

SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS,
AND INTERNATIONAL RELATIONS

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MEMORANDUM

To: Members of the Subcommittee on National Security, Emerging
Threats, and International Relations

From: Christopher Shays
Chairman

Re: Briefing memo for **March 17, 2004** Subcommittee hearing

Attached find the briefing memo required by Committee rules for the hearing on **Wednesday, March 17, 2004** entitled, *U.S. Preparation for the World Radio Conferences: Too little, too late?* The hearing will convene at 10:00 a.m. in room 2154 Rayburn House Office Building.

Briefing Memo
Hearing – March 17, 2003
Subcommittee on National Security

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March 10, 2004

MEMORANDUM

To: Members of the Subcommittee on National Security, Emerging Threats, and International Relations

From: Grace Washbourne, Professional Staff Member

Re: Briefing memo for the hearing “*U.S. Preparation for the World Radio Conferences: Too little, too late?*” scheduled for March 17, 2004 at 10:00 a.m. in room 2154 Rayburn House Office Building.

PURPOSE OF THE HEARING

The purpose of this hearing is to examine the processes of internal preparation and external consultation used by the Department of State, the Federal Communications Commission, the Department of Commerce’s National Telecommunications and Information Administration and others in preparing for critical international meetings to discuss and decide global spectrum allocations and other communication services issues.

HEARING ISSUES

- 1. How timely and effective are the internal World Radio Conference preparatory processes of the United States?**
- 2. How effective are the Department of State, the Federal Communications Commission and the National Telecommunications and Information Administration in representing the business, national**

security and homeland security interests of the United States at World Radio Conferences?

3. How can the United States improve the internal preparatory process and enhance US spectrum interests globally?

BACKGROUND

The International Telecommunications Union (ITU) was formed in 1932 and is the principal international organization responsible for allocating and regulating the use of radio frequency spectrum on an international basis. The International Telecommunications Union is the international body that manages all national proposals, international meetings and all matters relating to World Radio Conferences.

World Radio Conferences (WRC's) bring together radiocommunications engineers and policy experts from ITU member nations who prepare for years to make proposals on radio technologies and services that will guide world development of radiocommunications. The WRC's are the primary instrument of the ITU through which changes to the International Table of Allocations are made and by which the Radio Regulations are revised. World Radio Conferences are held roughly every 3-4 years, however meetings and pre-conferences hosted by the ITU occur continuously.

The work of the ITU in spectrum management is important for several reasons, which require effective U.S. preparation and participation. Without international standards and procedures for sharing the spectrum, global radio communication and services would be impossible. The ITU and World Radio Conferences offer the United States an important opportunity to advance U.S. views on technical standards and regulations, promoting global standards that allows U.S. firms to take advantage of economies of scale in manufacturing and the provision of services. Participation in the ITU and World Radio Conference is also crucial to the interests of the Department of Defense, the Department of Homeland Security, the Department of Transportation, the Department of Justice and other government departments whose protective, safety and defense missions and responsibilities to the

American people involve coordination on spectrum matters with other nations.

Radio frequency spectrum is the lifeblood of wireless communications industries, national security, homeland security, transportation and space exploration. Digital and cellular phones are now commonplace in the American lifestyle. Expansion of new technologies including broadband, ultra-wide band and Wi-Fi are dependent on federal spectrum allocations. Net-centric warfare linking military weapons systems, radars, carriers, and communications between soldiers in the field all depends on spectrum allocations. The first responder community also communicates with each other using standardized spectrum allocations. The Global Positioning System (GPS) allows civilian and military aircraft to navigate safely. Satellites and the exploration of space use technology that flows through radio frequency spectrum segment allocations.

Today, telecommunication and radiocommunication systems are interconnecting on a larger scale, giving rise to telecommunication networks and services that are increasing global in scope. The pace of technology development in radio-based services has accelerated dramatically in recent years. Coupled with increasing congestion and interference in many parts of the radio frequency spectrum band has put substantial pressure on both domestic and international radiocommunications policy processes. Current U.S. structures and processes are taxed to keep up with the rapid pace of need and present a challenge and an opportunity to make changes to policy structures and processes.

The United States is influential in international spectrum circles through its leadership in radio technologies and services and its status as one of the largest telecommunications markets in the world. Decisions made regarding spectrum allocations and radio-based services in the United States have substantial impact on world radiocommunication policies and an important influence on spectrum management in other countries. The process by which domestic spectrum policies are set, and the way the United States prepares for international conferences, directly affects international policymaking.

Unlike most countries, the United States has no central authority that is responsible for domestic or international spectrum policymaking and management. The Communications Act of 1934 divides spectrum management responsibility between the Federal Communications Commission (FCC), an independent agency and the President. In 1978 Executive Order 12,046 transferred the President's authority to the Secretary of Commerce and created an Assistance Secretary for Communications and Information, who is also the Administrator of the National Telecommunications and Information Administration (NTIA). Today, domestic spectrum management and policymaking responsibility is shared by the FCC and NTIA. NTIA manages all Federal Government use of the spectrum and also serves as the President's advisor on telecommunications matters. The FCC regulates and manages all commercial and private sector use of the spectrum, as well as State and local government use. In international spectrum negotiations and conferences, the Department of State exercises primary authority as the President's representative in foreign policy matters.

U.S. preparation for World Radio Conferences involves four separate, but interdependent processes. The first, and most open to the public, is the development of proposals by the FCC that reflect the interests and needs of the private sector. Second, NTIA simultaneously coordinates and develops executive branch proposals. The third process involves more informal coordination between the FCC, NTIA and the Department of State. Staff at the FCC and NTIA work closely and in parallel to ensure that their final recommendations to the State Department are as similar as possible in order to speed the determination of final proposals. After proposals have been set, the official U.S. delegation, which is composed of both government and private sector representatives, develops negotiating strategies and backup positions that support the final proposals.

Tension in the preparations process, among government interests, private sector and industry interests, and between the government and private sector is an inherent part of the system. Because of this tension, some of the most contentious issues may not be resolved before final proposals are set and presented to the Department of State. If agreement cannot be reached between the FCC and NTIA when proposals are given to the State

Department, other alternatives are available including elevating resolution to the National Security Council.

If negotiations between the FCC, NTIA and the Department of State yield agreement, the final U.S. proposal is submitted to the International Telecommunications Union (ITU) close to the next scheduled World Radio Conference. The next World Radio Conference is scheduled for 2007.

There has been criticism of the internal U.S. preparatory WRC processes because of their informal, bifurcated nature. The discussions between the FCC and the NTIA, and the final negotiations with the Department of State are conducted privately and rely on the willingness of personnel at those agencies to reach agreement. There are no formal regulations or management procedures governing these processes internally or externally, which in turn creates unneeded fear among private and government users of spectrum. The United States also tends to finalize the internal preparatory process very close to the date of the next international World Radio Conference. Interested parties in the government and private sector complain that it is vital that the U.S. market its positions to gain support among other countries and regions as quickly as possible as the timeliness of the US preparatory process is not conducive to gaining regional or nation support of U.S. positions. Every country has one vote at the World Radio Conference so it is important that the United States seek compromise and alliance well before scheduled conferences.

Also, the United States only appoints a WRC Ambassador to a six-month term. Many other countries have permanent Ambassadors whose presence allow for greater and timelier international negotiations. The support the Ambassador receives from the Department of State, the FCC and NTIA preceding and during month long World Radio Conferences is also not subject to formal procedures and dedicated resources, but remains dependent on the will of the personnel in those supporting departments.

The General Accounting Office, at the request of the Government Reform Committee is currently looking at the World Radio Conference preparatory process. Past GAO studies indicate that government officials and wireless industry representatives continue to question the ability of the United States to develop a unified position early enough to promote that position

effectively, as well as the manner in which we appoint and support an ambassador to head the U.S. delegation.

Secretary Jeffrey Shane, Department of Transportation; Administrator William Readdy, National Aeronautic and Space Administration; and Deputy Assistant Secretary Lin Wells, Department of Defense will discuss the importance of radio frequency spectrum to their missions and the experiences of their departments in the World Radio Conference processes of the federal government. Assistant Secretary Mike Gallagher, National Telecommunications and Information Administration; Commission Kathleen Abernathy, Federal Communications Commission and Ambassador David Gross, Department of State will discuss the roles and responsibilities of their departments in the World Radio Conference processes. Former WRC Ambassadors John Bryant, Gail Schoettler and Janice Obuchowski will discuss their World Radio Conference experiences. Along with Dr. James Schlesinger of the Center for Strategic and International Studies, all witnesses will present ideas for improving the timeliness and effectiveness of the current federal WRC process.

SOURCES:

<http://www.itu.int/home/index.html>

<http://www.itu.int/ITU-R/conferences/wrc/wrc-03/index.asp>

<http://www.fcc.gov/ib/wrc-07/>

<http://www.ntia.doc.gov/oiahome/internat.html>

<http://www.state.gov/e/eb/cip/>

<http://csis.org/tech/spectrum/index.htm>

GAO-02-814T TELECOMMUNICATIONS History and Current Issues Related to Radio Spectrum Management

GAO-02-906 TELECOMMUNICATIONS: Better Coordination and Enhanced Accountability Needed to ...

The 1992 World Administrative Radio Conference: Issues for U.S. International Spectrum Policy, November 1991, Office of Technology Assessment

WITNESSES:

PANEL ONE:

Jeffrey N. Shane
Under Secretary for Transportation Policy
U.S. Department of Transportation

William Readdy
Associate Administrator for Space Flight
National Aeronautic and Space Administration

Michael Gallagher
Acting Assistant Secretary for Communications and Information
National Telecommunications and Information Administration
U.S. Department of Commerce

Commissioner Kathleen Abernathy
Federal Communications Commission

Ambassador David Gross
United States Coordinator
International Communications and Information Policy
U.S. Department of State

Dr. Lin Wells
Principal Deputy Assistant Secretary of Defense (Networks and Information Integration),
U.S. Department of Defense

PANEL TWO:

Dr. James Schlesinger
Center for Strategic and International Studies

Hon. John Bryant
Former Congressman and U.S. Ambassador to
1997 World Radio Conference

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Gail Schoettler
U.S. Ambassador to
2000 World Radio Conference

Janice Obuchowski
U.S. Ambassador to
2003 World Radio Conference

Brian Fontes
U.S. Ambassador to
1995 World Radio Conference (written testimony only)