

*Amy Klobuchar*

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

**S. 2555**

To provide opportunities for broadband investment, 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 intended to be proposed by Ms. KLOBUCHAR *and Mrs. Fischer*

Viz:

1 At the end, add the following:  
2 **SEC. 18. RULEMAKING RELATED TO PARTITIONING OR**  
3 **DISAGGREGATING LICENSES.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “covered small carrier” means a  
6 carrier (as defined in section 3 of the Communica-  
7 tions Act of 1934 (47 U.S.C. 153)) that—

8 (A) has not more than 1,500 employees (as  
9 determined under section 121.106 of title 13,  
10 Code of Federal Regulations, or any successor  
11 thereto); and

12 (B) offers services using the facilities of  
13 the carrier; and

*Mr. Barnes*  
*Mr. Udell*  
*Mr. Manchin*  
*Mr. Sullivan*  
*Ms. Ayotte*

1           (2) the term “rural area” means any area other  
2 than—

3                   (A) a city, town, or incorporated area that  
4 has a population of more than 20,000 inhab-  
5 itants; or

6                   (B) an urbanized area contiguous and ad-  
7 jacent to a city or town that has a population  
8 of more than 50,000 inhabitants.

9 (b) RULEMAKING.—

10           (1) IN GENERAL.—Not later than 1 year after  
11 the date of enactment of this Act, the Commission  
12 shall initiate a rulemaking proceeding to assess  
13 whether to establish a program, or modify existing  
14 programs, under which a licensee that receives a li-  
15 cense for the exclusive use of spectrum in a specific  
16 geographic area under section 301 of the Commu-  
17 nications Act of 1934 (47 U.S.C. 301) may partition  
18 or disaggregate the license by sale or long-term  
19 lease—

20                   (A) in order to—

21                           (i) provide services consistent with the  
22 license; and

23                           (ii) make unused spectrum available  
24 to—

1 (I) an unaffiliated covered small  
2 carrier; or

3 (II) an unaffiliated carrier to  
4 serve a rural area; and

5 (B) if the Commission finds that such a  
6 program would promote—

7 (i) the availability of advanced tele-  
8 communications services in rural areas; or

9 (ii) spectrum availability for covered  
10 small carriers.

11 (2) CONSIDERATIONS.—In conducting the rule-  
12 making proceeding under paragraph (1), the Com-  
13 mission shall consider, with respect to the program  
14 proposed to be established under that paragraph—

15 (A) whether reduced performance require-  
16 ments with respect to spectrum obtained  
17 through the program would facilitate deploy-  
18 ment of advanced telecommunications services  
19 in the areas covered by the program;

20 (B) what conditions may be needed on  
21 transfers of spectrum under the program to  
22 allow covered small carriers that obtain spec-  
23 trum under the program to build out the spec-  
24 trum in a reasonable period of time;

1 (C) what incentives may be appropriate to  
2 encourage licensees to lease or sell spectrum, in-  
3 cluding—

4 (i) extending the term of a license  
5 granted under section 301 of the Commu-  
6 nications Act of 1934 (47 U.S.C. 301); or

7 (ii) modifying performance require-  
8 ments of the license relating to the leased  
9 or sold spectrum; and

10 (D) the administrative feasibility of—

11 (i) the incentives described in sub-  
12 paragraph (C); and

13 (ii) other incentives considered by the  
14 Commission that further the goals of this  
15 section.

16 (3) FORFEITURE OF SPECTRUM.—If a party  
17 fails to meet any build out requirements set by the  
18 Commission for any spectrum sold or leased under  
19 this section, the right to the spectrum shall be for-  
20 feited to the Commission unless the Commission  
21 finds that there is good cause for the failure of the  
22 party.

23 (4) REQUIREMENT.—The Commission may  
24 offer a licensee incentives or reduced performance  
25 requirements under this section only if the Commis-

1        sion finds that doing so would likely result in in-  
2        creased availability of advanced telecommunications  
3        services in a rural area.