

111TH CONGRESS
1ST SESSION

H. R. 3125

To require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2009

Mr. WAXMAN (for himself, Mr. BOUCHER, Mr. BARTON of Texas, Mr. STEARNS, Mr. DINGELL, Mr. MARKEY of Massachusetts, Mr. DOYLE, Mr. GORDON of Tennessee, Mr. SPACE, Mr. MCNERNEY, Mr. INSLEE, Ms. ESHOO, Ms. MATSUI, Mr. STUPAK, Ms. CASTOR of Florida, Mr. BUYER, Mr. WELCH, and Mr. UPTON) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

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 “Radio Spectrum Inven-
5 tory Act”.

1 **SEC. 2. SPECTRUM INVENTORY.**

2 Part B of title I of the National Telecommunications
3 and Information Administration Organization Act (47
4 U.S.C. 921 et seq.) is amended by adding at the end the
5 following:

6 **“SEC. 119. SPECTRUM INVENTORY.**

7 “(a) RADIO SPECTRUM INVENTORY.—In order to
8 promote the efficient use of the electromagnetic spectrum,
9 the NTIA and the Commission shall coordinate and carry
10 out each of the following activities not later than 180 days
11 after the date of enactment of this section:

12 “(1) Create an inventory of each radio spec-
13 trum band of frequencies used in the United States
14 Table of Frequency Allocations, from 225 megahertz
15 to 10 gigahertz, that includes—

16 “(A) the radio services authorized to oper-
17 ate in each band of frequencies;

18 “(B) the identity of each Federal or non-
19 Federal user within each such radio service au-
20 thorized to operate in each band of frequencies;

21 “(C) the total amount of spectrum, by
22 band of frequencies, allocated to each Federal
23 or non-Federal user (in percentage terms and
24 in sum) and the geographic areas covered by
25 their respective allocations;

1 “(D) the approximate number of transmit-
2 ters, repeaters, end-user terminals or receivers,
3 or other radio frequency devices authorized to
4 operate, as appropriate to characterize the ex-
5 tent of use of each radio service in each band
6 of frequencies;

7 “(E) an approximation of the extent to
8 which each Federal or non-Federal user is
9 using, by geography, each band of frequencies,
10 such as the amount and percentage of time of
11 use, number of end users, or other measures as
12 appropriate to the particular band and radio
13 service;

14 “(F) for non-Federal users, any commer-
15 cial names under which facilities-based service
16 is offered to the public using the spectrum of
17 the non-Federal user, including where the spec-
18 trum is being offered via resale and under what
19 commercial names; and

20 “(G) to the greatest extent possible—

21 “(i) contour maps or other informa-
22 tion that illustrate the coverage area, re-
23 ceiver performance, and other parameters
24 relevant to an assessment of the avail-
25 ability of spectrum in each band; and

1 “(ii) for each band or range of fre-
2 quencies, the identity of each entity offer-
3 ing unlicensed services and the types and
4 approximate number of unlicensed inten-
5 tional radiators verified or certified by the
6 Commission that are authorized to operate.

7 “(2) Create a centralized portal or website to
8 make the inventory of the bands of frequencies avail-
9 able to the public via an Internet-accessible website.

10 “(b) USE OF AGENCY RESOURCES.—In creating the
11 inventory described in subsection (a)(1), the NTIA and
12 the Commission shall first use agency resources, including
13 existing databases, field testing, and recordkeeping sys-
14 tems, and only request information from Federal and non-
15 Federal users if such information cannot be obtained
16 using such agency resources.

17 “(c) REPORTS.—Not later than 1 year after the date
18 of enactment of this section and annually thereafter, the
19 NTIA and the Commission shall each submit a report to
20 the Committee on Commerce, Science, and Transportation
21 of the Senate and to the Committee on Energy and Com-
22 merce of the House of Representatives containing—

23 “(1) the results of the inventory created under
24 subsection (a)(1);

1 “(2) a description of any information the NTIA
2 or the Commission determines is necessary for such
3 inventory but that is unavailable;

4 “(3) a description of any information not pro-
5 vided by any Federal or non-Federal user in accord-
6 ance with subsection (e);

7 “(4) an identification, by relevant geographic
8 area, of the least utilized blocks of spectrum inven-
9 toried, with blocks identified in every market of the
10 United States either individually or as part of re-
11 gional or nationwide blocks, and an explanation of
12 the basis for that identification; and

13 “(5) a recommendation of which, if any, of such
14 spectrum identified under paragraph (4) the Federal
15 Government should reallocate and an explanation of
16 the basis for that recommendation.

17 “(d) MAINTENANCE AND UPDATING OF INFORMA-
18 TION.—After the creation of the inventory required by
19 subsection (a)(1), the NTIA and the Commission shall
20 make all efforts necessary to maintain and update the in-
21 formation required under such subsection in near real-
22 time fashion and whenever there is a transfer or auction
23 of a license or a change in an allocation or assignment.

24 “(e) NATIONAL SECURITY.—

1 “(1) COMPLIANCE.—In complying with sub-
2 section (a)(1), a Federal or non-Federal user shall
3 make a certification to the NTLA or the Commission
4 that the information—

5 “(A) is accurate; and

6 “(B) is as comprehensive, extensive, and
7 complete as possible without harming the na-
8 tional security of the United States.

9 “(2) REPORTING OF WITHHELD INFORMATION
10 TO CONGRESS.—Any information that is excluded
11 from public disclosure pursuant to this subsection
12 shall still be compiled and reported to the Commit-
13 tees of Congress described in subsection (c) on a
14 confidential basis.

15 “(f) PROPRIETARY INFORMATION.—In creating and
16 maintaining the inventory, centralized portal or website,
17 and reports under this section, the NTLA and the Commis-
18 sion shall follow their rules and practice regarding con-
19 fidential and proprietary information.”.

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