

SPECTRUM IT MODERNIZATION ACT OF 2020

NOVEMBER 16, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 7310]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 7310) to require the Assistant Secretary of Commerce for Communications and Information to submit to Congress a plan for the modernization of the information technology systems of the National Telecommunications and Information Administration, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

Representatives Michael Doyle (D-PA), Robert L. Latta (R-OH), Rick Larsen (D-WA), and Tim Walberg (R-MI) introduced H.R. 7310, the “Spectrum IT Modernization Act of 2020”. Given the ever-increasing need for shared spectrum for wireless communica-

tions technology, the “Spectrum IT Modernization Act of 2020” would help to promote more efficient use of our Nation’s airwaves. H.R. 7310 does this by first requiring the National Telecommunications and Information Administration (NTIA), in consultation with the Policy and Plans Steering Group (PPSG), to identify a process to establish goals for the modernization of infrastructure of covered agencies related to the management of Federal spectrum. The NTIA must submit a report to Congress that contains the plans of the NTIA and covered agencies to modernize and automate their infrastructures relating to managing the use of Federal spectrum. The legislation would also require the Comptroller General of the United States to conduct oversight of the implementation of the modernization plans submitted by the NTIA and covered agencies and report to Congress annually on that process.

II. BACKGROUND AND NEED FOR LEGISLATION

Electromagnetic spectrum—often referred to only as spectrum—is used to deliver radio, broadcast television (TV), cellular, and wireless internet services, including through the use of 5G wireless technology. There is a finite amount of spectrum available. The Federal Communications Commission (FCC) manages the commercial use of spectrum¹ while the NTIA manages Federal use.²

As more and more of our critical communications technologies rely on wireless functionality, the scarcity of our airwaves grows. By modernizing our Federal spectrum management infrastructures and making them interoperable, however, Federal entities and the NTIA will be able to increase the efficiency of Federal spectrum use.

III. COMMITTEE HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearing was used to develop or consider H.R. 7310:

The Subcommittee on Communications and Technology held a hearing on July 16, 2019, entitled “Our Wireless Future: Building a Comprehensive Approach to Spectrum Policy.” The Subcommittee received testimony from the following witnesses:

- Julius P. Knapp, Chief, Office of Engineering and Technology, Federal Communications Commission
- Derek Khlopin, Senior Policy Advisor, National Telecommunications and Information Administration
- Tim Donovan, Senior Vice President, Legislative Affairs, Competitive Carriers Association
- Peter Pitsch, Head of Advocacy & Government Relations, C-Band Alliance
- Scott Bergmann, Senior Vice President, Legislative Affairs, CTIA
- Michael Calabrese, Director, Wireless Future Project, Open Technology Institute at New America
- Mariel Triggs, Chief Executive Officer, MuralNet
- Jeffrey S. Cohen, Chief Counsel, APCO International

¹Communications Act of 1934, Pub. L. 104–104, title I, § 104, Feb. 8, 1996 (codified at 47 USC § 151 *et seq.*)

²National Telecommunications and Information Administration Organization Act, PL 102–538, Oct. 27, 1992, *as amended by* PL 115–141, Mar. 23, 2018 (codified at 47 USC § 901 *et seq.*)

IV. COMMITTEE CONSIDERATION

Representatives Doyle, Latta, Larsen, and Walberg introduced H.R. 7310 on June 24, 2020, and the bill was referred to the Committee on Energy and Commerce. Subsequently, H.R. 7310 was referred to the Subcommittee on Communications and Technology on June 25, 2020. Prior to the bill's introduction, an oversight hearing was held on July 16, 2019 to develop the bill.

On July 15, 2020, H.R. 7310 was discharged from further consideration by the Subcommittee on Communications and Technology as the bill was called up by the full Committee on Energy and Commerce. The full Committee met in virtual open markup session, pursuant to notice, on July 15, 2020, to consider H.R. 7310 and twenty-nine other bills. No amendments were offered to the bill. At the conclusion of consideration, the Committee on Energy and Commerce agreed to a motion offered by Mr. Pallone, Chairman of the committee, to order H.R. 7310 reported favorably to the House, without amendment, by a voice vote, a quorum being present.

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were no record votes taken on H.R. 7310, including a motion by Mr. Pallone ordering H.R. 7310 favorably reported to the House.

VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY,
AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

VIII. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to identify a plan to modernize the infrastructure used by Federal agencies to manage spectrum assigned to them by NTIA and standardize the models and inputs used to ensure interoperability among that infrastructure.

X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 7310 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XI. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 7310 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

XIV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 designates that the short title may be cited as the “Spectrum IT Modernization Act of 2020”.

Sec. 2. Modernization effort

This section requires that, 90 days after enactment, the NTIA, in consultation with the PPSG, identify a process to establish goals for the modernization of infrastructure of covered agencies related to the management of Federal spectrum. This must include tools to ensure interoperability and functionality with respect to that infrastructure, other potential innovative technological capabilities with respect to that infrastructure, ways to improve covered agencies’ Federal spectrum management through that infrastructure, ways to improve covered agencies’ abilities to meet mission requirements in congested spectrum environments, creation of time-based automated mechanism, and collaboration between covered agencies nec-

essary to ensure interoperability of Federal spectrum. The NTIA must, 240 days after enactment, submit a report to Congress that contains the plan to modernize and automate the infrastructure of the NTIA relating to managing the use of Federal spectrum by covered agencies.

One year after enactment, the head of each covered agency, which includes the Department of Defense (DoD), must submit to the NTIA and the PPSG a report that describes the plan of the agency to modernize its infrastructure with respect to Federal spectrum use and to make it interoperable with NTIA's modernized infrastructure. Reports should include an assessment of current spectrum management capabilities, a timeline for completion of modernization efforts, a description of potential innovative technological capabilities for management of frequencies assigned to the agency, identification of agency-specific requirements or constraints relating to infrastructure of the agency, and identification of existing systems that are duplicative of the modernized infrastructure of the NTIA. With respect to the DoD report, the Secretary of Defense must submit a strategy for integration of systems among the armed forces, military department, and other relevant departments, a plan for the implementation of solutions to use Federal spectrum by the DoD involving information at multiple levels of classification, and a strategy for addressing the exchange of information between the DoD and the NTIA in order to accomplish required processing of all DoD domestic spectrum coordination and management activities. Upon completing its report, each head of agency must notify Congress.

Finally, within 90 days of enactment, the Comptroller General of the United States must conduct a review of the infrastructure of covered agencies as that infrastructure exists on the date of enactment. Once all of the reports have been submitted, it must conduct oversight of the implementation of the modernization plans submitted by the NTIA and covered agencies. One year after the date on which the Comptroller General begins oversight, and annually thereafter, the Comptroller General must submit a report regarding that oversight to the appropriate Congressional Committees.

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

There are no changes to existing law made by the bill H.R. 7310.

