

118TH CONGRESS  
1ST SESSION

# H. R. 1677

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2023

Mr. GUTHRIE (for himself and Ms. MATSUI) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## 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”.

7 **SEC. 2. INCUMBENT INFORMING CAPABILITY.**

8 Part B of the National Telecommunications and In-  
9 formation Administration Organization Act (47 U.S.C.

1 921 et seq.) is amended by adding at the end the fol-  
2 lowing:

3 **“SEC. 120. INCUMBENT INFORMING CAPABILITY.**

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

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

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

16 “(b) ESTABLISHMENT OF THE INCUMBENT INFORM-  
17 ING CAPABILITY.—

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

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

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

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

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

17           “(i) Sensing.

18           “(ii) Identification.

19           “(iii) Reporting.

20           “(iv) Analysis.

21           “(v) Resolution.

22           “(D) Dynamic coordination area analysis,  
23 definition, and control, if appropriate for a  
24 band.

1           “(3) COMPLIANCE WITH COMMISSION RULES.—

2           The incumbent informing capability required by sub-  
3           section (a) shall ensure that use of covered spectrum  
4           is in accordance with the applicable rules of the  
5           Commission.

6           “(4) INPUT OF INFORMATION.—

7           “(A) IN GENERAL.—Each incumbent Fed-  
8           eral entity sharing a band of covered spectrum  
9           shall—

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

15                   “(ii) to the extent practicable, input  
16                   such information into such system on an  
17                   automated basis.

18           “(B) PAYMENT OF COSTS.—Notwith-  
19           standing subsections (c) through (e) of section  
20           118 and subparagraphs (C) through (E) of sub-  
21           section (g)(2) of such section, the Director of  
22           the Office of Management and Budget, in con-  
23           sultation with the Assistant Secretary, may use  
24           amounts available in the Spectrum Relocation  
25           Fund to pay the costs incurred by Federal enti-

1           ties to input information as required by sub-  
2           paragraph (A).

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

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

18          “(d) DEFINITIONS.—In this section:

19                 “(1) COVERED SPECTRUM.—The term ‘covered  
20                 spectrum’ means—

21                         “(A) electromagnetic spectrum for which  
22                         usage rights are assigned to or authorized for  
23                         (including before the date on which the incum-  
24                         bent informing capability required by subsection  
25                         (a) is implemented) a non-Federal user or class

1 of non-Federal users for use on a shared basis  
2 with an incumbent Federal entity in accordance  
3 with the rules of the Commission; and

4 “(B) electromagnetic spectrum allocated  
5 on a primary or co-primary basis for Federal  
6 use that is shared among Federal entities.

7 “(2) FEDERAL ENTITY.—The term ‘Federal en-  
8 tity’ has the meaning given such term in section  
9 113(l).

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

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

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