

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 4909  
OFFERED BY MR. THORNBERRY OF TEXAS**

Page 390, beginning line 1, strike section 1045 and  
insert the following new section:

1 **SEC. 1045. CODIFICATION OF CERTAIN REQUIREMENTS**  
2 **FOR SURRENDER OF SPECTRUM.**

3 (a) TRANSFER.—

4 (1) IN GENERAL.—Subsection (b) of section  
5 1062 of the National Defense Authorization Act for  
6 Fiscal Year 2000 (Public Law 106–65; 47 U.S.C.  
7 921 note)—

8 (A) is transferred to chapter 136 of title  
9 10, United States Code;

10 (B) is redesignated as section 2283; and

11 (C) is amended by redesignating para-  
12 graphs (1) and (2) as subsections (a) and (b),  
13 respectively.

14 (2) CONFORMING AMENDMENT.—Section  
15 2283(b) of title 10, United States Code, as trans-  
16 ferred and redesignated under paragraph (1), is  
17 amended by inserting before the period the following  
18 “of section 1062 of the National Defense Authoriza-

1 tion Act for Fiscal Year 2000 (Public Law 106–65;  
2 47 U.S.C. 921 note)”.

3 (3) CLERICAL AMENDMENT.—The table of sec-  
4 tions at the beginning of such chapter 136 is amend-  
5 ed by adding at the end the following new item:

“2283. Surrender of Department of Defense spectrum.”.

6 (4) REFERENCES.—Any reference in a provi-  
7 sion of law to a provision of law that is transferred  
8 and redesignated by this subsection is deemed to  
9 refer to the section as so transferred and redesign-  
10 nated.

11 (b) AUTHORITY.—Section 2283 of title 10, United  
12 States Code, as added by subsection (a), is amended by  
13 adding at the end the following new subsection:

14 “(c) AUTHORITY.—(1) If the Secretary of Defense,  
15 in consultation with the Federal Communications Com-  
16 mission, determines that the management of the electro-  
17 magnetic spectrum at the Nevada Test and Training  
18 Range is critical to national security, the Secretary may  
19 notify the Assistant Secretary of Commerce for Commu-  
20 nications and Information and the Federal Communica-  
21 tions Commission of such determination.

22 “(2) Notwithstanding any other provision of law,  
23 upon a notification made under paragraph (1), the Assist-  
24 ant Secretary of Commerce for Communications and In-  
25 formation, for Federal Government spectrum users, and

1 the Federal Communications Commission, for other spec-  
2 trum users, shall establish an exclusion zone with respect  
3 to the use of or interference to certain bands of the elec-  
4 tromagnetic spectrum to protect the activities of the De-  
5 partment of Defense at the range covered by the notifica-  
6 tion.

7 “(3) Not less than 30 days before the establishment  
8 of an exclusion zone under paragraph (2), the Secretary  
9 of Defense, the Assistant Secretary of Commerce for Com-  
10 munications and Information, and the Federal Commu-  
11 nications Commission shall notify the appropriate congres-  
12 sional committees of such establishment.

13 “(4) In this subsection, the term ‘appropriate con-  
14 gressional committees’ means—

15 “(A) the congressional defense committees; and

16 “(B) consistent with the protection of classified  
17 information, the Committee on Energy and Com-  
18 merce of the House of Representatives and the Com-  
19 mittee on Commerce, Science, and Transportation of  
20 the Senate.”.

