



116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

Mr. CRUZ (for himself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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5 1413) is repealed.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

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