

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5085

To amend the Communications Act of 1934 to promote and expedite wireless broadband deployment in rural and other areas, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2006

Mr. INSLEE (for himself, Mrs. BLACKBURN, Ms. BALDWIN, Mr. GILLMOR, and Mr. BOUCHER) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Communications Act of 1934 to promote and expedite wireless broadband deployment in rural and other areas, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Broadband  
5 for Communities Act”.

1 **SEC. 2. UNUSED TELEVISION SPECTRUM MADE AVAILABLE**  
2 **FOR WIRELESS USE.**

3 Part I of title III of the Communications Act of 1934  
4 (47 U.S.C. 301 et seq.) is amended by adding at the end  
5 the following:

6 **“SEC. 342. UNUSED BROADCAST TELEVISION SPECTRUM**  
7 **MADE AVAILABLE FOR WIRELESS USE.**

8 “Any unused broadcast television spectrum in the  
9 band between 54 and 698 megaHertz, inclusive, other  
10 than spectrum in the band between 608 and 614 mega-  
11 Hertz, inclusive, may be used by unlicensed devices, in-  
12 cluding wireless broadband devices.”.

13 **SEC. 3. FCC TO FACILITATE USE.**

14 Within 180 days after the date of enactment of this  
15 Act, the Federal Communications Commission shall—

16 (1) adopt minimal technical and device rules in  
17 ET Docket Nos. 02–380 and 04–186 to facilitate  
18 the robust and efficient use of the spectrum made  
19 available under section 342 of the Communications  
20 Act of 1934 (47 U.S.C. 342) by unlicensed devices,  
21 including wireless broadband devices; and

22 (2) establish rules and procedures to—

23 (A) protect incumbent licensed services, in-  
24 cluding broadcast television and public safety  
25 equipment, operating pursuant to their licenses

1 from harmful interference from such unlicensed  
2 devices;

3 (B) address complaints, no later than 30  
4 days after receipt, from licensed broadcast sta-  
5 tions that an unlicensed device using such spec-  
6 trum causes harmful interference that include  
7 verification, in the field, of actual harmful in-  
8 terference;

9 (C) require manufacturers of unlicensed  
10 devices designed to be operated in this spectrum  
11 to submit a plan to the Commission to remedy  
12 actual harmful interference to the extent that  
13 harmful interference is found by the Commis-  
14 sion which may include disabling or modifying  
15 the unlicensed device remotely; and

16 (D) require certification of unlicensed de-  
17 vices designed to be operated in that spectrum  
18 to ensure that they meet the technical criteria  
19 established under paragraph (1) and can per-  
20 form the functions described in subparagraph  
21 (C).

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