

107TH CONGRESS  
2D SESSION

**S. 2869**

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**AN ACT**

To facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers

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

**1 SECTION 1. RELIEF FROM CONTINUING OBLIGATIONS.**

2        A winning bidder to which the Commission has not  
3 granted an Auction 35 license may irrevocably elect to re-  
4 linquish any right, title, or interest in that license and the  
5 associated license application by formal written notice to  
6 the Commission. Such an election may only be made with-  
7 in 30 days after the date of enactment of this Act. A win-  
8 ning bidder that makes such an election shall be free of  
9 any obligation the winning bidder would otherwise have  
10 with respect to that license, the associated license applica-  
11 tion, and the associated winning bid, including the obliga-  
12 tion to pay the amount of its winning bid that would be  
13 otherwise due for such license.

**14 SEC. 2. RETURN OF DEPOSITS AND DOWNPAYMENTS.**

15       Within 37 days after receiving an election that meets  
16 the requirements of section 3 from an Auction 35 winning  
17 bidder that has made the election described in section 1,  
18 the Commission shall refund any deposit or down-payment  
19 made with respect to a winning bidder for the license that  
20 is the subject of the election.

**21 SEC. 3. COMMISSION TO ISSUE PUBLIC NOTICE.**

22       (a) PUBLIC NOTICE.—Within 5 days after the date  
23 of enactment of this Act, the Commission shall issue a  
24 public notice specifying the form and the process for the  
25 return of deposits and downpayments under section 2.

1 (b) TIME FOR ELECTION.—An election under this  
2 section is not valid unless it is made within 30 days after  
3 the date of enactment of this Act.

## 4 SEC 4. WAIVER OF PAPERWORK REDUCTION ACT REQUIRE- 5 MENTS.

6 Section 3507 of title 44, United States Code, shall  
7 not apply to the Commission's implementation of this Act.

8 SEC. 5. NO INFERENCE WITH RESPECT TO NEXTWAVE  
9 CASE.

10 It is the sense of the Congress that no inference with  
11 respect to any issue of law or fact in Federal Communica-  
12 tions Commission v. NextWAVE Personal Communica-  
13 tions, Inc., et al. (Supreme Court Docket No. 01-653)  
14 should be drawn from the introduction, amendment, de-  
15 feat, or enactment of this Act.

## 16 SEC. 6. DEFINITIONS.

17 In this Act:

Passed the Senate November 14, 2002.

Attest:

*Secretary.*

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