

107TH CONGRESS
1ST SESSION

H. R. 2535

To permit wireless carriers to obtain sufficient spectrum to meet the growing demand for existing services and ensure that such carriers have the spectrum they need to deploy fixed and advanced services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2001

Mr. STEARNS introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To permit wireless carriers to obtain sufficient spectrum to meet the growing demand for existing services and ensure that such carriers have the spectrum they need to deploy fixed and advanced services, 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 “Spectrum Resource
5 Assurance Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) the Federal Communications Commission's
2 spectrum cap rule prevents any entity from holding
3 an attributable interest in a total of more than 45
4 megahertz of licensed cellular, broadband personal
5 communications service, and specialized mobile radio
6 spectrum regulated as commercial mobile radio serv-
7 ice in any geographic area, except that in areas des-
8 ignated by the Commission as Rural Service Areas
9 (RSA's) licensees may hold attributable interests in
10 a total of no more than 55 megahertz;

11 (2) without sufficient spectrum, wireless car-
12 riers will face increasing difficulty in meeting the
13 growing demand for existing services;

14 (3) spectrum constraints will also impede the
15 deployment of fixed and advanced wireless services;

16 (4) by precluding wireless carriers from obtain-
17 ing sufficient spectrum to realize economies of scale
18 and scope, the spectrum cap could raise the costs of
19 offering wireless services;

20 (5) application of the spectrum cap in future
21 auctions will artificially limit the pool of eligible bid-
22 ders and possibly prevent the spectrum from being
23 distributed to the carrier or carriers who will make
24 the most efficient and productive use of it;

1 (6) the wireless industry has experienced strong
2 growth and competitive development, with three-
3 quarters of Americans now having a choice of five or
4 more providers of wireless services;

5 (7) providers of commercial mobile services will
6 need additional spectrum to keep pace with the con-
7 tinued growth of mobile telephony and the demand
8 for new advanced mobile services;

9 (8) the application of the current spectrum cap
10 rules to new spectrum auctions by the Federal Com-
11 munications Commission would greatly impede the
12 deployment of advanced mobile services, and would
13 threaten the global competitiveness of U.S. industry;

14 (9) the spectrum cap was originally adopted in
15 order to prevent the concentration of control over
16 spectrum in too few hands, but with competition in
17 the provision of wireless services now a reality, rigid
18 structural regulation like a spectrum cap is no
19 longer necessary to ensure a robust wireless market-
20 place; and

21 (10) the antitrust agencies' review of mergers
22 between wireless carriers will prevent undue market
23 concentration by wireless carriers, even in the ab-
24 sence of a spectrum cap.

1 **SEC. 3. PROHIBITION ON SPECTRUM AGGREGATION**
2 **LIMITS.**

3 Section 332(c) of the Communications Act of 1934
4 (47 U.S.C. 332(c)) is amended by adding at the end the
5 following new paragraph:

6 “(9) SPECTRUM AGGREGATION LIMITATIONS
7 PROHIBITED.—The Commission shall not impose
8 any limitation on spectrum aggregation for licenses
9 for commercial mobile radio services. Any limitation
10 on spectrum aggregation for commercial mobile
11 radio services in the regulations of the Commission
12 (including 47 C.F.R. 20.6 or any successor regula-
13 tion), and any limitation on such aggregation con-
14 tained in any license or other authorization for such
15 service, or in any competitive bidding proceeding for
16 any such license or authorization, shall cease to be
17 effective on the date of enactment of this para-
18 graph.”.

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