

116TH CONGRESS
2D SESSION

S. 4234

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

IN THE SENATE OF THE UNITED STATES

JULY 21, 2020

Mr. CRUZ (for himself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Public Safe-
5 ty’s Access to Airwaves Act of 2020”.

1 **SEC. 2. REPEAL OF REQUIREMENT TO REALLOCATE PUB-**
2 **LIC SAFETY SPECTRUM.**

3 (a) IN GENERAL.—Section 6103 of the Middle Class
4 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
5 1413) is repealed.

6 (b) CONFORMING AMENDMENT.—The table of con-
7 tents for the Middle Class Tax Relief and Job Creation
8 Act of 2012 (Public Law 112–96; 126 Stat. 156) is
9 amended by striking the item relating to section 6103.

10 **SEC. 3. AVAILABILITY OF FEDERAL SPECTRUM.**

11 (a) DEFINITIONS.—In this section—

12 (1) the term “Assistant Secretary” means the
13 Assistant Secretary of Commerce for Communica-
14 tions and Information;

15 (2) the term “broadband internet access serv-
16 ice” has the meaning given the term in section
17 8.1(b) of title 47, Code of Federal Regulations, or
18 any successor regulation;

19 (3) the term “Commission” means the Federal
20 Communications Commission;

21 (4) the term “Federal spectrum” means a band
22 of frequency that is allocated on a primary basis for
23 Federal Government use;

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

1 (6) the term “system of competitive bidding”
2 means a system of competitive bidding under section
3 309(j) of the Communications Act of 1934 (47
4 U.S.C. 309(j)).

5 (b) IDENTIFICATION.—

6 (1) IN GENERAL.—Not later than December 31,
7 2020, and subject to paragraphs (2) and (3), the
8 Secretary, acting through the Assistant Secretary,
9 shall identify not less than 42 megahertz of Federal
10 spectrum below the frequency of 10500 megahertz
11 that shall be reallocated for the provision of private
12 commercial mobile and fixed wireless broadband
13 internet access service.

14 (2) CONSIDERATIONS.—In making the identi-
15 fication required under paragraph (1), the Secretary,
16 acting through the Assistant Secretary, shall con-
17 sider, with respect to the reallocation described in
18 that paragraph—

19 (A) the need to preserve critical existing
20 and planned capabilities of the Federal Govern-
21 ment;

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

1 (C) the international implications of that
2 reallocation;

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

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

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

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

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

19 (c) AUCTION.—Not later than December 31, 2021,
20 the Commission shall—

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

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

○