

## **Radio Spectrum Inventory Act (Introduced in Senate)**

S 649 IS

111th CONGRESS  
1st Session  
**S. 649**

To require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

### **IN THE SENATE OF THE UNITED STATES**

**March 19, 2009**

Mr. KERRY (for himself, Ms. SNOWE, Mr. NELSON of Florida, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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#### **A BILL**

To require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the `Radio Spectrum Inventory Act'.

#### **SEC. 2. SPECTRUM INVENTORY.**

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

#### **`SEC. 342. SPECTRUM INVENTORY.**

`(a) Radio Spectrum Inventory- Not later than 180 days after the date of enactment of this section, and biennially thereafter, the National Telecommunications and Information Administration and the Federal Communications Commission, in consultation with the Office of Science and Technology, shall carry out each of the following activities:

- ` (1) Conduct a report that includes an inventory of each radio spectrum band, from 300 Megahertz to 3.5 Gigahertz, managed by each such agency. Such report shall include--
  - ` (A) the licenses or government user assigned in the band;
  - ` (B) the total spectrum allocation, by band, of each licensee or government user (in percentage terms and in sum);
  - ` (C) the number of intentional radiators and end-user intentional radiators that have been deployed in the band with each license or government user; and
  - ` (D) if such information is available--
    - ` (i) the type of intentional radiators operating in the band;
    - ` (ii) the type of unlicensed intentional radiators authorized to operate in the band;
    - ` (iii) contour maps that illustrate signal coverage and strength; and
    - ` (iv) the approximate geo-location of base stations or fixed transmitters.
- ` (2) Create a centralized portal or website utilized by each such agency to make the inventory of the bands of such agency available to the public via an Internet-accessible website.
- ` (3) Make all necessary efforts to maintain and update the information required under paragraph (2) in near real-time fashion and whenever there is a transfer or auction of licenses or change in allocation or assignment.
- ` (4) Submit the report required under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives.
- ` (b) National Security Exemption- A licensee or government user of spectrum may petition the Commission or the National Telecommunications and Information Administration for a partial or total exemption from inclusion on the website and in the report required by subsection (a). Such an exemption may be granted only to the extent that each such agency determines that disclosure of such information would be harmful to the national security of the United States. The licensee or government user seeking an exemption under this subsection bears the burden of justifying the exemption and shall provide clear and convincing evidence to support such an exemption. Any such exemption shall apply only for 2 years and shall expire upon the end of such 2-year period unless the licensee or government user seeks and obtains an extension in accordance with this subsection. Any information that is excluded from public disclosure pursuant to this subsection shall still be compiled and reported to the Committees of Congress described in subsection (a)(4) on a confidential basis.'.