Committee Print by the Committee on Energy and Commerce

(Providing for reconciliation pursuant to S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)
(B) the Committee on Energy and Commerce of the House of Representatives.

(b) 3.1–3.45 GHz Band.—

(1) Pre-auction Funding.—

(A) In General.—On the date of enactment of this Act, the Director of the Office of Management and Budget shall transfer $50,000,000 from the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) to the Secretary of Commerce for the purpose of engineering studies, economic analyses, activities with respect to systems, or other planning activities to improve efficiency and effectiveness of Federal spectrum use in order to make available electromagnetic spectrum in the covered band—

(i) for reallocation for shared Federal and non-Federal use; and

(ii) for auction under paragraph (3) of this subsection.

(B) Oversight.—The Assistant Secretary of Commerce for Communications and Information, in coordination with the Secretary of De-
fense and the Executive Office of the President, shall develop a plan for conducting the planning activities described in subparagraph (A). The Assistant Secretary and the Executive Office of the President shall continuously review and provide oversight of such activities.

(C) EXEMPTION.—Section 118(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)) shall not apply with respect to the payment required under subparagraph (A).

(D) CONSIDERATION OF COMMON PLATFORM.—The plan required by subparagraph (B) shall include consideration of spectrum sharing implemented via a common platform developed by the Assistant Secretary of Commerce for Communications and Information, in consultation with the Commission.

(E) REPORT TO SECRETARY OF COMMERCE.—Not later than 18 months after the date of enactment of this Act, for purposes of paragraph (2), the Assistant Secretary of Commerce for Communications and Information, in coordination with the Secretary of Defense, shall submit to the Secretary of Commerce a re-
port on the findings of the planning activities described in subparagraph (A), including an identification of at least 200 megahertz of frequencies in the covered band that could be made available on a shared basis between Federal and non-Federal use.

(2) IDENTIFICATION.—Not later than 24 months after the date of enactment of this Act, informed by the findings of the planning activities described in paragraph (1)(A), the Secretary of Commerce, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Commission, shall—

(A) determine which frequencies of electromagnetic spectrum in the covered band could be made available on a shared basis between Federal and non-Federal use; and

(B) submit to the President and the Commission a report that identifies for auction, subject to flexible-use service rules, at least 200 megahertz of the frequencies with respect to which an affirmative determination is made under subparagraph (A).

(3) AUCTION.—Not later than 7 years after the date of enactment of this Act, the Commission, in
coordination with the Assistant Secretary of Commerce for Communications and Information, shall, through a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), grant new licenses for the use, in accordance with paragraph (2) of this subsection, of at least 200 megahertz of the frequencies identified under subparagraph (B) of that paragraph.

(4) **SHARING OF SPECTRUM.**—

(A) **IN GENERAL.**—The President shall modify any assignment to a Federal Government station of the frequencies identified under subparagraph (B) of paragraph (2) as necessary in order to accommodate shared Federal and non-Federal use in accordance with that paragraph.

(B) **TIMING.**—The President may not modify any assignment to a Federal Government station as described in subparagraph (A) before November 30, 2024.

(5) **AUCTION PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.**—Nothing in this subsection shall be construed to relieve the Commission from the require-
ments under section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(6) RULES AUTHORIZING SHARING OF ADDITIONAL SPECTRUM IN COVERED BAND.—Not later than November 30, 2024, the Commission, in consultation with the Assistant Secretary of Commerce for Communications and Information, shall adopt rules that authorize the sharing of spectrum in the covered band (other than the frequencies identified under paragraph (2)(B)) among Federal and non-Federal uses.

(7) OPPORTUNISTIC USE OF IDENTIFIED FREQUENCIES.—If the President modifies assignments under paragraph (4), or if such modification is not necessary in order to accommodate shared Federal and non-Federal use in accordance with paragraph (2), the Commission and the Assistant Secretary of Commerce for Communications and Information shall allow for the opportunistic use of the frequencies identified under paragraph (2)(B) before the auction required by paragraph (3) is conducted. Such opportunistic use though shall cease upon the Commission’s issuance of licenses in accordance with paragraph (3) of this subsection.

(c) FCC AUCTION AUTHORITY.—
(1) TERMINATION.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by inserting after “2025” the following: “, and with respect to the electromagnetic spectrum identified under section 3001(b)(2)(B) of the Act to provide for reconciliation pursuant to title II of S. Con. Res. 14, such authority shall expire on the date that is 7 years after the date of enactment of that Act”.

(2) SPECTRUM PIPELINE ACT OF 2015.—Section 1006(c)(1) of the Spectrum Pipeline Act of 2015 (Public Law 114–74; 129 Stat. 624) is amended by striking “2022” and inserting “2024”.

SEC. 31202. FUTURE OF TELECOMMUNICATIONS COUNCIL.

In addition to amounts otherwise available, there is appropriated to the Secretary of Commerce for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, to establish, in coordination with the Committee on Energy and Commerce of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Deputy Secretary of Commerce, the Administrator of the National Telecommunications and Information Administration, the Undersecretary of the National Institute of Standards and
Technology, the Chair of the Federal Communications Commission, the Director of the National Science Foundation, the Majority Leader of the Senate, and the Speaker of the House of Representatives, a council of 14 members, to be known as the “Future of Telecommunications Council”, to advise Congress on the development and adoption of 6G and other advanced wireless communications technologies, including ensuring equity in access to such technologies for communities of color and rural communities.