

118TH CONGRESS
1ST SESSION

H. R. 1341

To improve Federal coordination with respect to spectrum management, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2023

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

A BILL

To improve Federal coordination with respect to spectrum
management, 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 “Spectrum Coordination
5 Act”.

6 **SEC. 2. IMPROVING SPECTRUM MANAGEMENT.**

7 Part A of the National Telecommunications and In-
8 formation Administration Organization Act is amended by
9 adding at the end the following:

1 **“SEC. 106. IMPROVING SPECTRUM MANAGEMENT.**

2 “(a) FEDERAL COORDINATION PROCEDURES.—

3 “(1) NOTICE.—With respect to each spectrum
4 action, the Assistant Secretary shall file in the pub-
5 lic record with respect to such spectrum action, not
6 later than the end of the period for submitting com-
7 ments to the Commission with respect to such spec-
8 trum action, information (redacted as necessary if
9 the information is protected from disclosure for a
10 reason described in paragraph (3)) regarding—

11 “(A) the date on which the Commission
12 provided to the Assistant Secretary notice of
13 the spectrum action, as required under the
14 Memorandum;

15 “(B) the Federal entities that may be im-
16 pacted by the spectrum action;

17 “(C) the date on which the Assistant Sec-
18 retary provided to the Federal entities described
19 in subparagraph (B) notice of the spectrum ac-
20 tion;

21 “(D) a summary of technical or procedural
22 concerns, if any, of Federal entities with respect
23 to the spectrum action; and

24 “(E) a summary of policy concerns, if any,
25 of the Assistant Secretary with respect to the
26 spectrum action.

1 “(2) FINAL RULE.—If the Commission promul-
2 gates a final rule under section 553 of title 5,
3 United States Code, involving a spectrum action, the
4 Commission shall prepare, make available to the
5 public, and publish in the Federal Register along
6 with the final rule an interagency coordination sum-
7 mary that describes—

8 “(A) the date on which the Commission
9 provided to the Assistant Secretary notice of
10 the spectrum action, as required under the
11 Memorandum;

12 “(B) whether concerns were raised under
13 subparagraph (D) or subparagraph (E) of para-
14 graph (1) and, if so, the concerns raised; and

15 “(C) how any such concerns were resolved.

16 “(3) RULE OF CONSTRUCTION.—Nothing in
17 this subsection may be construed to require the dis-
18 closure of classified information, or other informa-
19 tion reflecting technical, procedural, or policy con-
20 cerns that are exempt from disclosure under section
21 552 of title 5, United States Code.

22 “(b) MEMORANDUM.—

23 “(1) MEMORANDUM UPDATES.—Not later than
24 3 years after the date of the enactment of this sec-
25 tion, and not less frequently than every 4 years

1 thereafter, the Commission and the NTIA shall up-
2 date the Memorandum.

3 “(2) NATURE OF UPDATES.—In updating the
4 Memorandum under paragraph (1), the Commission
5 and the NTIA shall ensure that each update reflects
6 changing technological, procedural, and policy cir-
7 cumstances, as determined necessary and appro-
8 priate by the Commission and the NTIA.

9 “(c) DEFINITIONS.—In this section:

10 “(1) MEMORANDUM.—The term ‘Memorandum’
11 means the Memorandum of Understanding between
12 the Commission and the NTIA (relating to increased
13 coordination between Federal spectrum management
14 agencies to promote the efficient use of the radio
15 spectrum in the public interest), signed on August 1,
16 2022, or any successor memorandum.

17 “(2) SPECTRUM ACTION.—The term ‘spectrum
18 action’ means any proposed action by the Commis-
19 sion to reallocate radio frequency spectrum that is
20 anticipated to result in a system of competitive bid-
21 ding conducted under section 309(j) of the Commu-
22 nications Act of 1934 (47 U.S.C. 309(j)) or licens-
23 ing that could potentially impact the spectrum oper-
24 ations of a Federal entity.”.

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