

117TH CONGRESS  
1ST SESSION

# S. 1365

To direct the Federal Communications Commission to establish a new Tribal priority window for the 2.5 gigahertz band, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 26, 2021

Ms. WARREN (for herself, Ms. SMITH, Mr. KING, Mr. MARKEY, Ms. CORTEZ MASTO, Mr. MERKLEY, Ms. HIRONO, Ms. KLOBUCHAR, Mr. SANDERS, Mr. SCHATZ, Mr. PETERS, Mr. WYDEN, Ms. BALDWIN, Mr. BOOKER, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To direct the Federal Communications Commission to establish a new Tribal priority window for the 2.5 gigahertz band, 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 “Extending Tribal  
5       Broadband Priority Act of 2021”.

1 **SEC. 2. ESTABLISHMENT OF NEW 2.5 GHZ TRIBAL PRIORITY**  
2 **WINDOW.**

3 (a) COMMISSION DEFINED.—In this section, the term  
4 “Commission” means the Federal Communications Com-  
5 mission.

6 (b) NEW TRIBAL PRIORITY WINDOW.—The Commis-  
7 sion shall—

8 (1) not later than 30 days after the date of en-  
9 actment of this Act, establish a new Tribal priority  
10 window for the 2.5 gigahertz band, under the same  
11 terms and conditions as the Tribal priority window  
12 established in the Report and Order in the matter  
13 of Transforming the 2.5 GHz Band adopted by the  
14 Commission on July 10, 2019 (FCC 19–62), for any  
15 portions of the band—

16 (A) that remain available for assignment in  
17 accordance with that Report and Order; and

18 (B) for which the Commission did not re-  
19 ceive an application during the Tribal priority  
20 window established in that Report and Order;  
21 and

22 (2) accept applications in the new window es-  
23 tablished under paragraph (1) during the period  
24 that—

25 (A) begins on the date on which the win-  
26 dow is established; and

1 (B) ends on the date that is 180 days after  
2 the date on which the window is established, or  
3 such later date as the Commission considers ap-  
4 propriate.

5 (c) EXCEPTION FROM CERTAIN PROCEDURAL RE-  
6 QUIREMENTS.—To the extent that the Commission deter-  
7 mines that section 553 of title 5, United States Code,  
8 chapter 6 of that title (commonly known as the “Regu-  
9 latory Flexibility Act”), subchapter I of chapter 35 of title  
10 44, United States Code (commonly known as the “Paper-  
11 work Reduction Act”), or any other provision of law would  
12 prevent the Commission from establishing the new Tribal  
13 priority window by the date required under paragraph (1)  
14 of subsection (b) or from beginning to accept applications  
15 in that window as required under paragraph (2)(A) of that  
16 subsection, that provision shall not apply to any action  
17 taken by the Commission, or any rule or order issued by  
18 the Commission, to establish that window or to begin ac-  
19 cepting applications in that window (as the case may be).

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