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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the National Telecommunications and Information Administration Organization Act to provide for an incumbent informing capability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GUTHRIE introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the National Telecommunications and Information Administration Organization Act to provide for an incumbent informing capability, 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, Access, Reallocation, and Transfer of Spectrum
6 Act” or the “SMART Spectrum Act”.

1 **SEC. 2. INCUMBENT INFORMING CAPABILITY.**

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. INCUMBENT INFORMING CAPABILITY.**

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

8 “(1) not later than 120 days after the date of
9 the enactment of this section, begin to amend the
10 Department of Commerce spectrum management
11 document entitled ‘Manual of Regulations and Pro-
12 cedures for Federal Radio Frequency Management’
13 so as to incorporate an incumbent informing capa-
14 bility; and

15 “(2) not later than the date on which amounts
16 appropriated to carry out this section are first made
17 available, begin to implement such capability, includ-
18 ing the development and testing of such capability.

19 “(b) ESTABLISHMENT OF THE INCUMBENT INFORM-
20 ING CAPABILITY.—

21 “(1) IN GENERAL.—The incumbent informing
22 capability required by subsection (a) shall include a
23 system to enable sharing, including time-based shar-
24 ing, to securely manage harmful interference be-
25 tween non-Federal users and incumbent Federal en-
26 tities sharing a band of covered spectrum and be-

1 tween Federal entities sharing a band of covered
2 spectrum.

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

6 “(A) One or more mechanisms to allow
7 non-Federal use in covered spectrum, as au-
8 thorized by the rules of the Commission. Such
9 mechanism or mechanisms shall include inter-
10 faces to commercial sharing systems, as appro-
11 priate.

12 “(B) One or more mechanisms to facilitate
13 Federal-to-Federal sharing, as authorized by
14 the NTIA.

15 “(C) One or more mechanisms to prevent,
16 eliminate, or mitigate harmful interference to
17 incumbent Federal entities, including one or
18 more of the following functions:

19 “(i) Sensing.

20 “(ii) Identification.

21 “(iii) Reporting.

22 “(iv) Analysis.

23 “(v) Resolution.

1 “(D) Dynamic coordination area analysis,
2 definition, and control, if appropriate for a
3 band.

4 “(3) COMPLIANCE WITH COMMISSION RULES.—
5 The incumbent informing capability required by sub-
6 section (a) shall ensure that use of covered spectrum
7 is in accordance with the applicable rules of the
8 Commission.

9 “(4) INPUT OF INFORMATION.—

10 “(A) IN GENERAL.—Each incumbent Fed-
11 eral entity sharing a band of covered spectrum
12 shall—

13 “(i) input into the system required by
14 paragraph (1) such information as the As-
15 sistant Secretary may require, including
16 the frequency, time, and location of the use
17 of the band by such Federal entity; and

18 “(ii) to the extent practicable, input
19 such information into such system on an
20 automated basis.

21 “(B) PAYMENT OF COSTS.—Notwith-
22 standing subsections (c) through (e) of section
23 118 and subparagraphs (C) through (E) of sub-
24 section (g)(2) of such section, the Director of
25 the Office of Management and Budget, in con-

1 sultation with the Assistant Secretary, may use
2 amounts available in the Spectrum Relocation
3 Fund to pay the costs incurred by Federal enti-
4 ties to input information as required by sub-
5 paragraph (A).

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

14 “(c) BRIEFING.—Not later than 1 year after the date
15 on which amounts appropriated to carry out this section
16 are first made available, the Assistant Secretary shall pro-
17 vide a briefing on the implementation of this section to
18 the Committee on Energy and Commerce of the House
19 of Representatives and the Committee on Commerce,
20 Science, and Transportation of the Senate.

21 “(d) DEFINITIONS.—In this section:

22 “(1) COVERED SPECTRUM.—The term ‘covered
23 spectrum’ means—

24 “(A) electromagnetic spectrum for which
25 usage rights are assigned to or authorized for

1 (including before the date on which the incum-
2 bent informing capability required by subsection
3 (a) is implemented) a non-Federal user or class
4 of non-Federal users for use on a shared basis
5 with an incumbent Federal entity in accordance
6 with the rules of the Commission; and

7 “(B) electromagnetic spectrum allocated
8 on a primary or co-primary basis for Federal
9 use that is shared among Federal entities.

10 “(2) FEDERAL ENTITY.—The term ‘Federal en-
11 tity’ has the meaning given such term in section
12 113(l).

13 “(3) INCUMBENT INFORMING CAPABILITY.—
14 The term ‘incumbent informing capability’ means a
15 capability to facilitate the sharing of covered spec-
16 trum.

17 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to alter or expand the authority
19 of the NTIA as described in section 113(j)(1).”.