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History of the Federal Communications Commission's Spectrum Auction Authority: 1993-2025

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Radio spectrum (“spectrum”) is the continuum of frequencies used to provide wireless services, such as radio broadcasting, mobile communications, and satellite services. Certain frequency bands are allocated for specific services; this means that not all frequencies are available to all users and for all uses. Thus, spectrum is often described as a finite and valuable resource. In 1934, Congress created the Federal Communications Commission (FCC) and charged it with managing and allocating nonfederal use of spectrum. It grants licenses to nonfederal entities to use specific frequencies and sets terms and conditions to serve the public interest, avoid interference among users, and promote the most efficient use of spectrum.

In 1993, Congress authorized the FCC to use competitive bidding (i.e., auctions) to grant licenses for rights to use specific frequencies for commercial wireless communications. That general spectrum auction authority was originally due to expire on September 30, 1998, but Congress extended it several times. In 2012, Congress granted a long-term (10-year) extension, as part of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96), which was set to expire on September 30, 2022. Four additional extensions were made during the 117th Congress that allowed the FCC to conduct spectrum auction activities through March 9, 2023, when the FCC’s spectrum auction authority expired. Loss of spectrum auction authority meant that the FCC could not auction any new spectrum bands to meet existing and future demands for wireless communications, accommodate new technologies that often lead to economic growth, improve spectral efficiencies, or advance U.S. government priorities through spectrum allocation. Loss of spectrum auction authority also meant loss of proceeds from such auctions.

During the approximately two years that the general auction authority remained lapsed, Congress debated a number of options to reinstate it, including stand-alone bills that would extend the FCC’s auction authority and comprehensive spectrum packages that would identify bands for future auctions, enhance interagency planning and coordination on spectrum, designate funding from spectrum auction proceeds to specific programs (e.g., improvements to 911 centers, investment in spectrum-sharing research and development), and extend the FCC’s auction authority. During the 117th Congress, three bills and one Senate amendment would have extended the FCC’s auction authority (H.R. 7783, H.R. 7624, S. 4117, and S.Amdt. 6585). None became law. In the 118th Congress, four bills would have extended or reinstated the authority (H.R. 1108, H.R. 3345, H.R. 3565, and S. 650). None became law.

The FCC’s spectrum auction authority was reinstated during the 119th Congress in P.L. 119-21, the FY2025 reconciliation law (commonly referred to as “the One Big Beautiful Bill Act”). The law, enacted July 4, 2025, includes several spectrum provisions. Specifically, Title IV, Section 40002, reinstates the FCC’s spectrum auction authority for nine years, through September 30, 2034. It also directs the auction of 800 megahertz of spectrum for commercial wireless use and sets timelines for spectrum auctions, designed to meet budgetary goals agreed to in the Concurrent Resolution on the Budget for Fiscal Year 2025 (H.Con.Res. 14). The auctions are expected to generate over \$85 billion in offsetting receipts from FY2025 to FY2034, according to the Congressional Budget Office.

Much of the spectrum in the range targeted in P.L. 119-21 is already allocated for specific uses and assigned to specific users. Reallocation of services from one band to another, as called for in the act, is often complex, and it takes time to assess costs to incumbent users and impacts on services. Those factors mean that the FCC and the National Telecommunications and Information Administration, which manages and allocates spectrum for federal use, may face challenges in identifying 800 megahertz of spectrum for reallocation and auction in the timelines specified in the act. Congress may be interested in monitoring the spectrum auctions outlined in P.L. 119-21, including the bands selected for reallocation; interagency coordination on reallocation; impacts on incumbent users, including federal agency users; costs of reallocation; and proceeds generated.

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Introduction

Radio spectrum (“spectrum”) is the continuum of frequencies allocated for radio transmissions that enable wireless communications, such as radio and television broadcasting, mobile (i.e., cellular) communications, maritime and aeronautical radio communications, satellite communications, radar detection, and more. Certain frequency bands are allocated for specific services; this means that not all frequencies are available to all users and for all uses. Thus, spectrum is often described as a finite and valuable resource. Private companies and government agencies need spectrum to provide wireless services. As wireless technology use increases, so does demand for spectrum.

In 1934, Congress created the Federal Communications Commission (FCC) and charged it with managing nonfederal use of spectrum.¹ The FCC grants licenses to nonfederal entities to use specific frequencies within those bands and sets terms and conditions to serve the public interest, avoid interference among users, and promote the most efficient use of spectrum. According to the FCC, “Managing the airwaves is arguably the FCC’s most important function. Nearly every commercial device that transmits a wireless signal on a radio frequency, from AM radios to satellites to 5G cell phones, must comply with our rules, from licensing to interference.”² The National Telecommunications and Information Administration (NTIA), an agency in the Department of Commerce (DOC), manages federal use of spectrum.

In 1993, Congress authorized the FCC to use competitive bidding (i.e., auctions) to grant licenses for rights to use specific frequencies for commercial wireless communications.³ That authority was originally due to expire on September 30, 1998, but Congress has extended it several times, including a long-term extension through September 30, 2022, which was granted as part of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96).

Four additional extensions were made during the 117th Congress, which extended the FCC’s spectrum auction authority to March 9, 2023, as discussed in more detail below. After Congress did not come to agreement on terms of an extension, the FCC’s spectrum auction authority expired on March 9, 2023. During the 117th Congress, several pieces of legislation would have extended the FCC’s spectrum auction authority, either as stand-alone legislation or as part of comprehensive spectrum legislation; none were enacted. These bills are discussed below in “Legislative Activity in the 117th Congress to Extend the FCC’s Spectrum Auction Authority.”

In the 118th Congress, some Members expressed support for reinstating the FCC’s spectrum auction authority, but after some debate, no agreement was reached.⁴ Proposals included a stand-alone bill; a comprehensive spectrum package that would include, among other things, an extension of FCC’s auction authority; and provisions in an annual appropriations bill. These bills are discussed below in “Proposals in the 118th Congress to Extend or Reinstatement the FCC’s Auction Authority.”

On July 4, 2025, P.L. 119-21, the FY2025 reconciliation law (commonly referred to as “the One Big Beautiful Bill Act”), was enacted. Title IV, Section 40002, of the act reinstated the FCC’s

¹ 47 U.S.C. §§301 et seq.

² Evan Swartztrauber, host, *More Than Seven Dirty Words*, episode 18, “Going Once, Going Infinitely: How the FCC Went from ‘Beauty Contests’ to Spectrum Auctions,” Federal Communications Commission (FCC), January 19, 2021, <https://www.fcc.gov/news-events/podcast/going-once-going-infinitely>.

³ 47 U.S.C. §309(j).

⁴ Jimm Phillips and Howard Buskirk, “No Hill Consensus on Reconsidering Sept. 30 FCC Spectrum Authority Renewal Bid,” *Communications Daily*, May 1, 2023, <https://communicationsdaily.com/news/2023/05/01/No-Hill-Consensus-on-Reconsidering-Sept-30-FCC-Spectrum-Authority-Renewal-Bid-2304280027>.

auction authority for nine years, through September 30, 2034. The auctions and timelines included in the act are designed to meet budgetary goals agreed to in H.Con.Res. 14, a budget resolution, and are expected to generate over \$85 billion in offsetting receipts from FY2025 to FY2034, according to the Congressional Budget Office (CBO).⁵

This report provides a brief history of the FCC's spectrum auction authority; legislative activity in the 117th, 118th, and 119th Congresses aimed at extending or reinstating this auction authority; and a discussion of the FCC's current auction authority.

History of the FCC's Spectrum Auction Authority (1981-2022)

In 1981, prior to granting spectrum auction authority to the FCC, Congress added Section 309(i) to the Communications Act of 1934 in the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35, §1242). Section 309(i) granted the FCC authority to assign licenses to prequalified applicants by random selection (i.e., lottery).⁶ Under this system, applicants would apply for spectrum licenses, and the FCC would randomly assign them frequencies. As stated by the FCC in a 1997 report to Congress, the prequalification process often took many months (20 months in one case), and some license winners had “no intention of providing service to the public” and instead “were eager to trade their license rights for windfall profits.”⁷ Economists, including those within the FCC, advocated for auctions as a means to distribute spectrum licenses—to “rely on market forces to drive spectrum to its most valuable, evolving uses, and to diversify ownership.”⁸ Congress has mandated and relied on spectrum auctions as a means to make spectrum available for new technologies and to fund congressional priorities (e.g., public safety programs, deficit reduction).

Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66)

In the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66, §6002), Congress first granted the FCC authority to conduct auctions to assign spectrum, in part to address profiteering and warehousing of spectrum. P.L. 103-66 amended the Communications Act of 1934, adding Section 309(j), which allowed the FCC to use competitive bidding (i.e., auctions) to grant spectrum licenses. The act required the FCC to protect the public interest and promote specific objectives, such as speeding deployment of new technology and services to rural regions, increasing competition and diversity among licensees, recovering some of the value of this federal resource for the public, and achieving the most efficient use of spectrum.⁹ By awarding licenses to the

⁵ Congressional Budget Office (CBO), Public Law 119-21, to Provide for Reconciliation Pursuant to Title II of H. Con. Res. 14 Title IV, Committee on Commerce, Science, and Transportation Section 40002, Spectrum Auctions, October 28, 2025, <https://www.cbo.gov/publication/61838>.

⁶ See Communications Act of 1934, as amended, at <https://transition.fcc.gov/Reports/1934new.pdf>. Codified at 47 U.S.C. §309(i).

⁷ FCC, *Report to Congress on Spectrum Auctions*, FCC 97-353, adopted September 30, 1997, released October 9, 1997, p. 7, <https://wireless.fcc.gov/auctions/data/papersAndStudies/fc970353.pdf>.

⁸ Cathleen O'Grady, “Economic Nobel Honors Pioneers of Auction Theory,” *Science*, October 2, 2020, <https://www.science.org/content/article/economics-nobel-honors-pioneers-auction-theory>; and Samuel J. Heyman Service to America Medals, “2021 Paul A. Volcker Career Achievement Award to Evan R. Kwerel, Ph.D, Senior Economic Advisor, FCC,” <https://servicetoamericamedals.org/honorees/evan-kwerel/>.

⁹ Sections 309(j)(7) and (8) discuss treatment of revenue from spectrum auctions, and state that the FCC may not base a finding of public interest, convenience, and necessity solely or predominantly on the expectation of federal revenue.

highest bidders from a diverse pool and including build-out requirements as a condition of licensing, the FCC could ensure that spectrum holders were ready and able to use the spectrum, provide services to consumers in all areas, and enhance competition. Under this act, the FCC's auction authority was scheduled to expire on September 30, 1998.

Balanced Budget Act of 1997 (P.L. 105-33)

On August 5, 1997, in the Balanced Budget Act of 1997 (P.L. 105-33, §3002), Congress extended the FCC's auction authority for 10 years, allowing the FCC to use competitive bidding for license applications through September 30, 2007.

Deficit Reduction Act of 2005 (P.L. 109-171)

The Deficit Reduction Act of 2005 (P.L. 109-171, §3003), signed into law on February 8, 2006, extended FCC auction authority for four years, through September 30, 2011. The act specified that \$7.363 billion of proceeds from the authorized auctions be transferred to the General Fund of the U.S. Treasury. It also set aside a portion of the proceeds for digital television transition and public safety communications, and created the Digital Television Transition and Public Safety Fund.¹⁰

Digital Television Delay Act (P.L. 111-4)

The Digital Television Delay Act (P.L. 111-4, §5), signed into law on February 11, 2009, extended the FCC's auction authority for one year, through September 30, 2012.

Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96)

The Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96, Title VI) included several spectrum-related provisions. It established a process for television broadcasters to release spectrum licensed to them and for the FCC to auction that spectrum for commercial use. It included provisions to auction certain spectrum and apply proceeds from those auctions toward deficit reduction. It also required that auction proceeds be used (1) to establish the First Responder Network Authority to build, deploy, and operate a public safety broadband network and (2) to fund several new public safety programs and initiatives. The act (§6405) also extended the FCC's auction authority for 10 years, through September 30, 2022.

Spectrum Pipeline Act of 2015 (P.L. 114-74)

The Spectrum Pipeline Act of 2015 (Title X in the Bipartisan Budget Act of 2015, P.L. 114-74) required the FCC to auction certain spectrum as specified in Section 1004(a) of the act.¹¹ The act extended FCC auction authority for *only* this designated spectrum through September 30, 2025.

¹⁰ For more information, see CRS Report R40674, *Spectrum Policy in the Age of Broadband: Issues for Congress*, by Linda K. Moore. For further inquiries, congressional staff may contact Jill C. Gallagher or Patricia Moloney Figliola.

¹¹ A "spectrum pipeline plan" refers to the federal government selecting frequencies for auction and setting the timeline for conducting these auctions.

Conclusion

As the FCC's general auction authority was set to expire on September 30, 2022, the 117th Congress took up the issue, proposing legislation to extend it. Proposals in the 117th, 118th, and 119th Congresses are discussed below.

Legislative Activity in the 117th Congress to Extend the FCC's Spectrum Auction Authority

The 117th Congress passed, and the President signed into law, four short-term extensions of the FCC's spectrum auction authority. Three bills were also introduced and one Senate amendment offered that would have extended either the FCC's general auction authority (i.e., authority to auction any band) or the FCC's authority to auction specific bands. None of those four proposals became law.

Some of the bills provided short-term extensions that would have allowed Congress more time to negotiate a longer-term extension or a comprehensive spectrum bill. Some of the bills were more comprehensive, identifying spectrum for auction and providing for longer-term extensions of auction authority, as discussed below.

Short-Term Extensions of the FCC's Auction Authority in the 117th Congress

On September 30, 2022, President Biden signed the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023 (P.L. 117-180). Division C, Title I, Section 101, extended the FCC's spectrum auction authority from September 30, 2022, to December 16, 2022.

On December 16, 2022, President Biden signed the Further Continuing Appropriations and Extensions Act, 2023 (P.L. 117-229). Division B, Title I, Section 101, extended the FCC's spectrum auction authority from December 16, 2022, to December 23, 2022.

On December 23, 2022, President Biden signed the Further Additional Continuing Appropriations and Extensions Act, 2023 (P.L. 117-264). Division B, Title I, Section 101, extended the FCC's spectrum auction authority from December 23, 2022, to December 30, 2022.

On December 29, 2022, President Biden signed the Consolidated Appropriations Act, 2023 (P.L. 117-328). Division O, Title IX, Section 901, extended the FCC's spectrum auction authority from December 30, 2022, to March 9, 2023.

Since no further extension legislation was signed into law by the March 9, 2023, deadline, the FCC's spectrum auction authority lapsed on that date.

Other Legislative Proposals in the 117th Congress to Extend the FCC's Auction Authority

In addition to the short-term extensions described above, Members introduced three bills and one Senate amendment during the 117th Congress to extend either the FCC's general auction authority or the FCC's authority to auction specific bands. Some were stand-alone, longer-term extensions (e.g., 18 months, two years). Others were comprehensive spectrum proposals to extend the FCC's general auction authority, among other things. None became law.

Spectrum Innovation Act of 2022 (H.R. 7624)

The Spectrum Innovation Act of 2022 (H.R. 7624, H.Rept. 117-429) was passed by the House on July 27, 2022, and referred to the Senate Committee on Commerce, Science, and Transportation. The bill would have extended the FCC's spectrum auction authority through March 31, 2024.

This bill would have repealed Section 90008 of the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58), which provided funds from the Spectrum Relocation Fund (SRF)¹²—a funding mechanism through which federal agencies can recover certain costs for spectrum relocation or sharing—to the Department of Defense (DOD) to study the 3.1-3.45 GHz band (also called the lower 3 GHz band) in order to make it available for shared (federal and nonfederal) use.¹³ H.R. 7624 specified a new purpose and process for auctioning the 3.1-3.45 GHz band. Specifically, for federal entities operating in this band, the bill would have provided funding from the SRF for research and development, engineering studies, economic analyses, activities with respect to reconfiguring systems, or other planning activities to make spectrum available for nonfederal use, shared federal and nonfederal use, or a combination thereof.

Among other things, the bill would have established the Public Safety and Secure Networks Fund and directed a portion of spectrum auction proceeds for specific purposes. The bill would have provided \$3.08 billion in spectrum auction proceeds to supplement the Secure and Trusted Communications Networks Reimbursement Program (also known as the “rip and replace” program).¹⁴ Additionally, the bill would have made available \$10 billion from such proceeds to improve 911 systems and services.

Spectrum Innovation Act of 2022 (S. 4117)

The Spectrum Innovation Act of 2022 (S. 4117) would have repealed Section 90008 of the IIJA; mandated the auction of the 3.1-3.45 GHz band for nonfederal, shared federal and nonfederal use, or a combination thereof; and extended the FCC's authority to auction this segment of spectrum for seven years from the date of enactment of the bill. The bill would have directed the Office of Management and Budget to transfer SRF funding to federal entities operating in the 3.1-3.45 GHz band for planning and conducting studies to facilitate the reallocation, with oversight from NTIA and the Executive Office of the President. It would have required the Secretary of Commerce to identify 200 megahertz of spectrum for reallocation and to work with DOD, the FCC, and the White House Office of Science and Technology Policy to make spectrum available for new uses while also protecting incumbent users.

¹² As authorized by the Commercial Spectrum Enhancement Act, Title II, of P.L. 108-494, the Spectrum Relocation Fund (SRF) provides a centralized and streamlined funding mechanism through which federal agencies can recover the costs associated with relocating their radio communications systems or sharing the reallocated spectrum. For more information, see National Telecommunications and Information Administration (NTIA), “Annex O: Procedures and Guidance Related to the Spectrum Relocation Fund and Transition Activities in Support of Relocation or Sharing by Federal Government Stations,” in *Manual of Regulations for Federal Radiofrequency Spectrum Management*, January 2021, <https://ntia.gov/publications/redbook-manual>.

¹³ The Department of Defense (DOD) is “using a secondary Department of War designation,” as specified in Executive Order 14347 of September 5, 2025, “Restoring the United States Department of War,” 90 *Federal Register* 43893, September 10, 2025, <https://www.federalregister.gov/documents/2025/09/10/2025-17508/restoring-the-united-states-department-of-war>. For more information on the 3.1-3.45 GHz band, see CRS In Focus IF12350, *Repurposing 3.1-3.55 GHz Spectrum: Issues for Congress*, by Jill C. Gallagher.

¹⁴ For more information on the “rip and replace” program, see CRS Insight IN11663, *Secure and Trusted Communications Networks Reimbursement Program: Frequently Asked Questions*, by Jill C. Gallagher.

Extending America's Spectrum Auction Leadership Act of 2022 (H.R. 7783)

The Extending America's Spectrum Auction Leadership Act of 2022 (H.R. 7783) would have extended FCC auction authority through March 31, 2024 (i.e., 18 months from its September 30, 2022, expiration).

S.Amdt. 6585

S.Amdt. 6585 was a comprehensive spectrum package submitted as an amendment to the Consolidated Appropriations Act, 2023 (P.L. 117-328). It would have amended Section 90008 of the IIJA; mandated the auction of the 3.1-3.45 GHz band for nonfederal use, shared federal and nonfederal use, or a combination thereof; and for DOD and other affected agencies operating in the 3.1-3.45 GHz band, provided funds from the SRF to study the feasibility of making the band available for nonfederal use, shared federal and nonfederal use, or a combination thereof. It specified a new process for coordinating the identification and auction of frequencies, authorized the FCC to auction those frequencies available for auction, set aside auction proceeds for deficit reduction and several public interest programs, identified several spectrum bands for future study and auction, invested in spectrum research, and extended the FCC's auction authority through December 31, 2025. The bill proposed changes to the IIJA related to the reallocation of the 3.1-3.45 GHz band from federal (e.g., DOD) to nonfederal use—including DOD's role in identifying available frequencies, how much of the band could be reallocated from federal to nonfederal use, and how the band could be shared between federal and nonfederal users.¹⁵

Conclusion

While there was bipartisan support to extend the FCC's auction authority,¹⁶ Congress did not agree on other provisions included in these comprehensive spectrum bills;¹⁷ none of the proposals passed. At the end of the 117th Congress (January 3, 2023), the FCC had general auction authority through March 9, 2023, under P.L. 117-328.

Proposals in the 118th Congress to Extend or Reinststate the FCC's Auction Authority

In the 118th Congress, several bills were introduced to extend the FCC's general auction authority before it expired; however, none of the bills passed. Thus, on March 9, 2023, the FCC's general auction authority expired—for the first time in its 30-year history. After the FCC's auction authority lapsed, several comprehensive spectrum packages were introduced that would have,

¹⁵ Jimm Phillips, "3.1-3.45 GHz 5G Structure Deal Elusive in Spectrum Bill Talks' Waning Days," *Communications Daily*, December 16, 2022, <https://communicationsdaily.com/news/2022/12/16/31345-GHz-5G-Structure-Deal-Elusive-in-Spectrum-Bill-Talks-Waning-Days-2212150076>.

¹⁶ U.S. Congress, Senate Committee on Commerce, Science, and Transportation, Subcommittee on Communications, Media, and Broadband, *Future of Spectrum*, hearing, 117th Cong., 2nd sess., August 2, 2022, p. 2. See comments from Sen. Ben Ray Lujan, Chair of the Subcommittee, noting that the House had, in the previous week, passed a bipartisan bill extending the FCC's auction authority and that S. 4117, the Spectrum Innovation Act of 2022, which would extend the FCC's auction authority, among other things, also had bipartisan sponsorship and support.

¹⁷ Jimm Phillips, "GOP Split on Cantwell Spectrum Bill Seen Possible Ahead of Senate Commerce Markup," *Communications Daily*, May 1, 2024, <https://communicationsdaily.com/article/2024/05/01/gop-split-on-cantwell-spectrum-bill-seen-possible-ahead-of-senate-commerce-markup-2404300052>.

among other things, reinstated the FCC's general auction authority, typically for several years; however, none of the bills passed.

Below is a description of the bills and various approaches Members of Congress proposed to extend or restore spectrum auction authority, including stand-alone bills, comprehensive spectrum bills, and related bills that restored FCC auction authority for certain bands or restored FCC auction authority for specific purposes.

Stand-Alone Bills in the 118th Congress to Extend or Reinstatement the FCC's Spectrum Auction Authority

Three stand-alone bills introduced in the 118th Congress would have extended or reinstated the FCC's spectrum auction authority:

- H.R. 1108, introduced on February 21, 2023, would have extended the FCC's auction authority through May 19, 2023.
- H.R. 3345, introduced on May 15, 2023, would have reinstated the FCC's auction authority through June 30, 2023.
- S. 650, introduced on March 2, 2023, would have extended the FCC's auction authority through September 30, 2023.

Comprehensive Spectrum Proposals in the 118th Congress

In addition to the short-term, stand-alone vehicles, Members introduced comprehensive spectrum legislation that would have, among other things, reinstated the FCC's general auction authority. None of this legislation passed.

Spectrum Auction Reauthorization Act of 2023 (H.R. 3565)

The Spectrum Auction Reauthorization Act of 2023 (H.R. 3565) would have, among other spectrum provisions, reinstated the FCC's spectrum auction authority through September 30, 2026.

H.R. 3565 also proposed to expand permitted uses and other aspects of the SRF.¹⁸ The bill also creates a spectrum pipeline, directing the Assistant Secretary of Commerce for Communications and Information (i.e., head of NTIA) to conduct feasibility assessments of the 4.4-4.94 GHz and 7.125-8.5 GHz bands to determine the potential to make additional spectrum available for nonfederal use or for shared federal and nonfederal use. The bill stipulated federal coordination procedures between the FCC and NTIA to improve spectrum management and required additional reporting to Congress and the public on spectrum actions and decisions. The bill would have established a Spectrum Auction Trust Fund in the U.S. Treasury, in which proceeds from certain spectrum auctions would be deposited and used for purposes and programs specified in the act, including deficit reduction, \$3.08 billion to fully fund the rip-and-replace program, \$14.8 billion

¹⁸ For example, H.R. 3565 would have (1) provided SRF funding to NTIA for implementing new spectrum-sharing approaches (i.e., incumbent informing capabilities that enable federal spectrum users to alert nonfederal users about where and when federal systems are operating to manage harmful interference in shared spectrum); (2) expanded SRF funding to additional agencies that may be affected by changes to the lower 3 GHz band; and (3) directed DOD to report more extensively about its use of SRF funding.

to support Next Generation 911, \$5 billion to support “middle mile” broadband projects,¹⁹ and other programs.

Spectrum Pipeline Act of 2024 (S. 3909)

The Spectrum Pipeline Act of 2024 (S. 3909) would have reinstated the FCC’s spectrum auction authority through September 30, 2027. Further, it would have created a spectrum pipeline—directives to agencies to identify and auction spectrum for future use. The bill did not identify specific bands but set specific quantities of spectrum to auction and directed the two spectrum management agencies, the FCC and NTIA, to identify specific bands and to auction those bands in a specific timeframe.

The bill directed the head of NTIA to identify a specific quantity of spectrum—2,500 megahertz—for reallocation from federal use to nonfederal use or to shared federal and nonfederal use, including not less than 1,250 megahertz for full-power, commercial licensed use cases.²⁰ The head of NTIA was directed to identify spectrum for reallocation within a specific timeframe: specifically, 1,250 megahertz for reallocation within two years and the remaining spectrum within five years.

Under the bill, the FCC would have been required to auction the spectrum identified by NTIA and to grant licenses within a specific timeframe. No later than three years from enactment, the FCC would complete an auction for a certain quantity of spectrum—600 megahertz—and within six years of enactment, the FCC would complete one or more auctions for any remaining spectrum. The bill also would have required the FCC to make a specific quantity of spectrum (no less than 125 megahertz) available for unlicensed use and, within eight years of enactment, to make available any spectrum that is not auctioned and available (e.g., licenses in the FCC inventory).

Among other things, the bill would have required that NTIA and the FCC report to Congress on their progress and proposed changes to the SRF to allow funds to be used for state-of-the-art systems.

Spectrum and National Security Act of 2024 (S. 4207)

The Spectrum and National Security Act of 2024 (S. 4207) was a comprehensive spectrum bill that would have, among other things, reinstated the FCC’s general auction authority through September 30, 2029.

In addition, the bill would have

- provided funding through proceeds from spectrum auctions to establish a national testbed for dynamic spectrum sharing;
- developed regional technology hubs;
- mandated increased coordination between federal spectrum management agencies and established a spectrum dispute resolution process;

¹⁹ Middle mile infrastructure is defined at 47 U.S.C. §1741(a)(9) as “any broadband infrastructure that does not connect directly to an end-user location, including an anchor institution” and includes such things as leased dark fiber, undersea cables, transport connectivity to data centers, and radio tower access. For more information on Next Generation 911, see CRS Report R48015, *Funding the Transition to Next Generation 911 (NG911): Considerations for Congress*, by Colby Leigh Pechtold.

²⁰ In S. 3909, “the term ‘full-power commercial licensed use cases’ means flexible use wireless broadband services with base station power levels sufficient for high-power, high-density, and wide-area commercial mobile services, consistent with the service rules under part 27 of title 47, Code of Federal Regulations, or any successor regulations.”

- created a spectrum pipeline that included feasibility studies of the 7.125-8.5 GHz and 37 GHz bands and provided funding for such studies;
- required completion of an auction of the 12.7-13.25 GHz band by December 30, 2027; and
- created a Spectrum Auction Trust Fund in the U.S. Treasury to hold the proceeds from certain auctions, which were to be used for deficit reduction, relocation or sharing costs for incumbent users affected by spectrum reallocation, and funding certain programs in the act (e.g., rip-and-replace program to replace China-based equipment in U.S. networks, and Next Generation 911).

Other Legislation Related to Spectrum Auction Authority in the 118th Congress

As none of the short-term bills or the comprehensive bills described above passed during the 118th Congress, the FCC's general auction authority remained lapsed after it expired on March 9, 2023. This meant that no new spectrum was made available through auctions during the 118th Congress. While telecommunication companies could not obtain new spectrum through FCC auctions, they continued to acquire spectrum through the secondary market.²¹

Some Members proposed spectrum-related bills that would have restored FCC auction authority for certain bands or certain purposes, sought to address spectrum management issues that were under debate (e.g., interagency coordination on spectrum), or proposed distribution of spectrum auction proceeds separate from the comprehensive spectrum legislation, as discussed below. However, none of these proposed bills provided a long-term extension (e.g., 10 years) of the FCC's auction authority, providing instead an extension up to 7 years in some cases.

FAA Reauthorization Act of 2024 (P.L. 118-63)

Section 318 of the FAA Reauthorization Act of 2025 (P.L. 118-63), signed into law on May 16, 2024, directed the Department of Transportation Inspector General to audit the Federal Aviation Administration's (FAA's) internal procedures to communicate the positions of civil aviation operators, stakeholders, and national airspace safety issues to NTIA during spectrum reallocation and auction decisions. It also required that the FAA Administrator conduct research, in consultation with NTIA and the FCC, on aviation spectrum use to assess the impact of reallocations on civil aviation operations.

While this did not affect FCC auction authorities, it indicated congressional attention to interagency spectrum coordination processes and disputes,²² potential complexities in spectrum reallocation decisions, and a need for interagency coordination on spectrum auction decisions.

²¹ For example, see United States Cellular Corporation, *Form 8-K*, October 17, 2024, <https://www.sec.gov/Archives/edgar/data/821130/000082113024000058/usm-20241017.htm> (documenting that Verizon agreed to purchase certain spectrum licenses from UScellular for \$1 billion); and T-Mobile, "T-Mobile to Acquire UScellular Wireless Operations and Deliver Exceptional Value, a Superior 5G Experience and Unparalleled Benefits to Millions of Customers," press release, May 28, 2024, <https://www.t-mobile.com/news/business/uscellular-acquisition-operations-assets> (documenting T-Mobile's acquisition of substantially all of UScellular's wireless operations, including specified spectrum assets).

²² CRS In Focus IF12028, *Aviation Concerns Regarding the Rollout of 5G Wireless Telecommunications Networks*, by Bart Elias.

Saving Americans' Valuable Earnings on the National ACP Act (H.R. 8709)

The Saving Americans' Valuable Earnings on the National ACP Act (H.R. 8709) would have, among other things, appropriated \$3.08 billion for the rip-and-replace program and \$6 billion for the Affordable Connectivity Program (ACP).²³ It would also have required, no later than two years after enactment, the FCC to initiate auctions for (1) AWS-3 bands and (2) any other unassigned spectrum that the FCC previously offered at auction (and did not assign).²⁴

As auction proceeds are deposited in the Treasury (unless otherwise directed by Congress), this bill would have, in effect, established a means to reimburse the Treasury for the funds appropriated for the rip-and-replace program and ACP.

Supporting National Security with Spectrum Act (H.R. 9340)

The Supporting National Security with Spectrum Act (H.R. 9340) would have appropriated \$3.08 billion for the rip-and-replace program and required the FCC to auction certain spectrum—specifically AWS-3 licenses it held in its inventory. Similarly to H.R. 8709, this bill would have, in effect, established a means to reimburse the Treasury for funds appropriated for the rip-and-replace program.

Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 (P.L. 118-159)

The Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 (FY2025 NDAA; P.L. 118-159), signed into law on December 23, 2024, contains spectrum provisions in Title LIV, the Spectrum and Secure Technology and Innovation Act of 2024. Specifically, the act required, among other things, that the FCC initiate, no later than 18 months after enactment, an auction for remaining AWS-3 spectrum in its inventory. The act established a Spectrum Auction Trust Fund in the U.S. Treasury to which any proceeds from the auction are to be deposited. The act granted the FCC authority to borrow up to \$3.08 billion from the Treasury to carry out the rip-and-replace program and granted DOC the authority to borrow from the Treasury up to \$220 million for the Regional Technology and Innovation Hub program.²⁵ If funds remained, an additional amount of up to \$280 million would be granted for the Regional Technology and Innovation Hub program, with the remainder deposited in the Treasury for deficit reduction.

The FCC has borrowed the \$3.08 billion to fully fund the rip-and-replace program and has distributed those funds to eligible network operators. Projects have a completion deadline of May

²³ For more information on the Affordable Connectivity Program (ACP), see CRS In Focus IF12637, *The End of the Affordable Connectivity Program: Options for Consumers and Congress*, by Patricia Moloney Figliola.

²⁴ This bill (H.R. 8709) is similar to the Secure and Affordable Broadband Extension Act (H.R. 9193), introduced by Rep. Nikki Budzinski on July 30, 2024. AWS stands for “advanced wireless services” and includes spectrum in the 1,695-1,710 MHz, 1,755-1,780 MHz, and 2,155-2,180 MHz bands. For more information, see CRS Report R48534, *Advanced Wireless Services (AWS-3) Spectrum: Issues for Congress*, by Jill C. Gallagher.

²⁵ For information on the Regional Technology and Innovation Hubs program, see CRS Insight IN11925, *Regional Technology and Innovation Hubs: An Overview and Issues for Congress*, by Julie M. Lawhorn and Marcy E. Gallo.

8, 2026.²⁶ The FCC is taking action to prepare for the auction of the AWS-3 licenses; the auction is scheduled to start on June 2, 2026.²⁷

Consequences of the Lapse in the FCC's Spectrum Auction Authority

As Congress did not pass an extension, the FCC's spectrum auction authority lapsed on March 9, 2023.²⁸ This lapse created uncertainty around the activities the FCC could perform.²⁹

Awarding Licenses for Completed Auctions

While the FCC did not have authority to auction new spectrum licenses, policymakers and stakeholders debated whether the FCC could grant licenses already won from previous auctions but not yet granted. The FCC asserted that the auction authorities defined in Title 47, Section 309(j)(11), of the *U.S. Code* applied the expiration date to both its *auction authority* and its authority to *grant licenses* after an auction.³⁰ This was an issue of debate because, at the time, the FCC had completed an auction of the 2.5 GHz band but had not awarded all licenses before its auction authority expired. To resolve this ambiguity, Congress passed the 5G Spectrum Authority Licensing Enforcement Act (5G SALE Act; P.L. 118-27), which authorized the FCC to grant licenses won in the 2.5 GHz auction. The act did not apply to licensees facing the same scenario in the future.

In P.L. 119-21, Congress addressed this issue by amending Title 47, Section 309(j)(11), striking language that applied the expiration date to both the FCC's auction authority and its authority to grant licenses after an auction.³¹ It enables the FCC to award licenses after an auction, even if its auction authority has expired.

Spectrum Planning

The lapse in authority also created uncertainty around FCC spectrum-planning activities and future spectrum availability.³² Some entities continued to acquire spectrum on the secondary market (e.g., acquisitions, mergers), but the U.S. government could not make spectrum available

²⁶ FCC Wireline Competition Bureau, *Secure and Trusted Communications Networks Reimbursement Program Seventh Report*, December 19, 2025, pp. 2-3, <https://docs.fcc.gov/public/attachments/DOC-416757A1.pdf>.

²⁷ FCC, "Auction of Advanced Wireless Services (AWS-3) Licenses; Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 113," 90 *Federal Register* 59979, December 23, 2025.

²⁸ CRS Report R47578, *The Federal Communications Commission's Spectrum Auction Authority: History and Options for Reinstatement*, by Patricia Moloney Figliola and Jill C. Gallagher.

²⁹ Howard Buskirk, "House Republican Criticizes FCC for Not Issuing T-Mobile 2.5 GHz Licenses Amid Authority Lapse," *Communications Daily*, April 19, 2023, https://communicationsdaily.com/search/view?search_id=66722.

³⁰ U.S. Congress, House Committee on Energy and Commerce, Subcommittee on Communications and Technology, *Oversight of the Federal Communications Commission*, hearing, 118th Cong., 1st sess., May 21, 2023, <https://energycommerce.house.gov/events/communications-and-technology-subcommittee-hearing-oversight-of-the-federal-communications-commission> (see statements of FCC Chairwoman Jessica Rosenworcel on video at 1:56:34).

³¹ P.L. 119-21, Title IV, §40002(b)(1).

³² Jimm Phillips and Howard Buskirk, "Rosenworcel, Other Biden Officials Push for US Leadership on 6G at Summit," *Communications Daily*, April 24, 2023, <https://communicationsdaily.com/news/2023/04/24/rosenworcel-other-biden-officials-push-for-us-leadership-on-6g-at-summit-2304210069>.

through auction (i.e., competitive bidding).³³ This uncertainty could reappear if the authority were allowed to lapse again in the future.

Reinstatement of the FCC's Spectrum Auction Authority in the 119th Congress

P.L. 119-21 was signed into law on July 4, 2025. Title IV, Section 40002, contains several spectrum provisions. Section 40002(b)(1) reinstates the FCC's general auction authority through September 30, 2034, except for the 3.1-3.45 GHz and 7.4-8.4 GHz bands, for which the authority does not apply.

In addition, Section 40002 mandates the following actions:

- The FCC is required to grant licenses through competitive bidding (i.e., auctions) for 300 megahertz of spectrum, including not less than 100 megahertz in the 3.98-4.2 GHz band within two years of enactment.
- NTIA, in consultation with the FCC, is directed to identify 500 megahertz of spectrum in the 1.3-10.5 GHz range (excluding the 3.1-3.45 GHz and the 7.4-8.4 GHz bands) for reallocation from federal use to nonfederal use, shared federal and nonfederal use, or a combination thereof, for full-power, commercial licensed use. The FCC is also directed to, within four years of enactment, complete one or more auctions for no less than 200 megahertz of this spectrum and for the remaining spectrum no later than eight years after enactment.
- DOC is provided with \$50 million to assist NTIA with spectrum analysis of three bands—2.7-2.9 GHz, 4.4-4.9 GHz, and 7.25-7.4 GHz—and to publish a biennial report on the value of federally held spectrum.³⁴

The auctions specified in P.L. 119-21 are timed to occur over the next eight years and are expected to generate over \$85 billion in offsetting receipts from FY2025 to FY2034, according to CBO.³⁵

With previous auction authority renewals, Congress has often required the FCC and NTIA to make additional spectrum available for commercial wireless use through auctions. In some legislation, Congress named specific bands for auction,³⁶ in other cases, Congress directed the FCC and NTIA to identify and reallocate bands for auction.³⁷ In P.L. 119-21, Congress required both. It identified the upper C-band (3.98-4.2 GHz) for auction and directed the FCC and NTIA to

³³ For example, see United States Cellular Corporation, "UScellular Announces Sale of Select Spectrum Assets for \$1.0 Billion," press release, October 18, 2024, <https://www.prnewswire.com/news-releases/uscellular-announces-sale-of-select-spectrum-assets-for-1-0-billion-302279983.html>.

³⁴ P.L. 119-21, Title IV, §40002.

³⁵ CBO, "Table 4. Estimated Budgetary Effects of Public Law 119-21, to Provide for Reconciliation Pursuant to Title II of H. Con. Res. 14, Relative to CBO's January 2025 Baseline: Title IV, Committee on Commerce, Science, and Transportation," July 21, 2025, spreadsheet available at <https://www.cbo.gov/publication/61570>.

³⁶ For example, see P.L. 112-96, Title VI, §6103.

³⁷ For example, see Consolidated Appropriations Act, 2018, P.L. 115-141, Division P (Repack Airwaves Yielding Better Access for Users of Modern Services [RAY BAUM'S] Act of 2018), Title VI (Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act [MOBILE NOW Act]), §603, enacted March 23, 2018.

identify the remainder. In some cases, Congress has, as in P.L. 119-21, excluded certain bands from reallocation and auction.³⁸

During previous discussions concerning spectrum auction authority, some Members asserted that long-terms extensions of the FCC's spectrum auction authority gives both federal agencies and the wireless industry planning certainty.³⁹ They advocated for long-term extension, similar to that adopted in 2012 (P.L. 112-96, Title V), which extended the authority for a decade.⁴⁰ They asserted that the 2012 approach was effective and integral to supporting innovation and economic growth in the United States.⁴¹ These Members supported development of comprehensive spectrum legislation that would have coupled a long-term reinstatement of the FCC's spectrum auction authority with the identification of spectrum for several future auctions, the allocation of auction proceeds to public interest programs, and the improvement of interagency spectrum coordination.⁴² Comprehensive spectrum legislation, such as that found in Title VI of P.L. 112-96, and, more recently, in Title VI, Section 4002, of P.L. 119-21, may provide options for Congress to achieve multiple spectrum goals and avoid another lapse in spectrum auction authority.

Freeing spectrum for commercial use can spur innovation, improve services, yield economic gains, and bolster U.S. leadership in the global telecommunications market. However, with the growth in wireless communications, there is increasing demand for spectrum to support multiple technologies (e.g., mobile, satellite, Wi-Fi, drones), applications, and uses.⁴³ Much of the spectrum, especially in the mid-band range (1-6 GHz)—where P.L. 119-21 is targeting spectrum for reallocation—is in use. Reallocating spectrum from one use to another is complex and often requires technical studies and time to determine the feasibility and costs and benefits of reallocating spectrum and relocating or reconfiguring existing systems.

The FCC and NTIA may face challenges in identifying and reallocating 800 megahertz of spectrum for full-power, commercial licensed use in the spectrum range and timelines specified in P.L. 119-21, some of which were expedited in a December 19, 2025, presidential memorandum titled “Winning the 6G Race.”⁴⁴ Another challenge for the FCC and NTIA is balancing spectrum needs of incumbent users, including federal agencies performing mission-critical functions, and commercial users, whose businesses may need spectrum to provide services. Configuration of spectrum and terms of use can affect auction proceeds. As Congress is relying on proceeds from spectrum auctions to fund provisions in P.L. 119-21, it may seek to monitor (1) agencies' progress in identifying spectrum for reallocation; (2) bands selected for reallocation; (3) the impact of reallocation on incumbent users, including federal agency users performing critical functions; (4)

³⁸ Spectrum Pipeline Act of 2015, P.L. 114-74, Title X, §1004, enacted November 2, 2015 (which excluded the 1,675-1,695 MHz band from reallocation).

³⁹ “Senate Hearing on Wireless Spectrum,” C-SPAN.org, August 2, 2022, <https://www.c-span.org/video/?522120-1/senate-hearing-wireless-spectrum> (see statement of Sen. John Thune at 0:14:38).

⁴⁰ Jimm Phillips and Howard Buskirk, “Congress Extends Spectrum Bill Talks Via FCC Stopgap, but Stumbling Blocks Remain,” *Communications Daily*, October 3, 2022, <https://communicationsdaily.com>.

⁴¹ “Senate Hearing on Wireless Spectrum,” video, C-SPAN, August 2, 2022, <https://www.c-span.org/video/?522120-1/senate-hearing-wireless-spectrum> (see opening statements of Sen. Roger Wicker at 00:08:05 and Sen. John Thune at 00:14:26) (hereinafter “Senate Hearing on Wireless Spectrum,” C-SPAN).

⁴² “Senate Hearing on Wireless Spectrum,” C-SPAN.

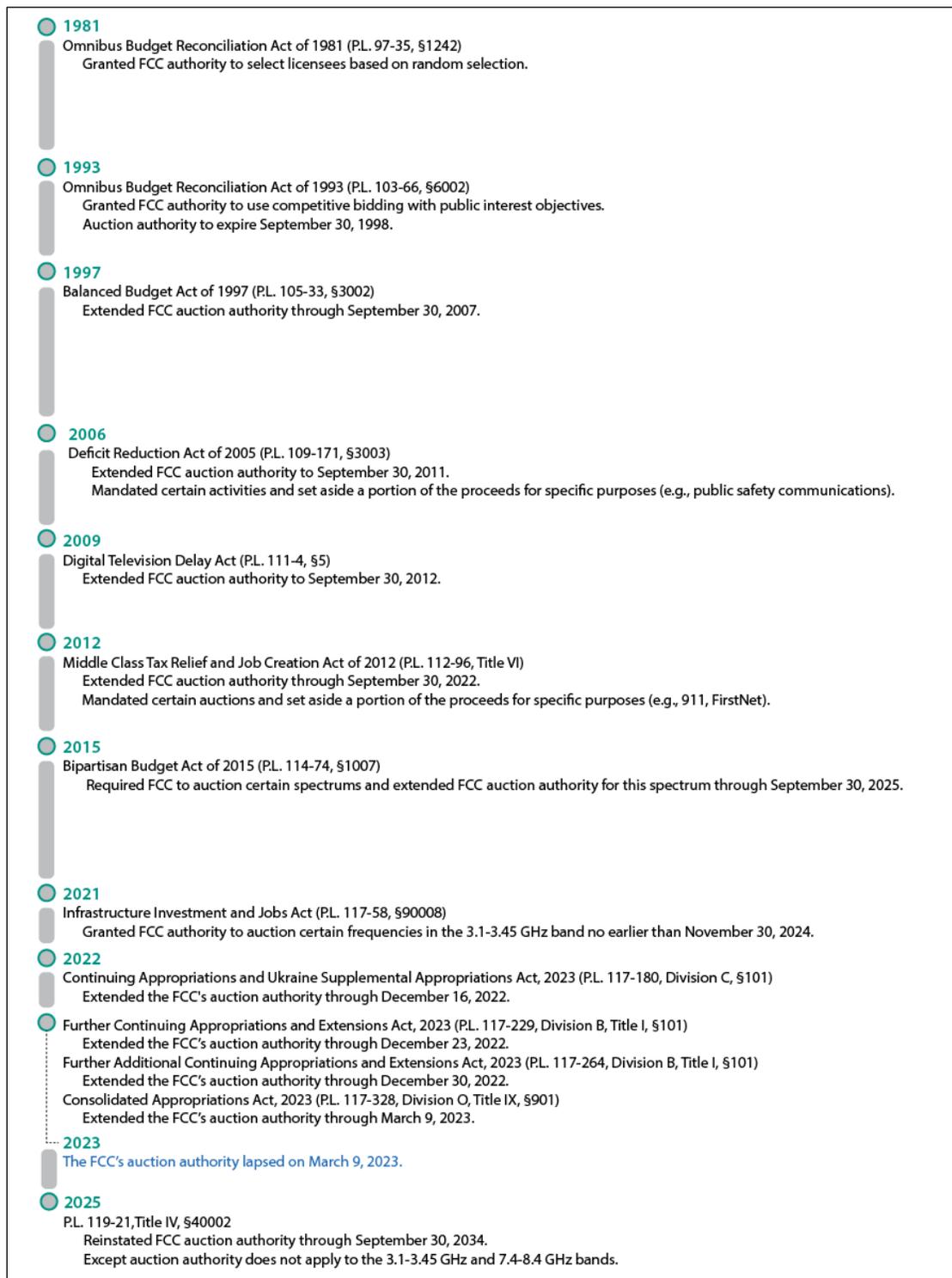
⁴³ Coleman Bazelon and Paroma Sanyal, “How Much Licensed Spectrum Is Needed to Meet Future Demands for Network Capacity?,” April 17, 2023, pp. 9, 17, <https://api.ctia.org/wp-content/uploads/2023/04/Network-Capacity-Constraints-and-the-Need-for-Spectrum-Brattle.pdf> (showing increasing demands for wireless data [p. 9] and projecting future spectrum deficits [p. 17]).

⁴⁴ White House, “Winning the 6G Race,” presidential memorandum of December 19, 2025, <https://www.whitehouse.gov/presidential-actions/2025/12/national-security-presidential-memorandum-nspm-8-0bda/>.

auction proceeds and timelines to ensure budgetary targets are met; and (5) costs of reallocations that can diminish auction proceeds.

Figure 1 illustrates the changes in the FCC's spectrum auction authority from 1981 to 2005.

Figure I. The FCC's Spectrum Auction Authority: Timeline of Changes (1981-2025)



Source: CRS.

Notes: FCC = Federal Communications Commission; FirstNet = First Responder Network Authority; GHz = gigahertz.

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