AMENDMENT NO._______

Calendar No._____

Purpose: In the nature of a substitute.


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 following:

3 SECTION 1. SHORT TITLE.

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

6 SEC. 2. DEFINITIONS.

7 In this Act:

8 (1) COMMISSION.—The term "Commission"

9 means the Federal Communications Commission.
(2) COVERED BAND.—The term "covered band" means the band of frequencies between 3700 megahertz and 4200 megahertz, inclusive.

(3) GROSS PROCEEDS.—The term "gross proceeds" means cash proceeds before compensation or relocation (as described in section 3(b)).

SEC. 3. MAKING 280 MEGAHERTZ AVAILABLE.

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

(b) RECOVERY.—Not later than December 31, 2022, the Commission shall recover the gross proceeds attributable to the auction conducted under subsection (a), less the cost of—

(1) relocation of incumbent licensed or registered receive-only earth station operators operating in the covered band; and

(2) relocation and compensation of—

(A) licensees of spectrum in the covered band; or
(B) grantees of market access rights in the contiguous United States to spectrum in the covered band.

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

(1) with respect to—

(A) the first $40,000,000,000, shall deposit not less than 50 percent in the Treasury in accordance with chapter 33 of title 31, United States Code;

(B) the next $10,000,000,000, shall deposit not less than 75 percent in the Treasury in accordance with chapter 33 of title 31, United States Code; and

(C) any additional gross proceeds, shall deposit not less than 90 percent in the Treasury in accordance with chapter 33 of title 31, United States Code;

(2) shall allocate 10 percent for the deployment of broadband infrastructure in areas that the Commission has determined are underserved or unserved.
with respect to broadband internet access service,
provided that—

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

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

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

(d) PROTECTION FROM HARMFUL INTER-
ERENCE.—
(1) IN GENERAL.—In promulgating rules regarding the use of spectrum in the covered band, the Commission shall ensure that licensed aviation safety equipment is protected from harmful interference.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to confer any additional rights to protection from harmful interference.