To require the Federal Communications Commission to auction spectrum in the band between 1.3 gigahertz and 13.2 gigahertz, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Cruz (for himself, Mr. Thune, and Mrs. Blackburn) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To require the Federal Communications Commission to auction spectrum in the band between 1.3 gigahertz and 13.2 gigahertz, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Spectrum Pipeline Act of 2024”.

SEC. 2. IDENTIFICATION OF SPECTRUM FOR REALLOCATION AND AUCTION.

(a) DEFINITIONS.—In this section:
(1) Appropriate committees of Congress.—The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(2) Assistant Secretary.—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(3) Commission.—The term “Commission” means the Federal Communications Commission.

(4) Covered Band.—The term “covered band” means the band of frequencies between 1.3 gigahertz and 13.2 gigahertz.

(5) Federal entity.—The term “Federal entity” has the meaning given the term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).

(6) Full-power commercial licensed use cases.—The term “full-power commercial licensed use cases” means flexible use wireless broadband services with base station power levels sufficient for high-power, high-density, and wide-area commercial
mobile services, consistent with the service rules
under part 27 of title 47, Code of Federal Regula-
tions, or any successor regulations, for wireless
broadband deployments throughout the covered
band.

(b) IDENTIFICATION FOR REALLOCATION.—

    (1) IN GENERAL.—The Assistant Secretary, in
consultation with the Commission, shall identify not
less than 2500 megahertz of spectrum in the covered
band, that as of the date of enactment of this Act
is allocated for Federal use or for shared Federal
and non-Federal use, for reallocation for non-Fed-
eral use, shared Federal and non-Federal use, or a
combination thereof, including not less than 1250
megahertz for full-power commercial licensed use
cases.

    (2) SCHEDULE.—The Assistant Secretary shall
identify the spectrum under paragraph (1) according
to the following schedule:

    (A) Not later than 2 years after the date
of enactment of this Act, the Assistant Sec-
retary shall identify not less than 1250 mega-
hertz of spectrum.

    (B) Not later than 5 years after the date
of enactment of this Act, the Assistant Sec-
retary shall identify any remaining spectrum re-
quired to be identified under paragraph (1)
after compliance with subparagraph (A) of this
paragraph.

(c) Auctions.—

(1) In general.—With respect to the spec-
trum identified for reallocation under subsection (b)
for commercial licensed use, the Commission shall
grant licenses through systems of competitive bid-
ding for not less than 1250 megahertz of the spec-
trum for full-power commercial licensed use cases.

(2) Schedule.—The Commission shall auction
the spectrum under paragraph (1) according to the
following schedule:

(A) Not later than 3 years after the date
of enactment of this Act, the Commission shall
complete 1 or more systems of competitive bid-
ding for not less than 600 megahertz of the
spectrum.

(B) Not later than 6 years after the date
of enactment of this Act, the Commission shall
complete 1 or more systems of competitive bid-
ding for any remaining spectrum required to be
auctioned under paragraph (1) after compliance
with subparagraph (A) of this paragraph.
(d) Unlicensed Use.—Not later than 2 years after the date of enactment of this Act, the Commission shall make available on an unlicensed basis not less than 125 megahertz of the spectrum in the covered band.

(e) Licensed or Unlicensed Use.—Not later than 8 years after the date of enactment of this Act, the Commission shall make available for use on a licensed or unlicensed basis any remaining spectrum that is—

(1) identified under subsection (b); and

(2) not—

(A) auctioned under subsection (c); or

(B) made available on an unlicensed basis under subsection (d).

(f) 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 requirements under section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(g) Auction Authority.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended—

(1) by striking “grant a license or permit under this subsection shall expire March 9, 2023” and inserting “complete a system of competitive bidding
under this subsection shall expire September 30, 2027’’;

(2) by striking “and with respect to” and inserting “with respect to”; and

(3) by inserting before the period at the end the following: “, and with respect to the electromagnetic spectrum in the covered band (as defined in section 2(a) of the Spectrum Pipeline Act of 2024), such authority shall expire on the date that is 8 years after the date of enactment of that Act”.

(h) REPORTING REQUIREMENTS AND QUARTERLY BRIEFINGS.—

(1) NTIA PROGRESS REPORT ON SPECTRUM IDENTIFICATION.—

(A) IN GENERAL.—On each date as of which the Assistant Secretary, in consultation with the Commission, has identified the quantity of spectrum required under subparagraph (A) or (B), respectively, of subsection (b)(2), the Assistant Secretary shall submit to the appropriate committees of Congress a report detailing the findings and conclusions that the Assistant Secretary used to support the identification.
(B) CONTENTS.—The Assistant Secretary shall include in each report submitted under subparagraph (A)—

(i) an analysis of the spectrum identified; and

(ii) the Federal entities with which the Assistant Secretary coordinated regarding the spectrum identified.

(C) FORM OF REPORT.—Each report required under subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

(2) NTIA AND FCC REPORTS ON REALLOCATION OF SPECTRUM IDENTIFIED.—

(A) INITIAL PROGRESS REPORT.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary, in consultation with the Commission, shall submit to the appropriate committees of Congress a report on the progress of the Assistant Secretary in identifying spectrum in the covered band for reallocation under subsection (b) that includes—

(i) an assessment of the operations of the Federal entities and non-Federal enti-
ties that operate in the spectrum in the covered band; and

(ii) a preliminary analysis of which portions of the covered band are being considered for reallocation in accordance with subsection (b)(1).

(B) REPORTS ON 2 TRANCHES OF IDENTIFIED SPECTRUM.—Not later than 60 days after each date as of which the Assistant Secretary, in consultation with the Commission, has identified the quantity of spectrum required under subparagraph (A) or (B), respectively, of subsection (b)(2), the Assistant Secretary, in consultation with the Commission, shall submit to the appropriate committees of Congress a report that includes—

(i) an assessment of the operations of the Federal entities and non-Federal entities that operate in the applicable spectrum, current as of the date of the submission of the report;

(ii) the steps the President has taken to begin the process of withdrawing or modifying the assignments of Federal entities in the covered band as necessary for
the Commission to begin and complete the systems of competitive bidding under subsection (e); (iii) an estimate of the funding required for the relocation or sharing costs (as defined in section 923(g)(3) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3))) expected to be incurred by the Federal entities described in clause (ii) in connection with the reallocation of the applicable spectrum; and (iv) steps the Assistant Secretary is taking to ensure global harmonization with the spectrum to be reallocated. (C) FORM OF REPORT.—Each report required under this paragraph shall be submitted in unclassified form, but may contain a classified annex. (3) ANNUAL BRIEFINGS.— (A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the date that is 10 years after such date of enactment, the Assistant Secretary and the Chairman of the Commission
shall provide the appropriate committees of Congress with a briefing on the progress of the Assistant Secretary and the Chairman in complying with the requirements of this section.

(B) CONTENTS.—The Assistant Secretary and the Chairman of the Commission shall include in each briefing under subparagraph (A)—

(i) an update on the specific frequencies of spectrum under consideration or that have been identified to meet the requirements of subsection (b);

(ii) an explanation of the Federal entities and non-Federal entities that operate on the frequencies described in clause (i) and the specific services or systems utilized by those entities on those frequencies;

(iii) the extent to which Federal entities are cooperating with the efforts of the Assistant Secretary and the Chairman of the Commission to comply with the requirements of this Act;

(iv) an update on the progress of the systems of competitive bidding required by subsection (c); and
11
(v) any additional information related
to compliance with this Act by the Assistant
Secretary and the Chairman.

(C) FORM OF BRIEFING.—Any classified
information that would otherwise be provided in
a briefing under subparagraph (A) shall be pro-
vided in a separate classified briefing.

SEC. 3. SPECTRUM RELOCATION FUND MODERNIZATION.

(a) CONGRESSIONAL NOTIFICATION TIMELINES.—
Section 118 of the National Telecommunications and In-
formation Administration Organization Act (47 U.S.C.
928) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (C), by striking “30
days” and inserting “15 days”; and

(B) in the matter following subparagraph
(C), by striking “30 days” and inserting “15
days”;

(2) in subsection (f)(2)(B)(iv), by striking “30
days” and inserting “15 days”; and

(3) in subsection (g)(2)(D)(ii), by striking “60
days” and inserting “15 days”.

(b) COMPARABLE CAPABILITY.—Section 113(g)(3) of
the National Telecommunications and Information Ad-
ministration Organization Act (47 U.S.C. 923(g)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (iv), by striking “; and” and inserting a semicolon;

(B) in clause (v), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(vi) the costs associated with replacing systems and equipment with state-of-the-art systems and equipment, including systems and equipment with additional functions, only if the state-of-the-art systems and equipment allow for the reallocation of significantly more valuable spectrum frequencies from Federal use to exclusive non-Federal use or to shared Federal and non-Federal use than would be reallocated if systems and equipment were replaced with comparable systems and equipment or systems and equipment with incidental increases in functionality, provided the costs would not jeopardize the ability of the Assistant Secretary, in consultation with the Chair of the Commis-
13

1 sion, to reallocate eligible spectrum fre-
2 quencies from Federal use to exclusive
3 non-Federal use or to shared use.”; and

4 (2) in subparagraph (B)(ii), by striking “inci-
5 dental”.