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(Original Signature of Member)

112TH CONGRESS
1ST SESSION

H. R. _____

To require the Federal Communications Commission to modify its regulations to allow certain unlicensed use in the 5350-5470 MHz band and the 5850-5925 MHz band.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To require the Federal Communications Commission to modify its regulations to allow certain unlicensed use in the 5350-5470 MHz band and the 5850-5925 MHz band.

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 for Innova-
5 tion Act of 2011”.

1 **SEC. 2. UNLICENSED USE IN THE 5 GHZ BAND.**

2 (a) MODIFICATION OF FCC REGULATIONS TO
3 ALLOW CERTAIN UNLICENSED USE.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 not later than 1 year after the date of the enactment
6 of this Act, the Federal Communications Commis-
7 sion shall modify part 15 of title 47, Code of Fed-
8 eral Regulations, to allow unlicensed U-NII devices
9 to operate in the 5350-5470 MHz band and the
10 5850-5925 MHz band.

11 (2) REQUIRED DETERMINATIONS.—The Federal
12 Communications Commission may make the modi-
13 fication described in paragraph (1) only if the Com-
14 mission determines that—

15 (A) licensed users will be protected by
16 technical solutions, including use of existing,
17 modified, or new spectrum-sharing technologies
18 and solutions, such as dynamic frequency selec-
19 tion; and

20 (B) the primary mission of Federal spec-
21 trum users in the 5350–5470 MHz band and
22 the 5850-5925 MHz band will not be com-
23 promised by the introduction of unlicensed de-
24 vices.

25 (b) STUDY BY NTIA.—

1 (1) IN GENERAL.—The Assistant Secretary of
2 Commerce for Communications and Information, in
3 consultation with the Federal Communications Com-
4 mission, shall conduct a study evaluating known and
5 proposed spectrum-sharing technologies and the risk
6 to Federal users if unlicensed U-NII devices were al-
7 lowed to operate in the 5350-5470 MHz band and
8 the 5850-5925 MHz band.

9 (2) SUBMISSION.—Not later than 8 months
10 after the date of the enactment of this Act, the As-
11 sistant Secretary of Commerce for Communications
12 and Information shall submit the study required by
13 paragraph (1) to—

14 (A) the Federal Communications Commis-
15 sion; and

16 (B) the Committee on Energy and Com-
17 merce of the House of Representatives and the
18 Committee on Commerce, Science, and Trans-
19 portation of the Senate.

20 (c) DEFINITIONS.—In this section:

21 (1) 5350-5470 MHZ BAND.—The term “5350-
22 5470 MHz band” means the portion of the electro-
23 magnetic spectrum between the frequencies from
24 5350 megahertz to 5470 megahertz, inclusive.

1 (2) 5850-5925 MHZ BAND.—The term “5850-
2 5925 MHz band” means the portion of the electro-
3 magnetic spectrum between the frequencies from
4 5850 megahertz to 5925 megahertz, inclusive.

5 (3) U-NII DEVICES.—The term “U-NII de-
6 vices” has the meaning given such term in section
7 15.403(s) of title 47, Code of Federal Regulations,
8 except for the frequency bands specified in such sec-
9 tion.