

117TH CONGRESS
1ST SESSION

H. R. 5486

To amend the National Telecommunications and Information Administration Organization Act to provide for a standardized framework to facilitate the sharing of electromagnetic spectrum between non-Federal users and incumbent Federal entities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2021

Mr. GUTHRIE introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the National Telecommunications and Information Administration Organization Act to provide for a standardized framework to facilitate the sharing of electromagnetic spectrum between non-Federal users and incumbent Federal entities, 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 “Simplifying Manage-
5 ment, Reallocation, and Transfer of Spectrum Act” or the
6 “SMART Act”.

1 **SEC. 2. STANDARDIZED SPECTRUM SHARING FRAMEWORK.**

2 Part B of the National Telecommunications and In-
3 formation Administration Organization Act (47 U.S.C.
4 921 et seq.) is amended by adding at the end the fol-
5 lowing:

6 **“SEC. 120. STANDARDIZED SPECTRUM SHARING FRAME-**
7 **WORK.**

8 “(a) IN GENERAL.—The Assistant Secretary shall—

9 “(1) not later than 120 days after the date of
10 the enactment of this section, begin to amend the
11 Department of Commerce spectrum management
12 document entitled ‘Manual of Regulations and Pro-
13 cedures for Federal Radio Frequency Management’
14 so as to incorporate a standardized framework to fa-
15 cilitate the sharing of covered spectrum between
16 non-Federal users and incumbent Federal entities;
17 and

18 “(2) not later than the date on which amounts
19 appropriated under subsection (c) first become avail-
20 able, begin to implement such framework.

21 “(b) SYSTEM TO ENABLE SHARING.—

22 “(1) IN GENERAL.—The standardized frame-
23 work required by subsection (a) shall include a sys-
24 tem to enable sharing, including time-based sharing,
25 to securely manage harmful interference between
26 non-Federal users and incumbent Federal entities

1 sharing a band of covered spectrum, in order to en-
2 sure access by such non-Federal users to such band
3 of covered spectrum.

4 “(2) REQUIREMENTS.—The system required by
5 paragraph (1) shall contain, at a minimum, the fol-
6 lowing:

7 “(A) One or more mechanisms to allow
8 non-Federal secondary use as authorized by the
9 Commission during times when there is no pri-
10 mary use by Federal entities encumbering the
11 covered spectrum.

12 “(B) One or more mechanisms to address
13 harmful interference to incumbent Federal enti-
14 ties, including through the following functions:

15 “(i) Sensing.

16 “(ii) Identification.

17 “(iii) Reporting.

18 “(iv) Analysis.

19 “(v) Resolution.

20 “(C) Dynamic protection area analysis,
21 definition, and control.

22 “(3) COMPLIANCE WITH COMMISSION RULES.—
23 The system required by paragraph (1) shall ensure
24 that use of covered spectrum is in accordance with
25 the applicable rules of the Commission.

1 “(4) INPUT OF INFORMATION.—Each incum-
2 bent Federal entity sharing a band of covered spec-
3 trum shall input into the system required by para-
4 graph (1) such information as the Assistant Sec-
5 retary may require regarding the frequency, time,
6 and location of the use of the band by such Federal
7 entity.

8 “(5) PROTECTION OF CLASSIFIED INFORMA-
9 TION AND CONTROLLED UNCLASSIFIED INFORMA-
10 TION.—The system required by paragraph (1) shall
11 contain appropriate measures to protect classified
12 information and controlled unclassified information,
13 including any such classified information or con-
14 trolled unclassified information that relates to mili-
15 tary operations.

16 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Assistant Sec-
18 retary to carry out this section—

19 “(1) \$117,400,000 for fiscal year 2023 (and
20 such amount is authorized to remain available
21 through fiscal year 2029); and

22 “(2) \$8,700,000 for fiscal year 2030 and each
23 fiscal year thereafter.

24 “(d) DEFINITIONS.—In this section:

1 “(1) COVERED SPECTRUM.—The term ‘covered
2 spectrum’ means electromagnetic spectrum for which
3 usage rights are assigned (including before the date
4 on which the standardized framework required by
5 subsection (a) is implemented) by competitive bid-
6 ding pursuant to section 309(j) of the Communica-
7 tions Act of 1934 (47 U.S.C. 309(j)) to a non-Fed-
8 eral user for use on a shared basis with an incum-
9 bent Federal entity in an area where the Assistant
10 Secretary, in consultation with the Director of the
11 Office of Management and Budget, determines it is
12 infeasible for the systems of such Federal entity to
13 be relocated to fully clear such spectrum.

14 “(2) FEDERAL ENTITY.—The term ‘Federal en-
15 tity’ has the meaning given such term in section
16 113(l).”.

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