



## Post-Election Outlook | The Future of FCC's Spectrum Authority and the National Spectrum Strategy

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Congress is expected to continue its attempts to renew the Federal Communications Commission's (FCC) spectrum auction authority, which expired in March 2023. The Republican-controlled Senate Commerce Committee will likely look to move S.3909, the Spectrum Pipeline Act, introduced by Sens. Ted Cruz (R-TX), John Thune (R-SD) and Marsha Blackburn (R-TN), which was referred to the Senate Commerce Committee but did not advance. Note, however, that Senate Republicans with closer ties to the Pentagon have indicated potential opposition to the bill. At the FCC, Commissioner Brendan Carr has been vocally supportive of this bill, which would require the National Telecommunications and Information Administration (NTIA) to identify 2,500 MHz of spectrum for reallocation in the next five years (half of which must be identified within two years), and would require the FCC to (a) auction 1,250 MHz in the next six years for 5G (with 600 MHz to be auctioned within three years) and (b) allocate 125 MHz for unlicensed use (with the remaining 1,125 MHz to be auctioned by the FCC for licensed or unlicensed use within eight years).

Republicans have also been critical of the National Spectrum Strategy, which was released in the fall of 2023, and particularly of the fact that it did not identify specific frequency bands for reallocation to commercial use. The National Spectrum Strategy directed agencies to undertake technical studies to determine the feasibility of reallocation or sharing of a handful of bands. We expect the Trump administration to either rescind the National Spectrum Strategy in order to specify bands for reallocation, or to short-circuit the study processes to fast-track the identification and reallocation of spectrum for commercial use.

Commissioner Carr has similarly stressed the need to “refill America’s spectrum pipeline,” suggesting that the FCC and the new Trump administration should work together to develop a new “national spectrum strategy that both identifies the specific airwaves that the FCC can free for commercial wireless services and sets an aggressive timeline for agency action.” Commissioner Carr recently floated the possibility of an “incentive auction 2.0” to repurpose some amount of the 600 MHz broadcast spectrum. Commissioner Carr and wireless industry stakeholders have also proposed a number of other spectrum bands as potential candidates for reallocation:

- 1300-1350 MHz
- 5470-5725 MHz (U-NII-2C)
- 1-3.45 GHz
- 98-4.2 GHz (possibly as a condition to approval of the proposed merger between SES and Intelsat)
- 4-4.94 GHz
- 125-8.4 GHz
- mmWave
- Spectrum above 95 GHz.

## Categories

Federal Communications Commission (FCC)

U.S. Election

Spectrum

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