

116TH CONGRESS  
2D SESSION

# S. 4803

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

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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

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## 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—

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

3           (2) the term “covered band” means the band of  
4       electromagnetic spectrum between the frequencies of  
5       3450 megahertz and 3550 megahertz, inclusive.

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

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

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

20       (c) REALLOCATION AND AUCTION.—

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

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

1 (B) notwithstanding paragraph (15)(A) of  
2 section 309(j) of the Communications Act of  
3 1934 (47 U.S.C. 309(j)), not later than Decem-  
4 ber 31, 2021, begin a system of competitive  
5 bidding under that section to grant new initial  
6 licenses for the use of the covered band, subject  
7 to flexible-use service rules.

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

15 (3) PROCEEDS TO COVER 110 PERCENT OF FED-  
16 ERAL RELOCATION OR SHARING COSTS.—Nothing in  
17 paragraph (1) shall be construed to relieve the Com-  
18 mission from the requirements of section  
19 309(j)(16)(B) of the Communications Act of 1934  
20 (47 U.S.C. 309(j)(16)(B)).

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