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Citation: 1 Compilation of Selected Acts within the Jurisdiction
the Committee on Energy and Commerce 625 2005

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Mon Apr 22 21:11:55 2013

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**OMNIBUS CONSOLIDATED APPROPRIATIONS FOR
FISCAL YEAR 1997¹**

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**TITLE III—SPECTRUM ALLOCATION
PROVISIONS**

SEC. 3001. COMPETITIVE BIDDING FOR SPECTRUM.

(a) **COMMISSION OBLIGATION TO MAKE ADDITIONAL SPECTRUM AVAILABLE.**—The Federal Communications Commission shall—

(1) reallocate the use of frequencies at 2305–2320 megahertz and 2345–2360 megahertz to wireless services that are consistent with international agreements concerning spectrum allocations; and

(2) assign the use of such frequencies by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(b) **ADDITIONAL REQUIREMENTS.**—In making the bands of frequencies described in subsection (a) available for competitive bidding, the Commission shall—

(1) seek to promote the most efficient use of the spectrum; and

(2) take into account the needs of public safety radio services.

(c) **EXPEDITED PROCEDURES.**—The Commission shall commence the competitive bidding for the assignment of the frequencies described in subsection (a)(1) no later than April 15, 1997. The rules governing such frequencies shall be effective immediately upon publication in the Federal Register notwithstanding section 553(d), 801(a)(3), and 806(a) of title 5, United States Code. Chapter 6 of such title, and sections 3507 and 3512 of title 44, United States Code, shall not apply to the rules and competitive bidding procedures governing such frequencies. Notwithstanding section 309(b) of the Communications Act of 1934 (47 U.S.C. 309(b)), no application for an instrument of authorization for such frequencies shall be granted by the Commission earlier than 7 days following issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereto. Notwithstanding section 309(d)(1) of such Act (47 U.S.C. 309(d)(1)), the Commission may specify a period (no less than 5 days following issuance of such public notice) for the filing of petitions to deny any application for an instrument of authorization for such frequencies.

¹This Act is Public Law 104–208, enacted Sept. 30, 1996 (110 Stat. 3009–499).

(d) DEADLINE FOR COLLECTION.—The Commission shall conduct the competitive bidding under subsection (a)(2) in a manner that ensures that all proceeds of the bidding are deposited in accordance with section 309(j)(8) of the Communications Act of 1934 not later September 30, 1997.

PUBLIC TELECOMMUNICATIONS ACT OF 1992.
