

116TH CONGRESS
2D SESSION

H. R. 8545

To provide for the reallocation and auction of the electromagnetic spectrum between the frequencies of 3450 megahertz and 3550 megahertz, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2020

Mr. WALDEN (for himself, Mr. LATTA, and Mr. GUTHRIE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide for the reallocation and auction of the electromagnetic spectrum between the frequencies of 3450 megahertz and 3550 megahertz, 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 “Beat China by Har-
5 nessing Important, National Airwaves for 5G Act of
6 2020” or the “Beat CHINA for 5G Act of 2020”.

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

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

7 (1) not later than 180 days after the date of
8 the enactment of this Act, in coordination with rel-
9 evant Federal users, begin the process (if necessary)
10 of withdrawing or modifying the assignments to
11 Federal Government stations of the electromagnetic
12 spectrum between the frequencies of 3450 megahertz
13 and 3550 megahertz, inclusive; and

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

18 (b) REALLOCATION AND AUCTION.—

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

20 (A) revise the non-Federal allocation for
21 the electromagnetic spectrum between the fre-
22 quencies of 3450 megahertz and 3550 mega-
23 hertz, inclusive, to permit flexible-use services;
24 and

25 (B) notwithstanding paragraph (15)(A) of
26 section 309(j) of the Communications Act of

1 1934 (47 U.S.C. 309(j)), not later than Decem-
2 ber 31, 2021, begin a system of competitive
3 bidding under such section to grant new initial
4 licenses for the use of such spectrum, subject to
5 flexible-use service rules.

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

13 (3) PROCEEDS TO COVER 110 PERCENT OF FED-
14 ERAL RELOCATION OR SHARING COSTS.—Nothing in
15 paragraph (1) shall be construed to relieve the Com-
16 mission from the requirements of section
17 309(j)(16)(B) of the Communications Act of 1934
18 (47 U.S.C. 309(j)(16)(B)).

19 (c) COMMISSION DEFINED.—In this section, the term
20 “Commission” means the Federal Communications Com-
21 mission.

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