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

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2020

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

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
4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “Beat China by Har-
6 nessing Important, National Airwaves for 5G Act of
7 2020” or the “Beat CHINA for 5G Act of 2020”.
8
9 SEC. 2. REALLOCATION AND AUCTION OF 3450–3550 MHZ
10 SPECTRUM BAND.
11 (a) DEFINITIONS.—In this section—
(1) the term “Commission” means the Federal Communications Commission; and

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

(b) Withdrawal or Modification of Federal Government Assignments.—The President, acting through the Assistant Secretary of Commerce for Communications and Information, shall—

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

(2) not later than 30 days after completing any necessary withdrawal or modification under paragraph (1), notify the Commission that the withdrawal or modification is complete.

(c) Reallocation and Auction.—

(1) In General.—The Commission shall—

(A) revise the non-Federal allocation for the covered band to permit flexible-use services; and
(B) notwithstanding paragraph (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), not later than December 31, 2021, begin a system of competitive bidding under that section to grant new initial licenses for the use of the covered band, subject to flexible-use service rules.

(2) Exemption from notification requirement.—The first sentence of section 113(g)(4)(A) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(4)(A)) shall not apply with respect to the system of competitive bidding required under paragraph (1)(B) of this subsection.

(3) Proceeds to cover 110 percent of federal relocation or sharing costs.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).