

SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS,
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Statement of Rep. Christopher Shays March 17, 2004

Last June, a White House memo to all executive branch departments and agencies concluded the “existing legal and policy framework for spectrum management has not kept pace with the dramatic changes in technology and spectrum use.” Today we will discuss one element of that anachronistic policy apparatus: the internal preparations and external consultations used by the Department of State and other federal departments to prepare for World Radio Conferences, the international meetings where critical decisions are made that shape world-wide communication policies and markets.

Spectrum is global. Spectrum is finite. Immutable laws of physics govern the electromagnetic waves that connect the world’s governments, businesses and citizens in new ways every day. Any nation that cannot articulate clear positions, protect its vital interests and work to forge multilateral consensus on spectrum issues puts its national security and economic vitality at risk. Unilateralism is not an option. An analog America would not be safe or prosperous in a digital world.

The World Radio Conference (WRC) in Geneva, Switzerland last year challenged the United States to formulate timely, technically complex and politically sensitive positions on a large number of agenda items. Among them: Should worldwide radio bands for public protection and disaster relief be harmonized? Should frequencies in the five gigahertz (GHz) range be allocated to meet the growing demand for wireless network services?

Finding answers was not easy. Many federal agencies, including the Department of Defense, NASA and the FAA, depend on exclusive, long-term access to coveted frequencies to accomplish their missions. They had substantial equities at risk in the WRC outcome. A vibrant and growing commercial sector was eager to capitalize on rapidly expanding markets for digital telephones, wireless Internet services, satellite transmissions, GPS-based products and more. Competition and conflicts among and between governmental and commercial users seeking to keep or gain access to prime, technically superior spectrum bands had to be resolved before the U.S. could present a unified negotiating position to the world.

As we will hear, the processes used to involve public and private stakeholders, resolve inter-agency disputes, vet proposed positions, solicit international support and counter opposing regional coalitions yielded substantial success in Geneva. Important lessons were learned about the quality and quantity of preparatory consultations, delegation training and international outreach.

But WRC 2003 also confirmed some longstanding institutional weaknesses in U.S. spectrum policy management. The United States has no overarching spectrum strategy to guide near and long-term policy on use of this precious, finite resource. Separate responsibility for commercial spectrum allocation decisions at the Federal Communications Commission and federal spectrum policies at the National Telecommunications and Information Administration make conflicts between public and private users almost inevitable, and more difficult to resolve. No head of the U.S. delegation is appointed more than six months before the next WRC convenes, long after other nations have been conducting important discussions at that level.

The next World Radio Conference is scheduled to convene in 2007. Today we ask our witnesses: Will we be ready? Will the final report of the White House Spectrum Policy Initiative address management weaknesses that can hobble WRC preparations and prospects? Will the procedures, policies, resources and people we assemble effectively represent the vital interests of the United States at that crucial international forum?

Our two panels of witnesses bring impressive expertise and hard-won experience to this discussion, and we are grateful for their time and talent. Welcome.