

Calendar No. 309

111TH CONGRESS
2^D SESSION

S. 649

[Report No. 111–159]

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

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2009

Mr. KERRY (for himself, Ms. SNOWE, Mr. NELSON of Florida, Mr. WICKER, Mr. WARNER, Mrs. HUTCHISON, Mr. THUNE, Ms. KLOBUCHAR, and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

MARCH 9, 2010

Reported by Mr. ROCKEFELLER with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Radio Spectrum Inven-
3 tory Act”.

4 **SEC. 2. SPECTRUM INVENTORY.**

5 Part I of title III of the Communications Act of 1934
6 (47 U.S.C. 301 et seq.) is amended by adding at the end
7 the following:

8 **“SEC. 342. SPECTRUM INVENTORY.**

9 “(a) RADIO SPECTRUM INVENTORY.—Not later than
10 180 days after the date of enactment of this section, and
11 biennially thereafter, the National Telecommunications
12 and Information Administration and the Federal Commu-
13 nications Commission, in consultation with the Office of
14 Science and Technology, shall carry out each of the fol-
15 lowing activities:

16 “(1) Conduct a report that includes an inven-
17 tory of each radio spectrum band, from 300 Mega-
18 hertz to 3.5 Gigahertz, managed by each such agen-
19 cy. Such report shall include—

20 “(A) the licenses or government user as-
21 signed in the band;

22 “(B) the total spectrum allocation, by
23 band, of each licensee or government user (in
24 percentage terms and in sum);

25 “(C) the number of intentional radiators
26 and end-user intentional radiators that have

1 been deployed in the band with each license or
2 government user; and

3 ~~“(D) if such information is available—~~

4 ~~“(i) the type of intentional radiators~~
5 ~~operating in the band;~~

6 ~~“(ii) the type of unlicensed intentional~~
7 ~~radiators authorized to operate in the~~
8 ~~band;~~

9 ~~“(iii) contour maps that illustrate sig-~~
10 ~~nal coverage and strength; and~~

11 ~~“(iv) the approximate geo-location of~~
12 ~~base stations or fixed transmitters.~~

13 ~~“(2) Create a centralized portal or website uti-~~
14 ~~lized by each such agency to make the inventory of~~
15 ~~the bands of such agency available to the public via~~
16 ~~an Internet-accessible website.~~

17 ~~“(3) Make all necessary efforts to maintain and~~
18 ~~update the information required under paragraph~~
19 ~~(2) in near real-time fashion and whenever there is~~
20 ~~a transfer or auction of licenses or change in alloca-~~
21 ~~tion or assignment.~~

22 ~~“(4) Submit the report required under para-~~
23 ~~graph (1) to the Committee on Commerce, Science,~~
24 ~~and Transportation of the Senate and to the Com-~~

1 mittee on Energy and Commerce of the House of
2 Representatives.

3 ~~“(b) NATIONAL SECURITY EXEMPTION.—A licensee~~
4 ~~or government user of spectrum may petition the Commis-~~
5 ~~sion or the National Telecommunications and Information~~
6 ~~Administration for a partial or total exemption from inclu-~~
7 ~~sion on the website and in the report required by sub-~~
8 ~~section (a). Such an exemption may be granted only to~~
9 ~~the extent that each such agency determines that disclo-~~
10 ~~sure of such information would be harmful to the national~~
11 ~~security of the United States. The licensee or government~~
12 ~~user seeking an exemption under this subsection bears the~~
13 ~~burden of justifying the exemption and shall provide clear~~
14 ~~and convincing evidence to support such an exemption.~~
15 ~~Any such exemption shall apply only for 2 years and shall~~
16 ~~expire upon the end of such 2-year period unless the li-~~
17 ~~censee or government user seeks and obtains an extension~~
18 ~~in accordance with this subsection. Any information that~~
19 ~~is excluded from public disclosure pursuant to this sub-~~
20 ~~section shall still be compiled and reported to the Commit-~~
21 ~~tees of Congress described in subsection (a)(4) on a con-~~
22 ~~fidential basis.”.~~

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Radio Spectrum Inven-*
25 *tory Act”.*

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

2 *Part I of title III of the Communications Act of 1934*
 3 *(47 U.S.C. 301 et seq.) is amended by adding at the end*
 4 *the following:*

5 **“SEC. 342. SPECTRUM INVENTORY.**

6 *“(a) RADIO SPECTRUM INVENTORY.—Not later than*
 7 *180 days after the date of enactment of this section, and*
 8 *biennially thereafter, the National Telecommunications and*
 9 *Information Administration and the Federal Communica-*
 10 *tions Commission, in consultation with the Office of Science*
 11 *and Technology Policy, shall carry out each of the following*
 12 *activities:*

13 *“(1) Conduct a report that includes an inventory*
 14 *of each radio spectrum band, at a minimum, from*
 15 *300 Megahertz to 3.5 Gigahertz, managed by each*
 16 *such agency. Such report shall include—*

17 *“(A) the licenses or government user as-*
 18 *signed in the band;*

19 *“(B) the total spectrum allocation, by band,*
 20 *of each licensee or government user (in percent-*
 21 *age terms and in sum);*

22 *“(C) the number of intentional radiators*
 23 *and end-user intentional radiators that have*
 24 *been deployed in the band with each license or*
 25 *government user; and*

26 *“(D) if such information is available—*

1 “(i) the type of intentional radiators
2 operating in the band;

3 “(ii) the type of unlicensed intentional
4 radiators authorized to operate in the band;

5 “(iii) contour maps that illustrate sig-
6 nal coverage and strength; and

7 “(iv) the approximate geo-location of
8 base stations or fixed transmitters.

9 “(2) Create a centralized portal or website uti-
10 lized by each such agency to make the inventory of the
11 bands of such agency available to the public via an
12 Internet-accessible website.

13 “(3) Make all necessary efforts to maintain and
14 update the information required under paragraph (2)
15 in near real-time fashion and whenever there is a
16 transfer or auction of licenses or change in allocation
17 or assignment.

18 “(4) Submit the report required under para-
19 graph (1) to the Committee on Commerce, Science,
20 and Transportation of the Senate and to the Com-
21 mittee on Energy and Commerce of the House of Rep-
22 resentatives.

23 “(b) NATIONAL SECURITY EXEMPTION.—A licensee or
24 government user of spectrum may petition the Commission
25 or the National Telecommunications and Information Ad-

1 *ministration for a partial or total exemption from inclusion*
2 *on the website and in the report required by subsection (a).*
3 *Such an exemption may be granted only to the extent that*
4 *each such agency determines that disclosure of such infor-*
5 *mation would be harmful to the national security of the*
6 *United States. The licensee or government user seeking an*
7 *exemption under this subsection bears the burden of justi-*
8 *fying the exemption and shall provide clear and convincing*
9 *evidence to support such an exemption. Any such exemption*
10 *shall apply only for 2 years and shall expire upon the end*
11 *of such 2-year period unless the licensee or government user*
12 *seeks and obtains an extension in accordance with this sub-*
13 *section. Any information that is excluded from public dis-*
14 *closure pursuant to this subsection shall still be compiled*
15 *and reported to the Committees of Congress described in*
16 *subsection (a)(4) on a confidential basis.”.*

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