

107TH CONGRESS  
2D SESSION

# H. R. 4560

To eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2002

Mr. TAUZIN (for himself, Mr. UPTON, Mr. MARKEY, Mr. BARTON of Texas, Mr. WAXMAN, Mr. GILLMOR, Mr. HALL of Texas, Mr. GREENWOOD, Mr. BOUCHER, Mr. DEAL of Georgia, Mr. TOWNS, Mr. BURR of North Carolina, Mr. PALLONE, Mr. WHITFIELD, Mr. BROWN of Ohio, Mr. NORWOOD, Mr. GORDON, Mrs. CUBIN, Mr. RUSH, Mr. SHIMKUS, Ms. ESHOO, Mr. PICKERING, Mr. STUPAK, Mr. FOSSELLA, Mr. ENGEL, Mr. BLUNT, Mr. SAWYER, Mr. TOM DAVIS of Virginia, Mr. WYNN, Mr. BRYANT, Mr. GREEN of Texas, Mr. EHRLICH, Ms. MCCARTHY of Missouri, Mr. BUYER, Mr. STRICKLAND, Mr. RADANOVICH, Ms. DEGETTE, Mr. BASS, Mr. BARRETT of Wisconsin, Mr. PITTS, Mr. LUTHER, Mrs. BONO, Mrs. CAPPS, Mr. WALDEN, Mr. DOYLE, Mr. TERRY, Mr. JOHN, Mr. FLETCHER, Ms. HARMAN, Mr. SHADEGG, and Mrs. WILSON of New Mexico) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Auction Reform Act  
3 of 2002”.

4 **SEC. 2. FINDINGS.**

5       The Congress finds the following:

6           (1) Circumstances in the telecommunications  
7 market have changed dramatically since the auc-  
8 tioning of spectrum in the 700 megahertz band was  
9 originally mandated by Congress in 1997, raising se-  
10 rious questions as to whether the original deadlines,  
11 or the subsequent revision of the deadlines, are con-  
12 sistent with sound telecommunications policy and  
13 spectrum management principles.

14           (2) No comprehensive plan yet exists for allo-  
15 cating additional spectrum for third-generation wire-  
16 less and other advanced communications services.  
17 The Federal Communications Commission should  
18 have the flexibility to auction frequencies in the 700  
19 megahertz band for such purposes.

20           (3) The study being conducted by the National  
21 Telecommunications and Information Administration  
22 in consultation with the Department of Defense to  
23 determine whether the Department of Defense can  
24 share or relinquish additional spectrum for third-  
25 generation wireless and other advanced communica-  
26 tions services will not be completed until after the

1       June 19th auction date for the upper 700 megahertz  
2       band, and long after the applications must be filed  
3       to participate in the auction, thereby creating fur-  
4       ther uncertainty as to whether the frequencies in the  
5       700 megahertz band will be put to their highest and  
6       best use for the benefit of consumers.

7               (4) The Federal Communications Commission  
8       is also in the process of determining how to resolve  
9       the interference problems that exist in the 800  
10      megahertz band, especially for public safety. One op-  
11      tion being considered for the 800 megahertz band  
12      would involve the 700 megahertz band. The Com-  
13      mission should not hold the 700 megahertz auction  
14      before the 800 megahertz interference issues are re-  
15      solved or a tenable plan has been conceived.

16             (5) The 700 megahertz band is currently occu-  
17      pied by television broadcasters, and will be so until  
18      the transfer to digital television is completed. This  
19      situation creates a tremendous amount of uncer-  
20      tainty concerning when the spectrum will be avail-  
21      able and reduces the value placed on the spectrum  
22      by potential bidders. The encumbrance of the 700  
23      megahertz band reduces both the amount of money  
24      that the auction would be likely to produce and the  
25      probability that the spectrum would be purchased by

1 the entities that valued the spectrum the most and  
 2 would put the spectrum to its most productive use.

3 (6) The Commission’s rules governing voluntary  
 4 mechanisms for vacating the 700 megahertz band by  
 5 broadcast stations—

6 (A) produced no certainty that the band  
 7 would be available for advanced mobile commu-  
 8 nications services, public safety operations, or  
 9 other wireless services any earlier than the ex-  
 10 isting statutory framework provides; and

11 (B) should advance the transition of digital  
 12 television and must not result in the unjust en-  
 13 richment of any incumbent licensee.

14 **SEC. 3. REPEAL OF DEADLINES FOR SPECTRUM AUCTIONS.**

15 (a) COMMUNICATIONS ACT OF 1934.—Section  
 16 309(j)(14)(C)(ii) of the Communications Act of 1934 (47  
 17 U.S.C. 309(j)(14)(C)(ii)) is amended by striking the sec-  
 18 ond sentence.

19 (b) BALANCED BUDGET ACT OF 1997.—Section  
 20 3007 of the Balanced Budget Act of 1997 (111 Stat. 269)  
 21 is amended by adding at the end the following new sen-  
 22 tence: “This section shall not apply to the band of fre-  
 23 quencies between 698 and 806 megahertz, inclusive.”.

24 (c) CONSOLIDATED APPROPRIATIONS ACT.—Para-  
 25 graphs (2) and (3) of section 213(a) of H.R. 3425 of the

1 106th Congress, as enacted into law by section 1000(a)(5)  
2 of an Act making consolidated appropriations for the fiscal  
3 year ending September 30, 2000, and for other purposes  
4 (Public Law 106–113; 113 Stat. 1501A–295), are re-  
5 pealed.

6 **SEC. 4. TERMINATION OF SCHEDULED AUCTIONS.**

7 (a) **TERMINATION.**—The Federal Communications  
8 Commission shall not commence or conduct auctions 31  
9 and 44 on June 19, 2002, as specified in the public notices  
10 of March 19, 2002, and March 20, 2002 (DA 02–659 and  
11 DA 02–563).

12 (b) **REPORT.**—Within one year after the date of en-  
13 actment of this Act, the Commission shall submit a report  
14 to the Congress—

15 (1) specifying when the Commission intends to  
16 reschedule auctions 31 and 44; and

17 (2) describing the progress made by the Com-  
18 mission in the digital television transition and in the  
19 assignment and allocation of additional spectrum for  
20 advanced mobile communications services that war-  
21 rants the scheduling of such auctions.

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