

116TH CONGRESS
2D SESSION

S. _____

To make the 3450–3550 MHz spectrum band available for non-Federal use.

IN THE SENATE OF THE UNITED STATES

Mr. WICKER (for himself and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To make the 3450–3550 MHz spectrum band available for non-Federal use.

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 “Beat China by Har-

5 nassing Important, National Airwaves for 5G Act of

6 2020” or the “Beat CHINA for 5G Act of 2020”.

7 **SEC. 2. REALLOCATION AND AUCTION OF 3450–3550 MHZ**
8 **SPECTRUM BAND.**

9 (a) DEFINITIONS.—In this section—

10 (1) the term “Commission” means the Federal
11 Communications Commission; and

1 (2) the term “covered band” means the band of
2 electromagnetic spectrum between the frequencies of
3 3450 megahertz and 3550 megahertz, inclusive.

4 (b) WITHDRAWAL OR MODIFICATION OF FEDERAL
5 GOVERNMENT ASSIGNMENTS.—The President, acting
6 through the Assistant Secretary of Commerce for Commu-
7 nications and Information, shall—

8 (1) not later than 180 days after the date of
9 enactment of this Act, in coordination with relevant
10 Federal users, begin the process of withdrawing or
11 modifying the assignments to Federal Government
12 stations of the covered band as necessary for the
13 Commission to comply with subsection (c); and

14 (2) not later than 30 days after completing any
15 necessary withdrawal or modification under para-
16 graph (1), notify the Commission that the with-
17 drawal or modification is complete.

18 (c) REALLOCATION AND AUCTION.—

19 (1) IN GENERAL.—The Commission shall—

20 (A) revise the non-Federal allocation for
21 the covered band to permit flexible-use services;
22 and

23 (B) notwithstanding paragraph (15)(A) of
24 section 309(j) of the Communications Act of
25 1934 (47 U.S.C. 309(j)), not later than Decem-

1 ber 31, 2021, begin a system of competitive
2 bidding under that section to grant new initial
3 licenses for the use of the covered band, subject
4 to flexible-use service rules.

5 (2) EXEMPTION FROM NOTIFICATION REQUIRE-
6 MENT.—The first sentence of section 113(g)(4)(A)
7 of the National Telecommunications and Informa-
8 tion Administration Organization Act (47 U.S.C.
9 923(g)(4)(A)) shall not apply with respect to the
10 system of competitive bidding required under para-
11 graph (1)(B) of this subsection.

12 (3) PROCEEDS TO COVER 110 PERCENT OF FED-
13 ERAL RELOCATION OR SHARING COSTS.—Nothing in
14 paragraph (1) shall be construed to relieve the Com-
15 mission from the requirements of section
16 309(j)(16)(B) of the Communications Act of 1934
17 (47 U.S.C. 309(j)(16)(B)).