

116TH CONGRESS  
1ST SESSION

# 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.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2019

Mr. WICKER (for himself and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require the Federal Communications Commission to make not less than 280 megahertz of spectrum available for terrestrial use, 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 “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) shall deposit not less than 50 percent in the  
10          Treasury in accordance with chapter 33 of title 31,  
11          United States Code; and

12          (2) notwithstanding section 3302 of title 31,  
13          United States Code, may transfer a portion of the  
14          gross proceeds remaining after compliance with  
15          paragraph (1) of this subsection to licensees or  
16          grantees of market access rights that relinquish  
17          their rights to use spectrum in the covered band for  
18          purposes of subsection (a) of this section.

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