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Opening Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
“Legislative Hearing to Address Spectrum and Public Safety Issues”
Subcommittee on Communications and Technology
July 15, 2011

Chairman Walden, thank you for convening the hearing this morning to discuss how we can quickly provide public safety with a nationwide interoperable broadband network and make more spectrum available for wireless broadband. Both goals are critical to our country and require Congress to act quickly and decisively.

In less than 60 days we will observe the tenth anniversary of the terrorist attacks on New York, Washington and over the skies of Pennsylvania.

Construction of a nationwide public safety broadband network remains critical unfinished business, and we should do everything possible to send a bill to the President that accomplishes this bipartisan objective.

After several constructive hearings on spectrum policy, today we will consider a Republican discussion draft. I am pleased that we will discuss specific details about incentive auctions, public safety governance, and federal spectrum relocation, and still hope we can find common ground on several other issues.

In order to highlight our areas of agreement and disagreement, yesterday Representative Eshoo and I released a discussion draft of the Public Safety Broadband and Wireless Innovation Act of 2011. Although many details of the bill we put forward differ from the Republican draft, Democrats on the committee hope we can develop one legislative vehicle that takes the best ideas from both proposals.

Senators Rockefeller and Hutchison did a commendable job on a bipartisan package to empower the FCC to conduct incentive auctions for broadcast spectrum and create a nationwide broadband network for public safety. The Democratic draft builds upon the bipartisan work of the Senate Commerce Committee.

With regard to public safety, committee Democrats believe we must establish a strong governance structure to manage the highly complex undertaking of building and managing an

advanced wireless network. Through a non-profit corporation, streamlined to act quickly and efficiently, we have put in place a number of policies and requirements designed to ensure we reach our primary goal of nationwide interoperability for first responders. This corporation would be statutorily required to operate in a fiscally responsible manner and to provide the technical and management expertise this network will need.

Public safety will have a strong voice, but the network will rely heavily on commercial know-how, national standards, and existing infrastructure.

The public safety community has indicated its strong support for the robust governance approach in the Senate bill and in the Democratic draft

It is on the basis of this strong governance model, and public safety's commitment to this approach, that I have come to support reallocation of the D block for public safety's use.

Reallocation is the best way to ensure that public safety has the leverage to incentivize the public private partnerships and network sharing arrangements that are essential to constructing a nationwide broadband network. Moreover, reallocation allows us to plan for public safety's transition to broadband. And the Democratic draft requires the FCC to evaluate opportunities to gain additional efficiencies across all public safety spectrum, including the possible return of spectrum for future auction.

Finally, reallocation is the best chance we have to pass legislation into law. It has bipartisan support in the House and the Senate. The Administration is strongly supportive, and the entire public safety community, including mayors, governors, and numerous other state and local officials, are united on this path forward. In my view, strong governance, oversight, accountability, and smart spectrum management provide us with a good solution.

Although we have disagreements about the D block, the specifics of a governance model, and funding, Democrats and Republicans are not far apart on other details. We all agree that we need to leverage commercial networks, ensure that the public safety equipment market becomes more competitive, and allow state and local officials to play a significant role in the development of this network.

We also have found a good amount of common ground on spectrum policy. Both Democrats and Republicans want to enable the FCC to conduct voluntary incentive auctions that are fair to broadcasters. We want the FCC to have sufficient flexibility to make auctions successful, although we have slightly different approaches to providing that flexibility. We don't agree on the future of unlicensed spectrum or on limiting the FCC's ability to impose conditions on spectrum licenses in the future – we would prefer that these decisions should be made by the expert agency based on market conditions and other factors.

I would like to thank our witnesses for being here and look forward to your testimony.

Thank you.