

118TH CONGRESS
1ST SESSION

H. R. 3430

To amend the National Telecommunications and Information Administration Organization Act to enhance Federal spectrum relocation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2023

Ms. MATSUI 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 enhance Federal spectrum relocation, 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 “Spectrum Relocation
5 Enhancement Act”.

6 **SEC. 2. FEDERAL SPECTRUM RELOCATION AND SHARING.**

7 (a) RELOCATION OR SHARING COSTS TO SATISFY
8 OPERATIONAL REQUIREMENTS OF FEDERAL ENTITIES.—

1 (1) IN GENERAL.—The National Telecommuni-
2 cations and Information Administration Organiza-
3 tion Act (47 U.S.C. 901 et seq.) is amended—

4 (A) in section 113(g)—

5 (i) in paragraph (3)—

6 (I) in the first sentence of sub-
7 paragraph (A), by striking “in order
8 to achieve comparable capability of
9 systems as before the relocation or
10 sharing arrangement” and inserting
11 “to deploy systems that satisfy the
12 operational requirements of such enti-
13 ty, which may have increased from the
14 operational requirements being met
15 before the relocation or sharing ar-
16 rangement”; and

17 (II) by amending subparagraph

18 (B) to read as follows:

19 “(B) INCREASED OPERATIONAL REQUIRE-
20 MENTS.—For purposes of subparagraph (A),
21 paragraph (6), and section 118(f)(2)(B)(ii), the
22 operational requirements of a Federal entity do
23 not include any increased operational require-
24 ments the costs of which jeopardize the oppor-
25 tunity for a successful auction, sharing, or

1 other non-Federal use of the eligible frequencies
2 involved.”; and

3 (ii) in paragraph (6)—

4 (I) in the first sentence, by strik-
5 ing “of comparable capability” and in-
6 serting “that meet the operational re-
7 quirements of such entities”; and

8 (II) in the second sentence, by
9 striking “a Federal entity has
10 achieved comparable capability of sys-
11 tems” and inserting “the operational
12 requirements of a Federal entity are
13 met”; and

14 (B) in section 118(f)(2)(B)(ii), by striking
15 “to achieve comparable capability of systems af-
16 fected by the reallocation of eligible frequencies
17 from Federal use to exclusive non-Federal use
18 or to shared use” and inserting “to deploy sys-
19 tems that satisfy the operational requirements
20 of the eligible Federal entity”.

21 (2) APPLICABILITY.—The amendments made
22 by paragraph (1) shall apply with respect to reloca-
23 tion or sharing costs, or payments under section
24 118(f) of the National Telecommunications and In-
25 formation Administration Organization Act (47

1 U.S.C. 928(f)), as the case may be, with respect to
2 a transition plan that is found to be sufficient under
3 section 113(h)(4) of such Act (47 U.S.C. 923(h)(4))
4 after the date of the enactment of this Act.

5 (b) PAYMENTS FROM SPECTRUM RELOCATION FUND
6 FOR RESEARCH AND DEVELOPMENT AND PLANNING AC-
7 TIVITIES.—

8 (1) IN GENERAL.—Section 118(g)(2) of the Na-
9 tional Telecommunications and Information Admin-
10 istration Organization Act (47 U.S.C. 928(g)(2)) is
11 amended to read as follows:

12 “(2) USE OF AMOUNTS.—

13 “(A) IN GENERAL.—The Director of OMB
14 may use amounts made available under para-
15 graph (1) to make payments intended to im-
16 prove the efficiency and effectiveness of the
17 spectrum use of Federal entities in order to
18 make available frequencies described in sub-
19 paragraph (C) for reallocation for non-Federal
20 use or shared Federal and non-Federal use, or
21 a combination thereof, and for auction in ac-
22 cordance with such reallocation—

23 “(i) to Federal entities for research
24 and development, engineering studies, eco-
25 nomic analyses, activities with respect to

1 systems, preparing transition plans re-
2 quired by section 113(h)(1), or other plan-
3 ning activities; and

4 “(ii) to the NTIA for research and de-
5 velopment, engineering studies, economic
6 analyses, or other planning activities or to
7 conduct activities required by subpara-
8 graph (H).

9 “(B) ACTIVITIES WITH RESPECT TO SYS-
10 TEMS.—For purposes of a payment under sub-
11 paragraph (A)(i) for activities with respect to
12 systems, such systems include the following:

13 “(i) Systems (including systems that
14 obtain passive scientific observations) that
15 have increased functionality or that in-
16 crease the ability of a Federal entity to ac-
17 commodate spectrum sharing with non-
18 Federal entities.

19 “(ii) Systems that consolidate func-
20 tions or services that have been provided
21 using separate systems.

22 “(iii) Non-spectrum technology or sys-
23 tems.

24 “(C) FREQUENCIES DESCRIBED.—The fre-
25 quencies described in this subparagraph are,

1 with respect to a payment under subparagraph
2 (A), frequencies—

3 “(i) that are assigned to a Federal en-
4 tity; and

5 “(ii) at the time of the activities con-
6 ducted with such payment, with respect to
7 which no relocation or sharing costs have
8 been transferred to the Federal entity
9 under subsection (d)(3) or (e).

10 “(D) CONDITIONS.—The Director of OMB
11 may not make a payment to a Federal entity
12 under subparagraph (A)(i)—

13 “(i) unless—

14 “(I) the Federal entity has sub-
15 mitted to the Technical Panel estab-
16 lished under section 113(h)(3) a plan
17 describing the activities that the Fed-
18 eral entity will conduct with such pay-
19 ment;

20 “(II) the NTIA has reviewed the
21 plan, determined that the activities
22 described in the plan and the costs as-
23 sociated with such activities are ap-
24 propriate, and advised the Director of

1 OMB as to the appropriateness of
2 such costs;

3 “(III) the Technical Panel has
4 approved such plan under subpara-
5 graph (F); and

6 “(IV) the Director of OMB has
7 submitted the plan approved under
8 subparagraph (F) to the congressional
9 committees described in subsection
10 (d)(2)(C); and

11 “(ii) until 30 days have elapsed after
12 submission of the plan under clause
13 (i)(IV).

14 “(E) REQUIREMENTS FOR PLAN OF FED-
15 ERAL ENTITY.—

16 “(i) REQUIRED CONTENTS.—A plan
17 submitted by a Federal entity under sub-
18 paragraph (D)(i)(I) with respect to a pay-
19 ment under this subsection shall include
20 the following:

21 “(I) A plan and timeline for the
22 activities to be conducted with such
23 payment, including a description and
24 the estimated cost of each effort in-
25 cluded as part of each such activity.

1 “(II) A schedule for such activi-
2 ties, with incremental deliverables and
3 that includes time for review by the
4 NTIA of interim results and for the
5 NTIA to advise the Director of OMB
6 regarding subsequent payments.

7 “(III) Requirements for status
8 reporting to the Director of OMB and
9 the NTIA.

10 “(IV) Requirements for partici-
11 pation in any NTIA-led activities as-
12 sociated with the plan.

13 “(ii) ESTABLISHMENT OF ADDITIONAL
14 REQUIREMENTS FOR CONTENTS.—The
15 Technical Panel established under section
16 113(h)(3) may establish additional require-
17 ments for the contents of the plan to be
18 submitted under subparagraph (D)(i)(I) to
19 facilitate review and approval or dis-
20 approval of the plan under subparagraph
21 (F).

22 “(iii) COORDINATION BY FEDERAL
23 ENTITY WITH NTIA.—A Federal entity that
24 is developing a plan to be submitted under
25 subparagraph (D)(i)(I) shall coordinate

1 with the NTIA during the development of
2 the plan, including any research, engineer-
3 ing, or analysis activities included in the
4 plan.

5 “(iv) REVISED ACTIVITIES AND UP-
6 DATED PLAN.—

7 “(I) REVISED ACTIVITIES.—If
8 the NTIA, in consultation with the
9 Director of OMB, determines that re-
10 visions to the activities that a Federal
11 entity is conducting with a payment
12 under this subsection are required to
13 achieve the most efficient and effec-
14 tive use of spectrum by Federal enti-
15 ties in order to make frequencies
16 available for reallocation for non-Fed-
17 eral use or shared Federal and non-
18 Federal use, or a combination thereof,
19 and for auction in accordance with
20 such reallocation—

21 “(aa) the NTIA, in consulta-
22 tion with the Director of OMB,
23 shall direct the Federal entity to
24 revise such activities in accord-
25 ance with the determination; and

1 “(bb) not later than 45 days
2 after receiving the direction
3 under item (aa), the Federal en-
4 tity shall revise such activities as
5 directed.

6 “(II) UPDATED PLAN.—If the
7 Director of OMB, in consultation with
8 the NTIA, determines that the revi-
9 sions the NTIA has directed a Fed-
10 eral entity to make under subclause
11 (I) to the activities the Federal entity
12 is conducting with a payment under
13 this subsection are outside the scope
14 of the original plan or the most recent
15 updated plan (as the case may be) of
16 the Federal entity with respect to
17 such payment that was approved
18 under subparagraph (F)—

19 “(aa) the Director of OMB
20 shall direct the Federal entity to
21 submit an updated plan under
22 subparagraph (D)(i)(I) to reflect
23 such revisions; and

24 “(bb) not later than 45 days
25 after receiving the direction

1 under item (aa), the Federal en-
2 tity shall submit such updated
3 plan under subparagraph
4 (D)(i)(I), which shall be approved
5 or disapproved under subpara-
6 graph (F) in the same manner as
7 the original plan.

8 “(F) REVIEW OF PLAN BY TECHNICAL
9 PANEL.—

10 “(i) IN GENERAL.—Not later than
11 120 days after a Federal entity submits a
12 plan under subparagraph (D)(i)(I) to the
13 Technical Panel established under section
14 113(h)(3), the Technical Panel shall ap-
15 prove or disapprove such plan.

16 “(ii) CRITERIA FOR REVIEW.—In con-
17 sidering whether to approve or disapprove
18 a plan under this subparagraph, the Tech-
19 nical Panel shall consider whether—

20 “(I) the activities that the Fed-
21 eral entity will conduct with the pay-
22 ment will—

23 “(aa) increase or maintain
24 the ability of the Federal entity

1 to meet the operational require-
2 ments of the Federal entity;

3 “(bb) increase the prob-
4 ability of relocation from or shar-
5 ing of Federal spectrum;

6 “(cc) facilitate an auction
7 intended to occur not later than
8 8 years after the payment; and

9 “(dd) increase the net ex-
10 pected auction proceeds in an
11 amount not less than the time
12 value of the amount of the pay-
13 ment; and

14 “(II) the transfer will leave suffi-
15 cient amounts in the Fund for the
16 other purposes of the Fund.

17 “(G) REQUIRED USE OF PAYMENT.—

18 “(i) IN GENERAL.—Except as pro-
19 vided in clause (ii), a Federal entity that
20 receives a payment under this subsection
21 may only use the payment in accordance
22 with the original plan or the most recent
23 updated plan (as the case may be) of the
24 Federal entity with respect to such pay-

1 ment that was approved under subpara-
2 graph (F).

3 “(ii) INTERIM AUTHORITY TO CON-
4 DUCT REVISED ACTIVITIES.—In the case of
5 a Federal entity that has received a direc-
6 tion from the Director of OMB under sub-
7 paragraph (E)(iv)(II)(aa) to submit an up-
8 dated plan under subparagraph (D)(i)(I)
9 to reflect revisions that the NTIA has di-
10 rected the Federal entity to make under
11 subparagraph (E)(iv)(I)(aa) to the activi-
12 ties that the Federal entity is conducting
13 with a payment under this subsection, the
14 Federal entity may use the payment to
15 conduct activities that reflect such revi-
16 sions notwithstanding clause (i) until—

17 “(I) if the Federal entity fails to
18 submit the updated plan by the dead-
19 line under subparagraph
20 (E)(iv)(II)(bb), such deadline; or

21 “(II) if the Federal entity sub-
22 mits the updated plan by the deadline
23 under subparagraph (E)(iv)(II)(bb),
24 the date on which the updated plan is

1 approved or disapproved under sub-
2 paragraph (F).

3 “(iii) TERMINATION OF AUTHORITY
4 TO USE PAYMENT.—If a Federal entity de-
5 scribed in clause (ii) fails to submit the up-
6 dated plan by the deadline under subpara-
7 graph (E)(iv)(II)(bb), or if the updated
8 plan is disapproved under subparagraph
9 (F), the Federal entity may not, after such
10 deadline or the date on which the updated
11 plan is disapproved (as the case may be),
12 conduct any activities using such payment,
13 until such time as the updated plan is sub-
14 mitted or resubmitted (as the case may be)
15 and approved under subparagraph (F).

16 “(H) ROLE OF NTLA.—

17 “(i) OVERSIGHT BY NTLA.—The NTLA
18 shall—

19 “(I) establish and carry out a
20 process to conduct oversight of the
21 execution of plans approved under
22 subparagraph (F);

23 “(II) in accordance with subpara-
24 graph (D)(i)(II), review plans sub-
25 mitted under subparagraph (D)(i)(I),

1 determine whether the activities de-
2 scribed in such plans and the costs as-
3 sociated with such activities are ap-
4 propriate, and advise the Director of
5 OMB as to the appropriateness of
6 such costs;

7 “(III) in accordance with sub-
8 paragraph (E)(i)(II), review the in-
9 terim results of the activities con-
10 ducted by Federal entities using pay-
11 ments under this subsection and ad-
12 vise the Director of OMB regarding
13 subsequent payments to such entities;

14 “(IV) in accordance with sub-
15 paragraph (E)(iv)(I), determine
16 whether revisions to the activities that
17 a Federal entity is conducting with a
18 payment under this subsection are re-
19 quired and, if so, direct the Federal
20 entity to revise such activities;

21 “(V) in accordance with subpara-
22 graph (E)(iv)(II), consult with the Di-
23 rector of OMB on the need for the
24 Federal entity to submit an updated

1 plan under subparagraph (D)(i)(I) to
2 reflect any such revised activities; and

3 “(VI) conduct activities required
4 to aggregate the results of activities
5 conducted by individual Federal enti-
6 ties with payments under this sub-
7 section into a comprehensive assess-
8 ment to ensure any recommendation
9 to the Commission for reallocation of
10 a band of frequencies has properly ac-
11 counted for, addressed, and protected
12 all Federal interests in and adjacent
13 to the band.

14 “(ii) SPECTRUM STUDIES.—

15 “(I) ACTIVITIES NOT IDENTIFIED
16 IN PLANS OF FEDERAL ENTITIES.—
17 The NTIA, in coordination with Fed-
18 eral entities, shall, as needed, conduct
19 spectrum studies (including studies
20 relating to advances in spectrum engi-
21 neering, science, and technology) that
22 are not associated with the activities
23 identified in the plans of Federal enti-
24 ties approved under subparagraph
25 (F).

1 “(II) PARTICIPATION AND INFOR-
2 MATION FROM FEDERAL AGENCIES.—
3 A Federal agency shall participate in
4 the spectrum studies described in sub-
5 clause (I) and provide information to
6 the NTIA, as necessary for the NTIA
7 to carry out such subclause.”.

8 (2) CONFORMING AMENDMENT.—Section
9 113(h)(3)(C) of the National Telecommunications
10 and Information Administration Organization Act
11 (47 U.S.C. 923(h)(3)(C)) is amended by striking
12 “section 118(g)(2)(E)” and inserting “section
13 118(g)(2)(F)”.

14 (3) APPLICABILITY.—The amendments made
15 by this subsection shall apply with respect to pay-
16 ments requested under section 118(g)(2) of the Na-
17 tional Telecommunications and Information Admin-
18 istration Organization Act (47 U.S.C. 928(g)(2))
19 after the date of the enactment of this Act.

20 (c) PAYMENTS FROM SPECTRUM RELOCATION FUND
21 FOR ADMINISTRATIVE SUPPORT FOR TECHNICAL
22 PANEL.—Section 118 of the National Telecommunications
23 and Information Administration Organization Act (47
24 U.S.C. 928) is amended by adding at the end the fol-
25 lowing:

1 “(j) ADMINISTRATIVE SUPPORT FOR TECHNICAL
2 PANEL.—Notwithstanding subsections (c) through (e),
3 there are appropriated from the Fund and available to the
4 Director of OMB such sums as are required to make pay-
5 ments to the NTIA to enable the NTIA to provide admin-
6 istrative support services to the Technical Panel estab-
7 lished by subparagraph (A) of section 113(h)(3), as re-
8 quired by subparagraph (C) of such section.”.

○