

CRUZ_1 to WICKER_1

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require the Secretary of Commerce to identify a certain amount of Federal spectrum to be reallocated for mobile and fixed wireless broadband use.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

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.

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 Mr. CRUZ to the amendment (No. 1) proposed by Mr. WICKER

Viz:


1 On page 14, after line 2, add the following:

2 **SEC. 9. AVAILABILITY OF FEDERAL SPECTRUM.**

3 (a) DEFINITIONS.—In this section—

4 (1) the term “Assistant Secretary” means the
5 Assistant Secretary of Commerce for Communica-
6 tions and Information;

7 (2) the term “broadband internet access serv-
8 ice” has the meaning given the term in section
9 8.1(b) of title 47, Code of Federal Regulations, or
10 any successor regulation;



1 (3) the term “Federal spectrum” means a band
2 of frequency that is allocated on a primary basis for
3 Federal Government use;

4 (4) the term “Secretary” means the Secretary
5 of Commerce; and

6 (5) the term “system of competitive bidding”
7 means a system of competitive bidding under section
8 309(j) of the Communications Act of 1934 (47
9 U.S.C. 309(j)).

10 (b) IDENTIFICATION.—

11 (1) IN GENERAL.—Not later than December 31,
12 2020, and subject to paragraphs (2) and (3), the
13 Secretary, acting through the Assistant Secretary,
14 shall identify not less than 42 megahertz of Federal
15 spectrum below the frequency of 10500 megahertz
16 that shall be reallocated for the provision of private
17 commercial mobile and fixed wireless broadband
18 internet access service.

19 (2) CONSIDERATIONS.—In making the identi-
20 fication required under paragraph (1), the Secretary,
21 acting through the Assistant Secretary, shall con-
22 sider, with respect to the reallocation described in
23 that paragraph—

1 (A) the need to preserve critical existing
2 and planned capabilities of the Federal Govern-
3 ment;

4 (B) the impact of that reallocation on the
5 existing capabilities of State, local, and tribal
6 governments;

7 (C) the international implications of that
8 reallocation;

9 (D) the need for appropriate enforcement
10 mechanisms and authorities; and

11 (E) the importance of the deployment of
12 wireless broadband internet access service in
13 rural areas of the United States.

14 (3) NON-ELIGIBLE SPECTRUM.—The following
15 spectrum shall be ineligible for the identification re-
16 quired under paragraph (1):

17 (A) The bands of frequencies between 470
18 and 512 megahertz (commonly known as the
19 “T-Band spectrum”).

20 (B) The frequencies with respect to which
21 the Commission has granted a license to the
22 First Responder Network Authority under sec-
23 tion 6201 of the Middle Class Tax Relief and
24 Job Creation Act of 2012 (47 U.S.C. 1421).

- 1 (c) AUCTION.—Not later than June 30, 2021, the
2 Commission shall—
- 3 (1) reallocate the spectrum identified under
4 subsection (b); and
 - 5 (2) begin a system of competitive bidding to
6 grant new initial licenses for the use of the spectrum
7 described in paragraph (1).