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.


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 Assistant Secretary of Commerce for Communications and Information;

5 (2) the term “broadband internet access service” has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation;
(3) the term "Federal spectrum" means a band of frequency that is allocated on a primary basis for Federal Government use;

(4) the term "Secretary" means the Secretary of Commerce; and

(5) the term "system of competitive bidding" means a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(b) IDENTIFICATION.—

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

(2) CONSIDERATIONS.—In making the identification required under paragraph (1), the Secretary, acting through the Assistant Secretary, shall consider, with respect to the reallocation described in that paragraph—
(A) the need to preserve critical existing and planned capabilities of the Federal Government;

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

(C) the international implications of that reallocation;

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

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

(3) NON-ELIGIBLE SPECTRUM.—The following spectrum shall be ineligible for the identification required under paragraph (1):

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

(B) The frequencies with respect to which the Commission has granted a license to the First Responder Network Authority under section 6201 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1421).
(c) **Auction.**—Not later than June 30, 2021, the Commission shall—

(1) reallocate the spectrum identified under subsection (b); and

(2) begin a system of competitive bidding to grant new initial licenses for the use of the spectrum described in paragraph (1).