

Wicker Substitute

OLL19A51

S.L.C.



AMENDMENT NO. _____

Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 2881

To require the Federal Communications Commission to make not less than 280 megahertz of spectrum available for terrestrial use, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. WICKER (for himself and Mr. THUNE)

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "5G Spectrum Act of
5 2019".

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

- 8 (1) **COMMISSION.**—The term "Commission"
9 means the Federal Communications Commission.

1 (2) COVERED BAND.—The term “covered
2 band” means the band of frequencies between 3700
3 megahertz and 4200 megahertz, inclusive.

4 (3) GROSS PROCEEDS.—The term “gross pro-
5 ceeds” means cash proceeds before compensation or
6 relocation (as described in section 3(b)).

7 **SEC. 3. MAKING 280 MEGAHERTZ AVAILABLE.**

8 (a) AUCTION.—Not later than December 31, 2020,
9 the Commission shall initiate a system of competitive bid-
10 ding under section 309(j) of the Communications Act of
11 1934 (47 U.S.C. 309(j)), without regard to paragraph
12 (15) of that section, to make available for terrestrial use
13 not less than 280 megahertz of spectrum, exclusive of
14 guard bands, from the covered band.

15 (b) RECOVERY.—Not later than December 31, 2022,
16 the Commission shall recover the gross proceeds attrib-
17 utable to the auction conducted under subsection (a), less
18 the cost of—

19 (1) relocation of incumbent licensed or reg-
20 istered receive-only earth station operators operating
21 in the covered band; and

22 (2) relocation and compensation of—

23 (A) licensees of spectrum in the covered
24 band; or

1 (B) grantees of market access rights in the
2 contiguous United States to spectrum in the
3 covered band.

4 (c) TREATMENT OF REVENUES.—Notwithstanding
5 section 309(j)(8) of the Communications Act of 1934 (47
6 U.S.C. 309(j)(8)), of the gross proceeds attributable to the
7 auction conducted under subsection (a) of this section, the
8 Commission—

9 (1) with respect to—

10 (A) the first \$40,000,000,000, shall de-
11 posit not less than 50 percent in the Treasury
12 in accordance with chapter 33 of title 31,
13 United States Code;

14 (B) the next \$10,000,000,000, shall de-
15 posit not less than 75 percent in the Treasury
16 in accordance with chapter 33 of title 31,
17 United States Code; and

18 (C) any additional gross proceeds, shall de-
19 posit not less than 90 percent in the Treasury
20 in accordance with chapter 33 of title 31,
21 United States Code;

22 (2) shall allocate 10 percent for the deployment
23 of broadband infrastructure in areas that the Com-
24 mission has determined are underserved or unserved

1 with respect to broadband internet access service,
2 provided that—

3 (A) no amounts allocated under this para-
4 graph may be combined with amounts that are
5 used to fund any other program that is in exist-
6 ence on the date on which the allocation is
7 made, including any program established under
8 section 254 of the Communications Act of 1934
9 (47 U.S.C. 254); and

10 (B) nothing in this paragraph may be con-
11 strued to affect the amounts with which the
12 Spectrum Relocation Fund is credited under
13 section 118(b) of the National Telecommuni-
14 cations and Information Administration Organi-
15 zation Act (47 U.S.C. 928(b)); and

16 (3) notwithstanding section 3302 of title 31,
17 United States Code, may transfer a portion of the
18 gross proceeds remaining after compliance with
19 paragraphs (1) and (2) of this subsection to licens-
20 ees or grantees of market access rights that relin-
21 quish their rights to use spectrum in the covered
22 band for purposes of subsection (a) of this section.

23 (d) PROTECTION FROM HARMFUL INTER-
24 FERENCE.—

1 (1) IN GENERAL.—In promulgating rules re-
2 garding the use of spectrum in the covered band, the
3 Commission shall ensure that licensed aviation safe-
4 ty equipment is protected from harmful interference.

5 (2) RULE OF CONSTRUCTION.—Nothing in
6 paragraph (1) shall be construed to confer any addi-
7 tional rights to protection from harmful interference.