RADIO SPECTRUM INVENTORY ACT

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3125) to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Radio Spectrum Inventory Act''.

SEC. 2. SPECTRUM INVENTORY.

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

''SEC. 119. SPECTRUM INVENTORY.

''(a) RADIO SPECTRUM INVENTORY.—In order to promote the efficient use of the electromagnetic spectrum, the NTIA and the Commission shall coordinate and carry out each of the following activities not later than 1 year after the date of enactment of this section:

''(1) Except as provided in subsection (e), create an inventory of each radio spectrum band of frequencies listed in the United States Table of Frequency Allocations, from 225 megahertz to, at a minimum, 3.7 gigahertz, and to 10 gigahertz unless the NTIA and the Commission determine that the burden of expanding the inventory outweighs the benefit, that includes—

''(A) the radio services authorized to operate in each band of frequencies;

''(B) the identity of each Federal or non-Federal user within each such radio service authorized to operate in each band of frequencies;

''(C) the activities, capabilities, functions, or missions (including whether such activities, capabilities, functions, or missions are space-based, air-based, or ground-based) supported by the transmitters, end-user terminals or receivers, or other radio frequency devices authorized to operate in each band of frequencies;

''(D) the total amount of spectrum, by band of frequencies, assigned or licensed to each Federal or non-Federal user (in percentage terms and in sum) and the geographic areas covered by their respective assignments or licenses;

''(E) the approximate number of transmitters, end-user terminals or receivers, or other radio frequency devices authorized to operate, as appropriate to characterize the extent of use of each radio service in each band of frequencies;

''(F) an approximation of the extent to which each Federal or non-Federal user is using, by geography, each band of frequencies, such as the amount and percentage of time of use, number of end users, or other measures as appropriate to the particular band and radio service; and

''(G) to the greatest extent possible—

''(i) contour maps or other information that illustrate the coverage area, receiver performance, and other parameters relevant to an assessment of the availability of spectrum in each band;

''(ii) for each band or range of frequencies, the identity of each entity offering unlicensed services and the types and approximate number of unlicensed intentional radiators verified or certified by the Commission that are authorized to operate; and

''(iii) for non-Federal users, any commercial names under which facilities-based service is offered to the public using the spectrum of the non-Federal user, including the commercial names under which the spectrum is being offered through resale.

''(2) Except as provided in subsection (e), create a centralized portal or Web site to make the inventory of the bands of frequencies required under paragraph (1) available to the public.

''(b) USE OF AGENCY RESOURCES.—In creating the inventory described in subsection (a)(1), the NTIA and the Commission shall first use agency resources, including existing databases, field testing, and recordkeeping systems, and only request information from Federal and non-Federal users if such information cannot be obtained using such agency resources.

''(c) REPORTS.—

''(1) IN GENERAL.—Except as provided in subsection (e), not later than 2 years after the date of enactment of this section and biennially thereafter, the NTIA and the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives containing—

''(A) the results of the inventory created under subsection (a)(1), including any update to the information in the inventory pursuant to subsection (d);

''(B) a description of any information the NTIA or the Commission determines is necessary for such inventory but that is unavailable; and

''(C) a description of any information not provided by any Federal or non-Federal user in accordance with subsections (e)(1)(B)(ii) and (e)(2)(C)(ii).

''(2) RELOCATION REPORT.—

''(A) IN GENERAL.—Except as provided in subsection (e), the NTIA and the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives containing a recommendation of which spectrum, if any, should be reallocated or otherwise made available for shared access and an explanation of the basis for that recommendation.

''(B) DEADLINES.—The report required under subparagraph (A) shall be submitted not later than 2 years after the date of enactment of this section and every 2 years thereafter.

''(3) INVENTORY REPORT.—If the NTIA and the Commission have not conducted an inventory under subsection (a) to 10 gigahertz at least 90 days before the third report required under paragraph (1) is submitted, the NTIA and the Comission shall include an evaluation in such report and in every report thereafter of whether the burden of expanding the inventory to 10 gigahertz outweighs the benefit until such time as the NTIA and the Commission have conducted the inventory to 10 gigahertz.

''(d) MAINTENANCE AND UPDATING OF INFORMATION.—After the creation of the inventory required by subsection (a)(1), the NTIA and the Commission shall make all reasonable efforts to maintain and update the information required under such subsection on a quarterly basis, including when there is a transfer or auction of a license or a change in a permanent assignment or license.

''(e) NATIONAL SECURITY AND PUBLIC SAFETY INFORMATION.—

''(1) NONDISCLOSURE.—

''(A) IN GENERAL.—If the head of an executive agency of the Federal Government determines that public disclosure of certain information held by that agency or a licensee of non-Federal spectrum and required by subsection (a), (c), or (d) would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, or public safety, the agency head shall notify the NTIA of that determination and shall include descriptions of the activities, capabilities, functions, or missions (including whether they are space-based, air-based, or ground-based) supported by the information being withheld.

''(B) INFORMATION PROVIDED.—The agency head shall provide to NTIA—

''(i) the publicly releasable information required by subsection (a)(1);

''(ii) to the maximum extent practicable, a summary description, suitable for public release, of the classified national security information or other information for which there is a legal basis for nondisclosure; and

''(iii) a classified annex, under appropriate cover, containing the classified national security information or other information for which there is a legal basis for nondisclosure that the agency head has determined must be withheld from public disclosure.

''(2) PUBLIC SAFETY NONDISCLOSURE.—

''(A) IN GENERAL.—If a licensee of non-Federal spectrum determines that public disclosure of certain information held by that licensee and required to be submitted by subsection (a), (c), or (d) would reveal information for which public disclosure would be detrimental to public safety, or the licensee is otherwise prohibited by law from disclosing the information, the licensee may petition the Commission for a partial or total exemption from inclusion on the centralized portal or Web site under subsection (a)(2) and in the report required by subsection (c).

''(B) BURDEN.—The licensee seeking an exemption under this paragraph bears the burden of justifying the exemption and shall provide clear and convincing evidence to support such an exemption.

''(C) INFORMATION REQUIRED.—If an exemption is granted under this paragraph, the licensee shall provide to the Commission—

''(i) the publicly releasable information required by subsection (a)(1) for the inventory;

''(ii) to the maximum extent practicable, a summary description, suitable for public release, of the information for which public disclosure would be detrimental to public safety or the licensee is otherwise prohibited by law from disclosing; and

''(iii) an annex, under appropriate cover, containing the information that the Commission has determined should be withheld from public disclosure.

''(3) ADDITIONAL DISCLOSURE.—The annexes required under paragraphs (1)(B)(iii) and (2)(C)(iii) shall be provided to the congressional committees listed in subsection (c), but shall not be disclosed to the public under subsection (a) or subsection (d) or provided to any unauthorized person through any other means.

''(4) NATIONAL SECURITY COUNCIL CONSULTATION.—Prior to the release of the inventory under subsection (a), any updates to the inventory resulting from subsection (d), or the submission of a report under subsection (c)(1), the NTIA and the Commission shall consult with the National Security Council for a period not to exceed 30 days for the purposes of determining what additional information, if any, shall be withheld from the public.

''(f) PROPRIETARY INFORMATION.—In creating and maintaining the inventory, centralized portal or Web site, and reports under this section, the NTIA and the Commission shall follow their rules and practice regarding confidential and proprietary information. Nothing in this subsection shall be construed to compel the Commission to make

publicly available any confidential or proprietary information.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members will have 5 legislative days to revise and extend their remarks on the measure now under consideration and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Wireless communications services are rapidly growing. Each year, millions of users graduate from basic cellular telephone services to Smart telephones that employ a broad range of data services. Those services require far greater bandwidth than traditional cellular telephones; and the data services that are offered through Smartphones are becoming ever more sophisticated, often employing full-motion video as part of the range of applications that can be made available through the Smartphones.

The combination of greater Smartphone use and far more elaborate applications is placing unprecedented demands on our limited wireless spectrum availability. To meet these growing needs, in the near future more spectrum must be made available for commercial wireless communications services, and that new spectrum would be made available for auction to the successful wireless bidders.

Even the launch later this year of the fourth generation of the wireless services by the major cellular service providers using the spectrum that was previously occupied by the television broadcasters for their analog television transmissions will only provide a brief respite with regard to these ever-rising demands for additional spectrum, and so we clearly are compelled to act.

Responding to this need, last July I joined with Chairman WAXMAN; our full committee ranking member, the gentleman from Texas (Mr. BARTON); and my friend and colleague on the subcommittee, our subcommittee ranking member, Mr. STEARNS, in introducing the Radio Spectrum Inventory Act, which is before the House this morning.

□ 1215

It directs the NTIA and the U.S. Department of Commerce and the Federal Communications Commission to undertake a comprehensive survey of the Nation's spectrum and report to us on current spectrum utilization, and include recommendations of which, if any, of the least utilized blocks of spectrum could be reallocated for commercial use or subjected to spectrum sharing with commercial users.

The measure is a thoughtful approach to meeting the extraordinary spectrum demands that our Nation will soon face. It will produce a timely blueprint for our future decisions about which spectrum should be reallocated for auctions to commercial service providers.

Under the bill, within 1 year of the date of enactment, the NTIA and the FCC would also create a Web site to make the spectrum inventory publicly available. They would report the results of the inventory to the House and Senate Commerce Committees within 2 years of the date of enactment, and that report would include a description of the information that could not be made publicly available for national security reasons.

The agencies would also, within 2 years, submit to the House and Senate Commerce Committees a reallocation report that would include a recommendation of which spectrum should be reallocated or otherwise made available for shared access. That recommendation should be updated by the agencies in follow-on reports to the committees, which are to be submitted every other year following the submission of the initial report. Those follow-on reports may be updates to the initial report and not necessarily be top-to-bottom reviews.

I want to express appreciation to our colleagues on a bipartisan basis—Mr. WAXMAN, Mr. BARTON, Mr. STEARNS, other members of the subcommittee—who, in our hearing and markup sessions in the subcommittee, contributed richly to our dialogue and to structuring the legislation that we have before us this morning. It is a bipartisan measure. All of the committee members have been involved in this constructive exercise, and I want to thank them for their participation.

Mr. Speaker, I urge approval of the bill, and I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of H.R. 3125, the Radio Spectrum Inventory Act. As the gentleman from Virginia (Mr. BOUCHER) mentioned, it's a very important bill, and I urge its passage.

This bill offers an opportunity to evaluate all of the frequency bands between 225 megahertz and 10 gigahertz and simply to determine who uses these frequency bands and the purpose for which they are being used.

While this bill requires NTIA and the FCC to recommend which spectrum, if any, should be reallocated, Congress ultimately will decide whether reallocation should occur. For Congress to make such an informed judgment, we need a solid set of facts before we do it. So it's very clear that the United States will need additional spectrum to meet the growing demand for wireless broadband, fourth-generation wireless. In fact, we are victims of our own success in this country.

The United States currently leads the world in wireless. Wireless providers have used spectrum to provide U.S. consumers with many innovative voice and data services. The number of mobile voice consumers in the United States has surpassed the number of wire line customers. Back in 1996, when we passed the Telecommunications Act, I don't think anybody would have thought that would have happened. And the number of mobile broadband consumers has increased exponentially over the past several years.

As customers increase the amount of time they spend on their mobile devices talking, emailing, surfing the net, cell sites become constrained for capacity. As a result, we are facing, in the words of FCC Chairman Genachowski, a ''looming spectrum crisis.'' For example, a voice call requires approximately 10,000 bits per second, while downloading a video requires millions of bits per second.

This bill creates a thoughtful, comprehensive process through which Congress can identify whether to reallocate spectrum that is currently underutilized. Current license holders should not fear this process. It will be open and transparent and provide all spectrum users with the opportunity to explain the purposes for which they use spectrum.

This is a beginning, Mr. Speaker, not the end of the debate over the future of the spectrum policy in the United States.

Now, this is a bill that's very important. You'd almost consider it not only for innovation and for commercial use, but long term, on behalf of national security purposes, too. So don't discount the fact that we are just asking for an inventory. It's something that should be done, and I think anybody who's interested in fiscal responsibility should realize asking for an inventory is the best way to find out what you have and how to use it better.

So I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, at this time I'm pleased to yield to the chairman of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN) and principal author of this measure, such time as he may consume.

Mr. WAXMAN. Mr. Speaker, I rise in support of H.R. 3125, the Radio Spectrum Inventory Act, which I introduced last year with Chairman BOUCHER, Ranking Members BARTON and STEARNS, and more than a dozen of our colleagues on the Energy and Commerce Committee.

This timely, bipartisan legislation creates a process for full inventory, mapping, and accounting of current spectrum use by Federal and non-Federal users. This measure will inject transparency in the way our government and the private sector utilizes

the critical public resource. With the benefit of this inventory, we can make informed, rational, and deliberate decisions about how our spectrum is used in future decades to benefit the American people, American businesses, and American innovation.

It also creates a parallel process for a regular assessment of whether any spectrum should be reallocated or otherwise made available for shared access to improve the efficiency with which we utilize this precious resource.

I'm pleased that the bill includes a strong national security section reflecting the result of extensive bipartisan consultation with the defense and intelligence communities. The bill we consider today strikes a proper balance between providing useful information to the public about the nature and use of spectrum, while safeguarding national security, homeland security, and public safety interests.

I urge my colleagues to support this important measure.

Mr. STEARNS. Mr. Speaker, I yield 1 minute to Mr. PITTS, the gentleman from Pennsylvania.

Mr. PITTS. Mr. Speaker, I appreciate the opportunity to speak on the bill.

As the chairman of the Congressional Electronic Warfare Working Group, I believe that the electromagnetic spectrum is critically important to our current and future military operations and national security. And I'm pleased to see that the committee has taken into consideration some concerns raised by the administration and the electronic warfare community regarding this bill. However, the electromagnetic spectrum is a dynamic and ever-changing environment, and we must ensure that our Armed Forces can manage the utilization of the spectrum and provide long-term strategic planning and program development.

While I understand the importance of the potential economic value of the spectrum inventory, it is vital that this bill take into account the criticality of the electromagnetic spectrum to military training and operations and the importance of the U.S. military controlling the spectrum in conflict.

I will support this bill today, but we must be very vigilant as the inventory is taken. If mistakes are made, serious negative consequences will ensue, consequences that could harm the warfighter and his ability to use the spectrum in training and war.

Mr. STEARNS. Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, at this time I'm pleased to yield 3 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Speaker, let me first thank the gentleman for yielding time and thank him for his leadership on the committee and subcommittee, as well as the leadership of the ranking member.

Mr. Speaker, I rise today to support H.R. 3125, the bipartisan Radio Spectrum Inventory Act, introduced by our chairman, Mr. WAXMAN, who just spoke a moment ago.

Mr. Speaker, last year, 2009, a Pew study found that while African Americans are less likely than others to use a desktop computer to access the Internet, they are more likely to access the Internet over a wireless device. And so it is incredibly important to know the available spectrum and how to use it in the most efficient way so that wireless broadband service is as ubiquitous and robust as possible.

We can help facilitate that goal by ensuring that additional spectrum will be available when it is needed. And given the long lead times that often are associated with efforts to bring spectrum to market, the time to start is now. The Radio Spectrum Inventory Act will help ensure that we know where future allocations of spectrum can be drawn from so that our constituents can have the services they need when they need them.

This is a good bill, Mr. Speaker. I support it. I ask my colleagues to do the same.

Mr. STEARNS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I rise in support of H.R. 3125, the Radio Spectrum Inventory Act.

The most pressing issue that we're facing right now in the mobile wireless and Internet industries is the availability and use of spectrum, especially given the dramatic increases we're seeing in the use of wireless services. As wireless technologies continue to advance and more Americans use mobile devices for data-intensive purposes, the demand for spectrum will grow rapidly.

We're seeing every day with all of the new things that can be done just on a cell phone, not only running daily applications to help businesses, but we also can do more things in terms of downloading actual movies and getting direct access. You can look at things happening in real time, and, of course, this takes more spectrum. So additional spectrum will be needed, and that's why this Radio Spectrum Inventory Act will help promote and advance the effective and efficient use of the spectrum that's out there.

The first step, of course, must be to identify what spectrum is available and how the current spectrum is being used in an efficient manner, and this inventory act will do just that. It will require NTIA and the FCC to undertake a comprehensive survey of the Nation's spectrum and develop a full inventory. Taking this inventory is the only way we'll be able to know what spectrum can be located and what spectrum can be shared and used in a more efficient manner. We will then be able to decide the best ways to utilize that spectrum.

The convergence of mobile, wireless services, high-speed Internet access, and powerful handsets promise to transform almost all aspects of the way Americans work, learn, deliver services, and enhance our public safety. Congress should move expeditiously on this inventory legislation and avoid additional costs, and also unleash the potential and create more jobs in these industries that are out there innovating and helping people live in a better way of life.

So I encourage support of this bill. I thank the gentleman for bringing it.

Mr. BOUCHER. Mr. Speaker, at this time I am pleased to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY), chairman of the Subcommittee on Energy and the Environment of our Energy and Commerce Committee.

Mr. MARKEY of Massachusetts. I thank the gentleman very much, and I thank the gentleman from Virginia (Mr. BOUCHER) for his leadership on this critical issue, along with the gentleman from Florida (Mr. STEARNS) in partnership with Mr. WAXMAN and with Mr. BARTON.

Mr. BOUCHER and I have been working on these issues for many, many, many years, and this bill that has been produced by his subcommittee is something that, in my opinion, is going to go a long way towards helping our country to create a new boom economically in this wireless sector. We saw a great boom in the 1990s when we moved over 200 megahertz of spectrum, creating the third, fourth, fifth and sixth cell phone license, combined with the Telecom Act of 1996. We saw, actually, a transformation in the way in which we communicate in our country.

Who would think that we could move from black rotary dial phones to BlackBerrys in just 10 years, almost on a ubiquitous basis.

□ 1230

Who would think that Mr. STEARNS could be checking his BlackBerry even as I'm speaking out here on the floor? That's something we're very proud of. We're very proud of that revolution in the 1990s. And I think we have the potential here in this legislation to accomplish the very same kind of addition to the spectrum capacity. And Ms. BLACKBURN is showing not only can we use these devices now for voice but also for video and for data.

It's become a technology with the great deal of flexibility; yet because of this technology, we are going to be able—and I thank the chairman for this—to inventory each radio spectrum band of frequencies from 225 megahertz to 10 gigahertz, and that includes the radio services authorized to operate within each band of frequencies, the identity of each Federal or non-Federal user within which such radio service is authorized to operate in each band of the frequencies, the total amount of spectrum by band of frequencies allocated to each Federal or non-Federal user and an approximation of the extent to which each Federal or non-Federal user is using each band of frequencies.

This basic goal that the legislation advances to create this inventory will

make it possible for us to build on this revolution that occurred from the mid-1990s to 2005 where companies whose names did not exist—Google, eBay, Amazon, Hulu, YouTube—are now replaced or added to with a whole new generation of companies, of technologies, of gadgets and applications that will give incredible economic stimulus to our country.

So what we have here is a debate over the American economy, and it's central to our wellbeing; yet in a lot of ways, it just doesn't get talked about as being the biggest part of what happened in the 1990s. And as it moves into the 21st century, we're seeing these technologies now be included in new energy technologies, new health care technologies, new education technologies. It now has infiltrated technology after technology in our country.

And what the gentleman from Virginia is doing in a bipartisan partnership with the gentleman from Florida is, in my opinion, central to ensuring that we have the leadership in this mobile innovation, that we have a smart spectrum policy that is put on the books, and then we can just get out of the way and watch these entrepreneurs and watch these whole tech communities make it possible for us, with a little bit of luck from Mr. STEARNS and others, that the applications become so great that perhaps he and millions of other Americans will never again have to look up from their BlackBerry. There will just be so much interesting stuff that is on it, it will be so versatile.

So thank you so much and congratulations. I urge an ''aye'' vote on this important legislation.

Mr. STEARNS. I yield myself 15 seconds to reply to the distinguished Member of Massachusetts.

I just got a tweet on Twitter notifying me that Representative ED MARKEY was speaking. His fan club is so omnipresent that it just came across saying to everybody in the United States that he was on the floor speaking so eloquently. So I couldn't resist pulling it up and seeing what it said.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I want to thank the chairman for his diligent work on this bill and also Mr. STEARNS for his leadership as we worked through these issues in committee. And I do rise in support of the Radio Spectrum Inventory Act.

In committee, I highlighted the importance of listening to the engineers as we move forward on our spectrum inventory. And today I want to talk about the importance of this bill to the wireless industry. America's wireless industry is the undisputed world leader, and Mr. STEARNS and Mr. MARKEY have both highlighted portions of that as we have played with our devices during Mr. MARKEY's remarks focusing on the innovations that have come our way.

Americans pay less per minute for the use of wireless services than users in Europe or Asia. And despite having just 7 percent of the global wireless subscribers, America's wireless companies serve more than 21 percent of global 3G subscribers. Handsets and applications that can be launched anywhere in the world routinely appear in the U.S. market first.

Unfortunately, our position in the global marketplace is not something that is guaranteed to us, and without careful attention to support the need of the growth of the wireless industry through the release of additional spectrum, we risk ceding that important leadership to nations that have already identified substantial swaths of spectrum that will be made available for commercial use. That is why the Radio Spectrum Inventory Act is so very important by providing a road map for policymakers regarding where we may find additional spectrum that can be used for wireless broadband services in the U.S. Enactment of H.R. 3125 will help ensure that the U.S. is in a position to match, and hopefully surpass, our trading partners by making additional spectrum available for commercial use.

I urge support of the legislation.

Mr. STEARNS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee to engage in a colloquy with the chairman of the Subcommittee on Telecommunications.

Mrs. BLACKBURN. I would yield to the gentleman from Virginia and ask permission for the colloquy.

Mr. BOUCHER. The gentlelady controls the time. I will be happy to engage in the colloquy with the gentlelady.

Mrs. BLACKBURN. I thank the gentleman from Florida for the time.

And, Mr. Chairman, last month the Federal Communications Commission released its National Broadband Plan which contained some very ambitious recommendations with respect to spectrum availability. I would like to ask the subcommittee chairman his views on how the FCC should proceed on the inventory required by this bill and on the recommendations of the broadband plan. Is it the chairman's view that the inventory required by this bill should inform the FCC in its decision-making with respect to the potential reallocation of spectrum sought by the broadband plan?

Mr. BOUCHER. Would the gentlelady yield?

Mrs. BLACKBURN. Yes.

Mr. BOUCHER. I thank the gentlelady for yielding.

There is no doubt that more spectrum is needed to meet our Nation's rising demand for wireless services. Conducting the spectrum inventory that this legislation requires is an essential first step. It will offer a clear path and a road map for the next steps in making available adequate spectrum by giving the Congress and the FCC a baseline of the location and use of our spectrum resources. That baseline should inform the Congress and the commission on decisions regarding spectrum use and possible spectrum reallocation.

Mrs. BLACKBURN. I thank the subcommittee chairman for his explanation, and I associate myself with his remarks. I share the chairman's expectation regarding the importance of collecting and analyzing the data in the spectrum inventory before making decisions about possible spectrum relocation.

I'd also like to a add my own expectation that the spectrum inventory will be thorough and scientific in order to serve as an accurate metric of our spectrum use.

I have one final question to ask the chairman. The broadband plan includes recommendations regarding reallocation of many of the frequencies currently used to provide broadcast television service. The plan recommends starting with voluntary measures to relocate broadcast stations to different frequencies; But it then hints that other, presumably involuntary, methods of relocating broadcast stations may be necessary.

My question, Mr. Chairman, is whether you believe that the FCC should engage in involuntary methods to move broadcasters to different frequencies in order to free up additional spectrum.

Mr. BOUCHER. Would the gentlelady yield?

Mrs. BLACKBURN. Yes.

Mr. BOUCHER. I thank the gentlelady for yielding.

As to the first matter, I agree with her that a thorough scientific examination of spectrum use must be the core of the inventory that this measure requires. I also agree that the right approach is for the FCC to work with television broadcasters to identify the spectrum they now hold that on a purely consensual basis could be repurposed for commercial wireless use. Broadcasters who surrender spectrum would receive compensation in exchange for a voluntary spectrum transfer. I would not support the commission's requiring stations to give up spectrum involuntarily.

The right approach is that specified in this legislation—learn where we are, understand thoroughly how current spectrum is used, identify that part that is perhaps underutilized that could be reallocated or submitted to spectrum sharing through the new spectrum sharing technologies and then to the extent that based on that inventory it would be appropriate for broadcasters to enter into conversations about surrendering a portion of their spectrum on a voluntary basis, that would obviously be an appropriate step. It would not be an appropriate step to require that broadcasters engage in the surrender of any part of the spectrum they hold.

And I thank the gentlelady for raising these very important questions

that help illuminate the debate this morning.

Mrs. BLACKBURN. I thank the chairman for his explanations.

Mr. BOUCHER. Mr. Speaker, at this time I'm pleased to yield 3 minutes to the gentleman from Washington State (Mr. INSLEE).

Mr. INSLEE. I want to congratulate those who have been working on this, the Chair, ranking member, to get this bill through.

I want to make two points. This effort is one that reaches in to improve certain areas that we may not think of when we think about spectrum. I note the little town of Republic in Washington, in eastern Washington, where my grandmother grew up—and it's a great town—but right now you essentially have to shut down the entire city's access to the Internet to send one X-ray from a physician in Republic to a reader, an expert in Seattle to read the X-ray. You have to sort of shut down the whole town because we don't have enough access in spectrum. This making access to spectrum more available helps health care in many, many places across the country.

The second point I want to make, I met with my law enforcement community last week who are still thirsting after an interoperable standard so that we can in fact have interoperability for emergency services radio communications. We still don't have this at this late date. Freeing up spectrum, allowing a financing system to really build that out is necessary.

So this is good for economic growth. It is good for health care. It is good for emergency services. There are multiple reasons this is heading in the right direction.

I do want to point out—and I'm happy to have co-sponsored this bill. We have another bill we hope to have on the floor in a while, the Spectrum Relocation Improvement Act, to improve the availability to do auctions to get this out into commerce. We look forward to working with the chair and ranking member to get this bill to the floor so we can build on this success.

Congratulations.

Mr. STEARNS. I yield 1 minute to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank Mr. STEARNS for yielding.

We may very well be needing to focus on the radio frequency spectrum that is in the public domain; but, Mr. Speaker, this Congress is ignoring the greatest spectrum that the American people are demanding, and that's where are the jobs. We're not focusing on public policies that are going to create a stronger economy and create jobs. In fact, we are developing policy over and over again that this leadership of this House and this Senate and the President are forcing upon the American people that are going to take away jobs.

The ObamaCare bill is going to kill millions of jobs. The jobs bill that we saw in past jobs I and II, et cetera, are going to kill jobs and not create jobs. They're going to create government jobs. And the American people are asking where are the jobs, not where is the spectrum. Radio spectrum, though, that is an important issue.

But this Congress needs to focus upon jobs, Mr. Speaker, and the American people need to demand that this Congress do just that.

□ 1245

Mr. STEARNS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I want to again thank all Members who have participated on a bipartisan basis in bringing this measure to the floor. Many Members have contributed to its construction. It is the right path to take.

This will bring us to a point where we are in a position to decide how to meet the rising spectrum demands that inevitably we will confront within just a few years. It is the right approach, and I commend this measure to the House and urge its approval.

Mr. RADANOVICH. Mr. Speaker, I rise today in strong support of H.R. 3125, the Radio Spectrum Inventory Act. I commend Chairman WAXMAN, Ranking Member BARTON, and the Energy and Commerce Committee members for producing this excellent, bipartisan bill. The legislation would require the National Telecommunications Information Administration and the Federal Communications Commission to work together in creating and maintaining an accurate, comprehensive database of the radio broadcast spectrum.

As the FCC acknowledged in its recent National Broadband Plan, we are facing a spectrum shortage in the United States. Wireless carriers have suggested that current allocation of spectrum is inadequate to meet our growing demands. As third-generation (3G) technology matures, and fourth-generation (4G) rolls out, the demands on wireless broadband networks will only increase. This growth of wireless broadband will be constrained if government does not make spectrum available to enable network expansion and technology upgrades. It is also important to support the FCC's goal of making 300 megahertz of spectrum available for commercial use over the next 5 years, and 500 megahertz available over the next 10 years.

In order for that to happen, we must first have an adequate understanding of how the current spectrum is allocated and utilized. This critical bill allows the FCC and NTIA to identify spectrum that can be reallocated for commercial wireless use. In addition to creating an inventory, the bill allows for the creation of a centralized Web site to make the inventory available to the public. It also addresses concerns related to public disclosure in regards to national security, homeland security, or public safety issues.

Having an inventory will be instrumental in evaluating which bands can be reallocated for commercial mobile use. This bill represents the first step in the process of addressing the spectrum needs of existing and new mobile broadband providers. I commend the authors for bringing this bill to the House floor, and I urge my colleagues to join me in voting for it.

Mr. MCNERNEY. Mr. Speaker, I take this opportunity to express my support for H.R. 3125, the Radio Spectrum Inventory Act, of which I am a cosponsor. While much of our economy has experienced unfortunate challenges over the last few years, the technology and innovation sectors continue to stay afloat and even grow. To help foster this growth, it is vital that Congress enact forward-thinking policies such as those embodied by the Radio Spectrum Inventory Act. Itemizing currently-utilized spectrum will allow us to take additional steps to use available resources more efficiently. Enactment of H.R. 3125 will also help our country identify unused spectrum, which can subsequently serve to accommodate the growing demand for spectrum that must be met to allow consumers to have better access to broadband technology.

The families and businesses that benefit so greatly from broadband services are depending on us to take actions that will encourage innovation and help preserve our country's position as the world's leader in high technology. H.R. 3125 is an important step towards improving the way we work, deliver health care, consume energy, and teach students, and I encourage all of my colleagues to support this bill.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 3125, the Radio Spectrum Inventory Act.

As a veteran who served in Baghdad in 2003, I know firsthand how important proper radio use was for ensuring the success of our missions and safety of our troops. In the military every part of the radio spectrum had a specific purpose and was allocated based on efficiency and suitably.

Yet, in America the historical legacy of radio spectrum development has led to a patchwork system full of inefficiency. Additionally, there is a lack of information about current usage which has left America at a competitive disadvantage for developing new innovations in wireless service. Our economic success will depend on a new strategy for properly using our wireless spectrum so that we can innovate and develop new services to improve the connectivity of the American people and continue to fuel economic growth.

Every day new and useful applications are added to wireless service and the need for more radio spectrum to meet those needs increases. The Radio Spectrum Inventory Act would allow lawmakers, consumers and industry to know what spectrum is being used and how. By identifying gaps in spectrum use and inefficient spectrum allocations, this bill will help us understand the best approach to meet the growing demand for additional spectrum.

With the important information collected as a result of this bill, we can have an informed debate about how to most efficiently use and allocate our limited spectrum resources so that we can best meet the changing needs of the American public.

Mr. Speaker, it is time that we take a serious look at the future spectrum needs of this country in order to properly prepare for the challenge. The right way to start is by gathering more information on our current situation. The Radio Spectrum Inventory Act will take this first step and put us on the right path to effectively develop a better strategy to meet our nation's growing wireless needs.

Ms. ESHOO. Mr. Speaker, I rise today to support passage of H.R. 3125, The Radio

Spectrum Inventory Act. I'm proud to be an initial cosponsor of this legislation, and I look forward to seeing it enacted into law. Thank you, Chairman WAXMAN for your leadership on this bill, and I appreciate the important bipartisan work of the Ranking Minority Member of the Energy and Commerce Committee, JOE BARTON.

We pass this bill at an opportune moment. This past month, the Federal Communications Commission released its National Broadband Plan. The FCC pointed out what many of us already have known for a long time—broadband rollout requires an increasing amount of spectrum.

We're already seeing competing industries squabble over spectrum, and we are in danger of having an all-out range war between the wireless industry and broadcasters. We can head it all off at the pass by doing the obvious—review our resources first, and reallocate second.

That doesn't mean I want the FCC to stand still while we review the spectrum chart. There is plenty of spectrum already available, like the Advanced Wireless Spectrum, that should go for useful purposes like a free national wireless broadband lifeline. So the FCC must keep moving and deploy what they can as expeditiously as possible.

We've also had to make some compromises on this bill to comply with essential national security issues. As a senior member of the Energy and Commerce Committee, I recognize the essential need to document spectrum use and prevent channel hoarding, and as the Chair of the Permanent Select Committee on Intelligence's Subcommittee on Intelligence Community Management, my views are likewise shaped by the need to safeguard channels that our intelligence, security and military agencies may need in the future. Our very lives may depend upon it.

I believe this bill finds that happy medium. It will spur economic growth and innovation while keeping America safe. The FCC and NTIA can review our spectrum assets in a judicial manner and develop informational resources that will guide us as we implement the National Broadband Plan.

I urge my colleagues to vote in favor of this bill.

Mr. SPACE. Mr. Speaker, I rise today in support of H.R. 3125, the Radio Spectrum Inventory Act.

H.R. 3125 represents an important step toward making additional spectrum available for advanced wireless services, something that has been cited as critical by the Federal Communications Commission in its recently released National Broadband Plan. If we are to realize the National Broadband Plan's vision of providing every American with the ability to access the Internet at world-class speeds, we absolutely will need to make additional spectrum available for that purpose. A thoughtful inventory of existing spectrum holdings will give Congress, the FCC, and the Administration the information we all need to make informed judgments about where that additional spectrum may come from.

As a member of the Energy and Commerce Committee and as a cosponsor of this measure, I commend Chairman WAXMAN, Ranking Member BARTON, Subcommittee Chairman BOUCHER, and Ranking Member STEARNS for their work on this bill, and I urge my colleagues to support its passage.

Mr. WELCH. Mr. Speaker, many communities in Vermont remain on the wrong side of the digital divide—sidelined in a nation that increasingly demands high-speed Internet access to engage socially, politically and economically. I believe that unused spectrum will be part of that solution, and accounting for that spectrum is the first step. We can't afford to ignore this opportunity to connect millions of people—especially in rural and low-income communities.

In addition to connecting our most rural and disadvantaged communities, wireless spectrum has the potential to greatly impact our nation's competitiveness. As access to wireless technologies becomes more widespread, we are already seeing 3G transmission speeds being surpassed by newer fourth generation (4G) offerings. 4G wireless services offer increased speed but also require considerably more spectrum than their predecessors.

To quickly and efficiently address these concerns, a bipartisan effort has been launched in Congress. H.R. 3125, the Radio Spectrum Inventory Act, would direct the National Telecommunications and Information Administration (NTIA) and the FCC to create and maintain an inventory of each radio spectrum band of frequencies used in the United States to better assess the underutilized bands. H.R. 3125 sets a deadline of two years after enactment for the first inventory and four years for the first report recommending which spectrum should be reallocated for wireless broadband.

Passage of this bill will ensure that the U.S. wireless industry will be in an excellent position to meet the ever growing and evolving needs of individuals and business users, while fostering further economic growth and American competitiveness. This is an issue of national importance and one that must be addressed now. I urge my colleagues on both sides of the aisle to support this bipartisan effort by voting in support of H.R. 3125.

Mr. BOUCHER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, H.R. 3125, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING USE OF EMANCIPATION HALL FOR KING KAMEHAMEHA CELEBRATION

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Con. Res. 243) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. CON. RES. 243

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 6, 2010, to celebrate the birthday of King Kamehameha.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter in the RECORD on H. Con. Res. 243.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution authorizes the use of Emancipation Hall in the Capitol Visitor Center for the birthday celebration of King Kamehameha, the first King of Hawaii. This annual celebration honors the first King of Hawaii who successfully unified the islands to establish for the first time a unified Kingdom of Hawaii in 1810.

The first King Kamehameha Day was celebrated in Hawaii on June 11, 1872. This State holiday is a celebration of the rich history and the culture of Hawaii.

This resolution allows for a Sunday ceremony on June 6, 2010, so it will not disrupt the use of the CVC or tours of the Capitol.

I urge Members to support this resolution, and I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

I am also pleased to support this resolution authorizing the use of the Emancipation Hall to celebrate the birthday of King Kamehameha of Hawaii. I think many of us have read all about this distinguished individual and the history, so it's altogether appropriate that the king, often known as Kamehameha the Great, is really, indeed, a legendary figure in Hawaiian culture and history and rightly so. He fought heroically for its unity and independence at the end of the 18th and beginning of the 19th centuries.

His law or Rule of the Splintered Paddle protecting noncombatants during wartime has been heralded for its