

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To require the Federal Communications Commission and the National Telecommunications and Information Administration to update the Memorandum of Understanding on Spectrum Coordination, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. WICKER (for himself, Mr. THUNE, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To require the Federal Communications Commission and the National Telecommunications and Information Administration to update the Memorandum of Understanding on Spectrum Coordination, 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 “Improving Spectrum  
5 Coordination Act of 2021”.

1 **SEC. 2. IMPROVED COORDINATION BETWEEN THE FCC AND**  
2 **THE NTIA.**

3 (a) DEFINITIONS.—In this section—

4 (1) the term “Commission” means the Federal  
5 Communications Commission;

6 (2) the term “Memorandum” means the Memo-  
7 randum of Understanding on Spectrum Coordination  
8 executed by the Commission and the Administration  
9 on January 31, 2003; and

10 (3) the term “NTIA” means the National Tele-  
11 communications and Information Administration.

12 (b) UPDATES.—Not later than 60 days after the date  
13 of enactment of this Act, the Commission and the NTIA  
14 shall update the Memorandum to—

15 (1) outline general processes for addressing  
16 technical, procedural, and policy differences regard-  
17 ing frequency allocation and related conditions and  
18 standards;

19 (2) create a process for the resolution of non-  
20 routine policy disputes between the Commission and  
21 the NTIA, including specific timelines for an expedi-  
22 tious resolution;

23 (3) clarify that—

24 (A) Congress designated the NTIA to  
25 serve as the sole agency responsible for man-  
26 aging spectrum assigned to Federal agencies,

1           and that, as a result, the NTIA represents Fed-  
2           eral agencies in addressing technical, proce-  
3           dural, and policy differences regarding fre-  
4           quency allocation with the Commission, con-  
5           sistent with section 103(b) of the National  
6           Telecommunications and Information Adminis-  
7           tration Organization Act (47 U.S.C. 902(b));  
8           and

9           (B) the representation by the NTIA de-  
10          scribed in subparagraph (A) should involve the  
11          expertise of the NTIA in technical, engineering,  
12          and policy matters;

13          (4) ensure that scientific analyses and testing  
14          are considered in actions involving spectrum alloca-  
15          tion and standards;

16          (5) ensure that short-, medium-, and long-term  
17          implications of spectrum policy and strategy are con-  
18          sidered;

19          (6) outline general processes for how the Com-  
20          mission and the NTIA will form staff standing  
21          working groups with regular meetings to discuss  
22          spectrum planning by the Commission and the  
23          NTIA;

24          (7) outline general processes for how the Com-  
25          mission and the NTIA will jointly interact and con-

1       sult with the Department of State in matters re-  
2       garding international spectrum coordination pro-  
3       ceedings; and

4               (8) endeavor to ensure—

5                       (A) the efficient use of frequencies as-  
6                       signed to Federal agencies, consistent with the  
7                       responsibilities of the NTIA under section  
8                       103(b)(2)(U) of the National Telecommuni-  
9                       cations and Information Administration Organi-  
10                      zation Act (47 U.S.C. 902(b)(2)(U)); and

11                      (B) that frequencies not required for the  
12                      present or identifiable future needs of the Fed-  
13                      eral Government are reallocated to non-Federal  
14                      Government users wherever possible.

15       (c) PERIODIC UPDATES.—Not later than 3 years  
16 after the date on which the Commission and the NTIA  
17 update the Memorandum under subsection (b), and every  
18 4 years thereafter, the Commission and the NTIA shall  
19 update the Memorandum to reflect changing technological,  
20 procedural, and policy circumstances.

21       (d) REPORT.—Not later than 1 year after the date  
22 of enactment of this Act, and every year thereafter, the  
23 Commission and the NTIA shall submit to Congress a re-  
24 port on joint spectrum planning activities.