

**[DISCUSSION DRAFT]**116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**H. R.** \_\_\_\_\_

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

Ms. MATSUI introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

5 (b) **TABLE OF CONTENTS.**—The table of contents for  
6 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.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **APPROPRIATE COMMITTEES OF CON-**  
10 **GRESS.**—The term “appropriate committees of Con-  
11 gress” means—

12 (A) the Committee on Appropriations of  
13 the House of Representatives;

14 (B) the Committee on Appropriations of  
15 the Senate;

1 (C) the Committee on Energy and Com-  
2 merce of the House of Representatives; and

3 (D) the Committee on Commerce, Science,  
4 and Transportation of the Senate.

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

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

8 Each range of frequencies described in this Act shall  
9 be construed to be inclusive of the upper and lower fre-  
10 quencies in the range.

11 **TITLE I—TRANSITION OF**  
12 **CERTAIN SPECTRUM**

13 **SEC. 101. TRANSITION OF SPECTRUM BETWEEN 3700 MEGA-**  
14 **HERTZ AND 4200 MEGAHERTZ.**

15 (a) DESIGNATION OF TRANSITION FACILITATOR.—

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

21 (A) consists of all satellite operators pro-  
22 viding service using spectrum between the fre-  
23 quencies of 3700 megahertz and 4200 mega-  
24 hertz to the continental United States pursuant

1 to a license or grant of market access issued by  
2 the Commission; and

3 (B) agrees to serve as the Transition  
4 Facilitator and to carry out the duties of the  
5 Transition Facilitator under this section.

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

10 (A) any satellite operator described in such  
11 subparagraph that is not part of such organiza-  
12 tion—

13 (i) notifies the Commission that such  
14 operator does not wish to be part of the  
15 Transition Facilitator; or

16 (ii) is otherwise determined by the  
17 Commission not to be necessary to be part  
18 of the Transition Facilitator; and

19 (B) the organization designated by the  
20 Commission consists of not fewer than 4 sat-  
21 ellite operators described in such subparagraph.

22 (b) TRANSITION FACILITATION PLAN.—

23 (1) SUBMISSION BY TRANSITION  
24 FACILITATOR.—Not later than 6 months after the  
25 Transition Facilitator is designated under subsection

1 (a), the Transition Facilitator shall submit to the  
2 Commission and the appropriate committees of Con-  
3 gress a transition facilitation plan for the spectrum  
4 between the frequencies of 3700 megahertz and  
5 4200 megahertz that contains the information re-  
6 quired by paragraph (2).

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

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

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

22 (ii) a demonstration that end users  
23 will receive service after the implementa-  
24 tion of the transition facilitation plan that  
25 is comparable in quality to service received

1 before the implementation of the transition  
2 facilitation plan.

3 (B) A frequency migration plan, includ-  
4 ing—

5 (i) a description, for each geographic  
6 area in the continental United States, of  
7 any activities that will be conducted or  
8 measures that will be taken by the Transi-  
9 tion Facilitator to ensure the protection of  
10 services corresponding to an earth station  
11 receiving transmissions using spectrum be-  
12 tween the frequencies of 3700 megahertz  
13 and 4200 megahertz; and

14 (ii) a description of any other activi-  
15 ties that will be conducted or measures  
16 that will be taken by the Transition  
17 Facilitator to implement the frequency mi-  
18 gration plan.

19 (C) A technical migration plan, including a  
20 description of any activities or measures nec-  
21 essary to protect incumbent services from inter-  
22 ference.

23 (D) An end user protection plan, includ-  
24 ing—

1 (i) any documentation received by the  
2 Transition Facilitator from end users of  
3 any activities, measures, or equipment nec-  
4 essary to ensure end users receive service  
5 after the implementation of the transition  
6 facilitation plan that is comparable in qual-  
7 ity to service received before the implemen-  
8 tation of the transition facilitation plan;  
9 and

10 (ii) any reasonable requests from end  
11 users for inclusion of estimated costs under  
12 subparagraph (E)(ii).

13 (E) An estimate of the costs expected to be  
14 incurred by—

15 (i) the Transition Facilitator for ac-  
16 tivities, measures, or equipment necessary  
17 to clear spectrum in accordance with the  
18 transition facilitation plan in each geo-  
19 graphic area in the continental United  
20 States, including any necessary equipment  
21 associated with migrating services between  
22 spectrum frequencies or satellites; and

23 (ii) end users in each geographic area  
24 in the continental United States for activi-  
25 ties, measures, or equipment necessary to

1 clear spectrum in accordance with the  
2 transition facilitation plan, including costs  
3 to migrate services to—

4 (I) alternative technologies; or

5 (II) spectrum other than spec-  
6 trum between the frequencies of 3700  
7 megahertz and 4200 megahertz.

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

15 (i) entities that comprise the Transi-  
16 tion Facilitator; and

17 (ii) licensees and registrants of earth  
18 stations receiving signals between the fre-  
19 quencies of 3700 megahertz and 4200  
20 megahertz.

21 (3) REVIEW BY COMMISSION.—Not later than  
22 90 days after the submission of the transition facili-  
23 tation plan under paragraph (1), the Commission  
24 shall—

1 (A) review such plan to determine whether  
2 such plan contains the information required by  
3 paragraph (2); and

4 (B) submit to the Transition Facilitator  
5 and the appropriate committees of Congress a  
6 report on the determination under subpara-  
7 graph (A), including, if the Commission deter-  
8 mines that any such information is omitted or  
9 inadequate—

10 (i) a description of the omitted or in-  
11 adequate information; and

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

19 (4) OPPORTUNITY TO CURE OMISSION OR INAD-  
20 EQUACY.—

21 (A) SUBMISSION OF REVISED PLAN.—If  
22 the Commission determines under paragraph  
23 (3)(A) that any information required by para-  
24 graph (2) to be in the transition facilitation  
25 plan is omitted or inadequate, the Transition

1 Facilitator shall, not later than 90 days after  
2 receiving the report of the Commission under  
3 paragraph (3)(B), submit a revised transition  
4 facilitation plan to cure the omission or inad-  
5 equacy.

6 (B) REVIEW OF REVISED PLAN.—Not later  
7 than 90 days after the submission of a revised  
8 transition facilitation plan under subparagraph  
9 (A), the Commission shall—

10 (i) review such plan to determine  
11 whether such plan contains the information  
12 required by paragraph (2); and

13 (ii) submit to the Transition  
14 Facilitator and the appropriate committees  
15 of Congress a report on the determination  
16 under clause (i), including, if the Commis-  
17 sion determines that any such information  
18 is omitted or inadequate, a description of  
19 the omitted or inadequate information.

20 (C) EFFECT OF FAILURE TO CURE.—If the  
21 Transition Facilitator fails to submit a revised  
22 transition facilitation plan as required by sub-  
23 paragraph (A), subsections (c), (d), and (e)  
24 shall not apply.

25 (5) MODIFICATIONS BY COMMISSION.—

1 (A) IN GENERAL.—If the Commission de-  
2 termines under paragraph (4)(B)(i) that infor-  
3 mation required by paragraph (2) is omitted or  
4 inadequate in a revised transition facilitation  
5 plan submitted by the Transition Facilitator  
6 under paragraph (4)(A), the Commission shall,  
7 after public notice and an opportunity for pub-  
8 lic comment, modify such plan in order to cure  
9 the omission or inadequacy.

10 (B) LIMITATION.—In making any modi-  
11 fication under subparagraph (A), the Commis-  
12 sion—

13 (i) may not change the amount of  
14 spectrum to be cleared in each geographic  
15 area under such plan; and

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

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

23 (D) REPORT.—Not later than 30 days  
24 after completing any modification under sub-  
25 paragraph (A), the Commission shall submit to

1 the Transition Facilitator and the appropriate  
2 committees of Congress a report that contains  
3 the modified transition facilitation plan.

4 (c) ASSIGNMENT OF LICENSES THROUGH COMPETITIVE BIDDING.—  
5

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

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

20 (B) modify the spectrum usage rights of  
21 each satellite operator providing service using  
22 such spectrum (including any such operator  
23 that is not part of the Transition Facilitator, as  
24 provided in subsection (a)(2)) so as to effect the  
25 removal of the co-primary allocation protection

1           afforded to such operator with respect to the  
2           use of such spectrum for satellite service (ex-  
3           cept with respect to a limited number of telem-  
4           etry, tracking, and command sites, as the Com-  
5           mission considers necessary); and

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

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

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

21                   (B) if the Commission determines under  
22          paragraph (3)(A) of subsection (b) that the  
23          transition facilitation plan submitted under  
24          paragraph (1) of such subsection does not con-

1           tain the information required by paragraph (2)  
2           of such subsection—

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

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

23           (3) USE OF PROCEEDS.—

24                   (A) IN GENERAL.—Notwithstanding sub-  
25                  paragraphs (A) and (C)(i) of section 309(j)(8)

1 of the Communications Act of 1934 (47 U.S.C.  
2 309(j)(8)), in the case of the proceeds from the  
3 use of a system of competitive bidding under  
4 paragraph (1) that are attributable to the li-  
5 censes assigned in a geographic area in the con-  
6 tinental United States (including deposits and  
7 upfront payments from successful bidders and  
8 excluding the costs retained by the salaries and  
9 expenses account of the Commission under sub-  
10 paragraph (B) of such section)—

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

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

1 paragraph (5)(A) of such subsection),  
2 as the case may be; and

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

10 (ii) the Commission shall pay each  
11 end user an amount of such proceeds that  
12 is equal to the costs (if any) reasonably in-  
13 curred and documented by such end user  
14 for activities, measures, or equipment nec-  
15 essary to clear spectrum in accordance  
16 with the transition facilitation plan in such  
17 geographic area, including costs to migrate  
18 services in such geographic area to alter-  
19 native technologies or to spectrum other  
20 than spectrum between the frequencies of  
21 3700 megahertz and 4200 megahertz; and

22 (iii) the remainder of such proceeds  
23 shall be deposited in the Rural Broadband  
24 Deployment Fund established by section  
25 401.

1 (B) PERCENTAGE OF PROCEEDS DETER-  
2 MINED.—The percentage of proceeds deter-  
3 mined under this subparagraph with respect to  
4 a geographic area is the following:

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

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

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

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

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

1 (vi) If the amount of spectrum cleared  
2 in such geographic area is 500 megahertz,  
3 100 percent.

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

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

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

24 (ii) not later than 30 days after the  
25 Commission makes the determination de-

1 scribed in clause (i), the Transition  
2 Facilitator demonstrates to the Commis-  
3 sion that the Transition Facilitator has  
4 taken any steps necessary to procure sat-  
5 ellites and equipment necessary to clear  
6 spectrum in such geographic area in ac-  
7 cordance with the transition facilitation  
8 plan.

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

20 (e) SUBMISSION OF ADDITIONAL TRANSITION FA-  
21 CILITATION PLANS.—Not later than 3 years after the  
22 Commission determines that the implementation of the  
23 transition facilitation plan submitted under paragraph (1)  
24 of subsection (b) or the revised transition facilitation plan  
25 submitted under paragraph (4)(A) of such subsection (in-

1 cluding any modification of such plan by the Commission  
2 under paragraph (5)(A) of such subsection), as the case  
3 may be, is completed, the Transition Facilitator may sub-  
4 mit an additional transition facilitation plan to the Com-  
5 mission to clear additional spectrum between the fre-  
6 quencies of 3700 megahertz and 4200 megahertz. Except  
7 for the deadline for the submission of the transition facili-  
8 tation plan under paragraph (1) of such subsection, any  
9 such additional transition facilitation plan shall be subject  
10 to this section in the same manner and to the same extent  
11 as the initial transition facilitation plan, and, not later  
12 than 3 years after the Commission determines that the  
13 implementation of such additional transition facilitation  
14 plan is completed, the Transition Facilitator may submit  
15 another additional transition facilitation plan as described  
16 in this subsection.

17 (f) DEFINITIONS.—In this section:

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

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

1 (A) is a licensee or registrant of an earth  
2 station receiving signals between the fre-  
3 quencies of 3700 megahertz and 4200 mega-  
4 hertz; or

5 (B) receives or distributes programming or  
6 services using spectrum between the frequencies  
7 of 3700 megahertz and 4200 megahertz.

8 (3) TRANSITION FACILITATOR.—The term  
9 “Transition Facilitator” means the organization des-  
10 igned under subsection (a).

## 11 **TITLE II—FEDERAL SPECTRUM** 12 **AVAILABILITY**

### 13 **SEC. 201. COSTS OF SPECTRUM RESEARCH AND DEVELOP-** 14 **MENT AND PLANNING ACTIVITIES.**

15 Section 118(g) of the National Telecommunications  
16 and Information Administration Organization Act (47  
17 U.S.C. 928(g)) is amended—

18 (1) in paragraph (1)—

19 (A) in subparagraph (A), by striking “;  
20 and” and inserting a semicolon;

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

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

24 “(C) the Director of OMB may make a  
25 payment described in paragraph (2) from

1 amounts in the Fund other than amounts made  
2 available under subparagraphs (A) and (B) if,  
3 before making the payment, the Director of  
4 OMB, in consultation with the NTIA, deter-  
5 mines and submits to the congressional commit-  
6 tees described in subsection (d)(2)(C) a certifi-  
7 cation that—

8 “(i) the conditions described in sub-  
9 clauses (I) and (II) of paragraph (2)(D)(i)  
10 have been met;

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

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

1 (2) in paragraph (2)—

2 (A) in subparagraph (D)(ii), by inserting  
3 after “60 days” the following: “(or, in the case  
4 of a payment under paragraph (1)(C), 30  
5 days)”; and

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

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

19 “(i) such Federal entity shall submit  
20 to the NTIA a certification stating the de-  
21 termination; and

22 “(ii) the NTIA shall consult with the  
23 Commission and such Federal entity re-  
24 garding whether such frequencies may be

1 shared with non-Federal entities on an un-  
2 licensed basis.”.

3 **SEC. 202. INCLUSION OF SPECTRUM SHARING IN ANNUAL**  
4 **NTIA REPORT ON RELOCATION.**

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

7 (1) in paragraph (1)—

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

10 (B) by striking “section 118(d)(2)(A)” and  
11 inserting “section 118(d)(2)(B)”; and

12 (2) in paragraph (2)—

13 (A) by striking “relocated communication  
14 system” and inserting “such communication  
15 system”;

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

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

20 **SEC. 203. STUDIES ON REALLOCATION OF CERTAIN FED-**  
21 **ERAL SPECTRUM.**

22 (a) IN GENERAL.—Not later than 6 months after the  
23 date of the enactment of this Act, each Federal entity  
24 that, as of such date of enactment, is operating on spec-

1 trum between the frequencies of 3450 megahertz to 3550  
2 megahertz shall—

3           (1) request a payment under section 118(g)(2)  
4           of the National Telecommunications and Informa-  
5           tion Administration Organization Act (47 U.S.C.  
6           928(g)(2)) for the purpose of conducting a study of  
7           any such frequencies on which such entity operates  
8           in order to determine the feasibility of the realloca-  
9           tion of such frequencies, or a portion thereof, for  
10          non-Federal use or shared Federal and non-Federal  
11          use, or a combination thereof, and auction in accord-  
12          ance with such reallocation; and

13          (2) if such Federal entity receives such pay-  
14          ment—

15                 (A) conduct such study; and

16                 (B) submit to the appropriate committees  
17                 of Congress and the Secretary a report on the  
18                 results of such study.

19          (b) CONDITIONS AND LIMITATIONS.—

20                 (1) RECEIPT OF PAYMENT.—A Federal entity is  
21                 not required to conduct a study under subsection (a)  
22                 if such entity requests such payment in accordance  
23                 with section 118(g)(2) of the National Telecommuni-  
24                 cations and Information Administration Organiza-

1 tion Act (47 U.S.C. 928(g)(2)) but does not receive  
2 such payment.

3 (2) INABILITY TO ACHIEVE COMPARABLE CAPA-  
4 BILITY OF SYSTEMS.—If it is found in a study con-  
5 ducted under subsection (a) that any Federal entity  
6 operating on spectrum with respect to which the  
7 study is conducted would not be able to achieve com-  
8 parable capability of systems in the case of the re-  
9 allocation of such spectrum or a portion thereof for  
10 non-Federal use or shared Federal and non-Federal  
11 use, or a combination thereof, and auction in accord-  
12 ance with such reallocation, the Federal entity that  
13 conducted the study shall submit to the National  
14 Telecommunications and Information Administration  
15 and the Director of the Office of Management and  
16 Budget a certification stating such finding.

17 **SEC. 204. IDENTIFICATION, REALLOCATION, AND AUCTION**  
18 **OF CERTAIN FEDERAL SPECTRUM.**

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

21 (1) for the frequencies with respect to which a  
22 Federal entity makes an affirmative feasibility deter-  
23 mination under section 203(a), determine whether  
24 the Secretary concurs with the determination of the  
25 Federal entity; and

1           (2) if the Secretary concurs with the determina-  
2           tion of the Federal entity, submit to the President  
3           and the Commission a report identifying for re-  
4           allocation the frequencies with respect to which the  
5           Federal entity made the determination.

6           (b) CLEARING OF SPECTRUM.—The President  
7 shall—

8           (1) not later than 180 days after the Secretary  
9           submits a report under subsection (a)(2), begin the  
10          process of withdrawing or modifying the assignment  
11          to a Federal Government station of the frequencies  
12          identified in such report; and

13          (2) not later than 30 days after completing the  
14          withdrawal or modification, notify the Commission  
15          that the withdrawal or modification is complete.

16          (c) REALLOCATION AND AUCTION.—

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

18                    (A) reallocate the frequencies identified in  
19                    a report under subsection (a)(2) for non-Fed-  
20                    eral use or shared Federal and non-Federal use,  
21                    or a combination thereof; and

22                    (B) notwithstanding paragraph (15)(A) of  
23                    section 309(j) of the Communications Act of  
24                    1934 (47 U.S.C. 309(j)), not later than Janu-  
25                    ary 1, 2026, begin a system of competitive bid-

1           ding under such section to grant new initial li-  
2           censes for the use of such frequencies, subject  
3           to flexible-use service rules.

4           (2) PROCEEDS.—

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

1 Budget under subsections (f) and (g) of such  
2 section 118, the remainder of such proceeds  
3 shall be deposited in the Rural Broadband De-  
4 ployment Fund established by section 401.

5 (B) RULE OF CONSTRUCTION.—Nothing in  
6 this section shall be construed to relieve the  
7 Commission from the requirements of section  
8 309(j)(16)(B) of the Communications Act of  
9 1934 (47 U.S.C. 309(j)(16)(B)).

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

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

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

17 “(A) with respect to”; and

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

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

23 (e) RELATIONSHIP TO SPECTRUM PIPELINE IDENTI-  
24 FICATION REQUIREMENT.—The identification of fre-  
25 quencies under subsection (a)(2), withdrawal or modifica-

1 tion of the assignment to a Federal Government station  
2 of such frequencies under subsection (b), or reallocation  
3 or auction of such frequencies under subsection (c) does  
4 not preclude such frequencies from being identified under  
5 section 1006(c) of the Spectrum Pipeline Act of 2015  
6 (Public Law 114–74; 129 Stat. 624).

7 **SEC. 205. DEFINITIONS.**

8 In this title:

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

10 The term “comparable capability of systems” has  
11 the meaning described in section 113(g)(3)(B) of the  
12 National Telecommunications and Information Ad-  
13 ministration Organization Act (47 U.S.C.  
14 923(g)(3)(B)).

15 (2) **FEDERAL ENTITY.**—The term “Federal en-  
16 tity” has the meaning given such term in section  
17 113(l) of the National Telecommunications and In-  
18 formation Administration Organization Act (47  
19 U.S.C. 923(l)).

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

1 **TITLE III—NTIA RESEARCH AND**  
2 **DEVELOPMENT**

3 **SEC. 301. NTIA INDEPENDENT RESEARCH AND DEVELOP-**  
4 **MENT COSTS.**

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

8 “(j) NTIA INDEPENDENT RESEARCH AND DEVELOP-  
9 MENT COSTS.—

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

1           “(2) AMOUNTS DESCRIBED.—The amounts de-  
2           scribed in this paragraph are amounts in the Fund  
3           from auctions of eligible frequencies that are made  
4           available for reallocation and auction primarily as a  
5           result of research and development, engineering  
6           studies, economic analyses, or other activities in-  
7           tended to improve the efficiency and effectiveness of  
8           the spectrum use of Federal entities in order to  
9           make available frequencies for reallocation for non-  
10          Federal use or shared Federal and non-Federal use,  
11          or a combination thereof, and for auction in accord-  
12          ance with such reallocation, that are conducted by  
13          the NTIA after the date of the enactment of this  
14          subsection, regardless of whether the NTIA conducts  
15          such activities using amounts transferred to the  
16          NTIA under paragraph (1).

17          “(3) FREQUENCIES DESCRIBED.—The fre-  
18          quencies described in this paragraph are frequencies  
19          that—

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

21                 “(B) at the time when the activities de-  
22                 scribed in paragraph (1) are conducted, are not  
23                 identified for auction.

24          “(4) AVAILABILITY OF FUNDS.—Amounts  
25          transferred under paragraph (1) shall be available

1 for obligation subject to the terms and conditions of  
2 the receiving appropriations account and shall re-  
3 main available until expended.

4 “(5) NO CHARGE TO FEDERAL AGENCIES.—  
5 Notwithstanding any other provision of law (includ-  
6 ing the terms and conditions of an appropriations  
7 account referred to in paragraph (4)), the NTIA  
8 may not charge any Federal agency for an activity  
9 conducted using amounts transferred to the NTIA  
10 under paragraph (1).

11 “(6) RULE OF CONSTRUCTION.—Nothing in  
12 this subsection shall be construed to limit the avail-  
13 ability to the NTIA to conduct activities described in  
14 paragraph (1) of funds, other than amounts trans-  
15 ferred under such paragraph, that are otherwise  
16 available to the NTIA to conduct such activities.”.

## 17 **TITLE IV—RURAL BROADBAND** 18 **DEPLOYMENT**

### 19 **SEC. 401. RURAL BROADBAND DEPLOYMENT FUND.**

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

23 (b) AVAILABILITY OF FUNDS.—To the extent or in  
24 the amounts provided in advance in appropriation Acts,  
25 amounts in the Rural Broadband Deployment Fund shall

1 be available to the Commission to make payments to ex-  
2 pand access to broadband in unserved and underserved  
3 areas.

4 (c) NO COMBINATION WITH OTHER SUPPORT.—In  
5 making payments under subsection (b), the Commission  
6 may not combine such payments with any other support  
7 for broadband provided by the Commission.