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ONE HUNDRED ELEVENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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### Opening Statement of Rep. Henry A. Waxman Chairman, Committee on Energy and Commerce Markup of H.R. 1258, H.R. 3125, and H.R. 3019 March 10, 2010

Today, the Committee considers three bipartisan pieces of legislation.

The first bill we will be considering is H.R. 3125, the Radio Spectrum Inventory Act, which I introduced with Chairman Boucher and Ranking Members Barton and Stearns last year. I am pleased that 21 additional members of the Energy and Commerce Committee have signed on as cosponsors of this important bill.

This timely legislation creates a process for the full inventory, mapping, and accounting of current spectrum use by federal and non-federal users. It will inject transparency into the way our government and the private sector utilizes critical public resources.

I, therefore, consider this bill one of the most important pieces of legislation we will consider this year. With the benefit of the inventory and mapping of the spectrum, we can make informed, rational, and deliberate decisions about how our spectrum is used in future decades to benefit the American people, American business, and American innovation.

We will consider an Amendment in the Nature of a Substitute with changes that address most of the concerns about the spectrum inventory identified by the Obama Administration in its letter to the Committee earlier this week.

Most importantly, the Amendment in the Nature of a Substitute contains a more robust national security section reflecting the result of extensive bipartisan consultation with the defense and intelligence communities. Among other things, the bill now allows the head of an affected federal agency to determine whether the release of certain spectrum data would be detrimental to national security and homeland security. Moreover, under the revised bill, the head of the federal agency will also be able to make such a determination for spectrum held by non-federal licenses but used for an important national security or homeland security related purpose.

The Amendment in the Nature of a Substitute also creates a process under which the National Telecommunications Information Administration (NTIA) and the Federal Communications Commission (FCC) must consult with the National Security Council to allow for the review of the information being collected in the aggregate prior to any public release. This will address a key concern of the intelligence community and, I believe, strikes a proper balance between providing useful information to the public while safeguarding national security interests.

The second bill we will be considering is H.R. 3019, the Spectrum Relocation Improvement Act of 2009, introduced by Reps. Inslee and Upton. Although I support strongly the goals of this bill, the Administration has identified several issues of concern. I am committed to working closely with the Administration and members of this Committee to address these concerns prior to floor consideration.

Specifically, we will need to address whether the agencies have adequate resources to plan properly for relocation once suitable spectrum has been identified. Adequate resources are critical for the agencies to produce accurate cost estimates and relocation schedules, including the ability to design and develop the equipment necessary for new spectrum frequencies.

In addition, we need to consider whether the agencies have the ability to upgrade their capabilities as part of a relocation process. It would not make sense to require agencies performing critical government functions to be saddled with outdated or inefficient technology.

Finally, we need to improve the so-called “early entry” process to ensure that auction winners and the agencies have more certainty regarding timing and process. We need to allow companies access to purchased spectrum as quickly as possible, but we also need to allow federal agencies clear guidelines as to what we expect from them.

The final bill we will consider today is H.R. 1258, the Truth in Caller ID Act of 2009, introduced by Rep. Engel and Ranking Member Barton. H.R. 1258 would protect against a practice commonly referred to as caller ID “spoofing,” where a caller falsifies the original caller ID information associated with a phone call for fraudulent or deceptive purposes.

This legislation recognizes that there are legitimate business services that change caller ID information and directs the FCC to implement rules in a fashion that allows such services to continue, while making fraudulent and deceptive caller ID manipulation unlawful.

I want to thank Subcommittee Chairman Boucher, Ranking Member Barton, Ranking Member Stearns, and their staffs. These measures were the result of a collaborative effort, and I greatly appreciate their contributions.