithstanding any other provision of law (includ-
23 ing the terms and conditions of an appropriations
24 account referred to in paragraph (4)), the NTIA
25 may not charge any Federal agency for an activity

1 conducted using amounts transferred to the NTIA
2 under paragraph (1).

3 “(6) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to limit the avail-
5 ability to the NTIA to conduct activities described in
6 paragraph (1) of funds, other than amounts trans-
7 ferred under such paragraph, that are otherwise
8 available to the NTIA to conduct such activities.”.

9 **TITLE IV—RURAL BROADBAND** 10 **DEPLOYMENT**

11 **SEC. 401. RURAL BROADBAND DEPLOYMENT FUND.**

12 (a) ESTABLISHMENT.—There is established in the
13 Treasury of the United States a fund to be known as the
14 Rural Broadband Deployment Fund.

15 (b) AVAILABILITY OF FUNDS.—To the extent or in
16 the amounts provided in advance in appropriation Acts,
17 amounts in the Rural Broadband Deployment Fund shall
18 be available to the Commission to make payments to ex-
19 pand access to broadband in unserved and underserved
20 areas.

21 (c) NO COMBINATION WITH OTHER SUPPORT.—In
22 making payments under subsection (b), the Commission
23 may not combine such payments with any other support
24 for broadband provided by the Commission.

○