

112TH CONGRESS
2D SESSION

H. R. 4817

To require the reallocation and auction for commercial use of the electromagnetic spectrum between the frequencies from 1755 megahertz to 1780 megahertz.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2012

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

A BILL

To require the reallocation and auction for commercial use of the electromagnetic spectrum between the frequencies from 1755 megahertz to 1780 megahertz.

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 “Efficient Use of Gov-
5 ernment Spectrum Act of 2012”.

1 **SEC. 2. REALLOCATION AND AUCTION OF 1755–1780 MHZ**
2 **BAND.**

3 (a) WITHDRAWAL OR MODIFICATION OF FEDERAL
4 GOVERNMENT STATION ASSIGNMENTS.—The President
5 shall—

6 (1) not later than 5 years after the date of the
7 enactment of this Act, withdraw or modify the as-
8 signment to a Federal Government station of the
9 electromagnetic spectrum described in subsection
10 (e); and

11 (2) not later than 30 days after completing the
12 withdrawal or modification, notify the Commission
13 that the withdrawal or modification is complete.

14 (b) REALLOCATION AND AUCTION.—Notwith-
15 standing paragraph (15)(A) of section 309(j) of the Com-
16 munications Act of 1934 (47 U.S.C. 309(j)), not later
17 than 3 years after the date of the enactment of the Middle
18 Class Tax Relief and Job Creation Act of 2012 (Public
19 Law 112–96), the Commission shall—

20 (1) reallocate the electromagnetic spectrum de-
21 scribed in subsection (e) for commercial use; and

22 (2) as part of the system of competitive bidding
23 required by section 6401(b)(1)(B) of such Act (47
24 U.S.C. 1451(b)(1)(B)), grant new initial licenses,
25 subject to flexible-use service rules, for the use of
26 such spectrum, paired with the spectrum between

1 the frequencies from 2155 megahertz to 2180 mega-
2 hertz, inclusive.

3 (c) AUCTION PROCEEDS.—For purposes of depos-
4 iting the proceeds from the competitive bidding described
5 in subsection (b)(2) that are attributable to the electro-
6 magnetic spectrum described in subsection (e), such spec-
7 trum shall be treated as spectrum that is required to be
8 auctioned by section 6401(b)(1)(B) of the Middle Class
9 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
10 1451(b)(1)(B)).

11 (d) RELOCATION OF AND SHARING BY FEDERAL
12 GOVERNMENT STATIONS.—

13 (1) RELOCATION PRIORITIZED OVER SHAR-
14 ING.—Except as provided in paragraph (2), the
15 President shall withdraw under subsection (a)(1) the
16 assignments to all Federal Government stations of
17 the electromagnetic spectrum described in subsection
18 (e).

19 (2) SHARING IF RELOCATION NOT POSSIBLE.—

20 (A) IN GENERAL.—If the President deter-
21 mines, based on an operational impact assess-
22 ment, that a Federal Government station can-
23 not be relocated from the electromagnetic spec-
24 trum described in subsection (e) without jeop-
25 ardizing essential military capability, the Presi-

1 dent shall modify under subsection (a)(1) the
2 assignment to such station of such spectrum to
3 permit shared Federal and non-Federal use.

4 (B) IDENTIFICATION OF STATIONS.—Not
5 later than 18 months prior to the commence-
6 ment of the competitive bidding described in
7 subsection (b)(2), the President shall—

8 (i) identify any Federal Government
9 stations the assignments of which will be
10 modified in accordance with subparagraph
11 (A); and

12 (ii) notify—

13 (I) the Assistant Secretary of any
14 stations so identified; and

15 (II) each Federal entity that op-
16 erates such a station that the station
17 has been so identified.

18 (C) DEVELOPMENT OF TRANSITION
19 PLAN.—For any station identified by the Presi-
20 dent under subparagraph (B)(i), the transition
21 plan required by section 113(h)(1) of the Na-
22 tional Telecommunications and Information Ad-
23 ministration Organization Act (47 U.S.C.
24 923(h)(1)) shall enable non-Federal users to
25 share with such station the electromagnetic

1 spectrum described in subsection (e). Where ex-
2 clusion zones are necessary for the protection of
3 essential military capability, such plan shall
4 provide for the smallest possible zones con-
5 sistent with such protection.

6 (e) SPECTRUM DESCRIBED.—The electromagnetic
7 spectrum described in this subsection is the spectrum be-
8 tween the frequencies from 1755 megahertz to 1780
9 megahertz, inclusive.

10 (f) DEFINITIONS.—In this section:

11 (1) ASSISTANT SECRETARY.—The term “Assist-
12 ant Secretary” means the Assistant Secretary of
13 Commerce for Communications and Information.

14 (2) COMMISSION.—The term “Commission”
15 means the Federal Communications Commission.

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