

ONE HUNDRED ELEVENTH CONGRESS  
**Congress of the United States**  
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**Opening Statement of Rep. Henry A. Waxman**  
**Chairman, Committee on Energy and Commerce**  
**Legislative Hearing on a Bipartisan Staff Discussion Draft to Provide Funding for the**  
**Construction and Maintenance of a Nationwide, Interoperable Public Safety Broadband**  
**Network and for Other Purposes, and on H.R. 4829, the “Next Generation 9-1-1**  
**Preservation Act of 2010”**  
**Subcommittee on Communications, Technology, and the Internet**  
**June 17, 2010**

Thank you, Chairman Boucher, for scheduling this critically important hearing.

I would also like to thank you and Ranking Members Barton and Stearns for your constructive contributions to the bipartisan staff discussion draft, and look forward to our continued bipartisan collaboration.

Last September, this subcommittee held a hearing to explore recent developments regarding the creation of a nationwide interoperable broadband network for public safety. At that hearing there was bipartisan consensus that constructing a nationwide public safety broadband network remains critical unfinished business from 9/11 and Hurricane Katrina.

In my statement I identified three goals that I suggested should guide our assessment of any plan going forward: First, the network or networks must be built quickly. Second, there must be a clear plan to ensure that deployment reaches all areas of the country, including hard-to-reach rural areas and underfunded municipalities. Third, the plan should avoid distorting or disrupting the commercial wireless marketplace by giving an unfair advantage to certain carriers over others.

I think the bipartisan discussion draft more than meets these essential goals.

First, it allows for the immediate start of network construction and gives NTIA the authority to start funding projects as soon as rules are in place, even prior to any auctions. As the Federal Communications Commission (FCC) notes in its Broadband Plan, we need to act quickly to gain substantial cost savings regarding network construction. If we are unable to take advantage of commercial construction schedules, the cost of building this network increases dramatically – possibly three times as high.

Second, by providing the requisite funding for a network across the nation, all communities, not just major cities with large budgets, will be able to construct their portion of

the network. Specifically, the discussion draft contemplates that the federal government would cover 80 percent of construction costs and 50 percent of the ongoing costs associated with this network. The stark budget realities state and local governments face today will make it difficult for them to construct an interoperable network without such assistance.

Finally, the draft legislation does not distort competition in the wireless market. In fact, by setting deadlines for specific spectrum auctions to occur, the discussion draft should help promote competition by ensuring the availability of additional spectrum.

I know that the discussion draft does not satisfy all of the public safety community, and several associations and their corporate partners have launched a campaign to convince Congress to give public safety 10 megahertz of spectrum, the so-called D block.

It is my firm view, however, that this singular focus on the D block undercuts what we all want to achieve – a sustainable nationwide broadband network for public safety. Indeed, some have suggested to us that they would prefer to have the D block of spectrum rather than the substantial federal support contemplated by the discussion draft. This is not a tenable position. Spectrum without a viable plan to utilize it efficiently will create a network of haves and have-nots. I urge advocates of this position to reconsider this all or nothing approach.

Indeed, the FCC's National Broadband Plan has amplified my concern about this spectrum first approach. In a detailed technical paper released earlier this week, the FCC concluded that the 10 megahertz of dedicated spectrum allocated to public safety in the 700 megahertz band for broadband communications provides more capacity than it needs on a day-to-day and emergency basis.

But the FCC also concluded that giving public safety an additional 10 megahertz of spectrum would not guarantee public safety sufficient capacity in a worst case emergency like 9/11. That is why the FCC has instead proposed that public safety be guaranteed priority access to hardened commercial networks. This would give public safety much greater capacity than it needs when it needs it most. All five FCC commissioners agree that the FCC's plan is the best approach for public safety.

The FCC plan and the staff discussion draft would allow us to make a multi-billion dollar down payment on a nationwide network with the proceeds of a D block auction. Although the funding contemplated in the discussion draft is a good start, I am committed to working with my colleagues and the Obama Administration to find additional funding sources, including future spectrum auction proceeds. Moreover, I hope that public safety is able to take advantage of the flexibility in the draft legislation to generate additional revenues through leasing fees and partnerships with critical infrastructure providers and other entities.

I would like to thank our witnesses for their participation today. I look forward to your testimony.

Thank you.