U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ENERGY AND COMMERCE

January 31, 2017

TO: Members, Subcommittee on Communications and Technology

FROM: Committee Majority Staff

RE: Hearing on "Reauthorization of NTIA."

I.   INTRODUCTION

On Thursday, February 2, 2017, at 10:45 a.m. in 2322 Rayburn House Office Building, the Subcommittee on Communications and Technology will hold a hearing entitled "Reauthorization of NTIA."

II.   WITNESSES

- Meredith Baker, former Acting Assistant Secretary of Commerce for Communications and Information, former Acting Administrator, National Telecommunications and Information Administration; President and CEO, CTIA

- Anna Gomez, former Acting Assistant Secretary of Commerce for Communications and Information, former Acting Administrator, National Telecommunications and Information Administration; Partner, Wiley Rein; and

- John Kneuer, former Assistant Secretary of Commerce for Communications and Information, and former Administrator National Telecommunications and Information Administration, President and Founder, JKC Consulting.

III.   DISCUSSION

The National Telecommunications and Information Administration (NTIA) is an agency located within the Department of Commerce, tasked with advising the President on matters related to telecommunications policy.[1] The agency was created in 1978, when the Executive branch reorganized the functions of the former White House Office of Telecommunications Policy and the Commerce Department's Office of Telecommunications, consolidating policy-making and technical authority within the newly formed agency.[2]

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[1] https://www.ntia.doc.gov/about
[2] https://www.ntia.doc.gov/legacy/opadhome/history.html

NTIA is responsible for a variety of activities, which primarily include federal spectrum management, administration of broadband grants, participation in the Internet Corporation for Assigned Names and Numbers (ICANN), and development of administration policy on issues like privacy, copyright, and cyber security. The agency is led by the Assistant Secretary for Communications and Information, appointed by the President and confirmed by the Senate, who serves as the President's principal adviser on telecommunications policy, both domestic and international. NTIA is the executive branch representative to Congress, other governments, and the public on telecommunications and information policy. NTIA also leads interagency efforts related to telecommunications and assists with grantmaking related to broadband.

NTIA is comprised of several offices, including the Office of International Affairs, Office of Policy Analysis and Development, Office of Public Safety Communications, Office of Spectrum Management, Office of Telecommunications and Information Applications, and the Institute for Telecommunications Sciences. The agency was last reauthorized in 1992, at an appropriations level of $17.6 million.[3] The current agency appropriation is $39.5 million.[4] The Committee will examine the current role of NTIA in a variety of policy areas, including spectrum management, public safety communications, and cyber security, as well as the agency's role moving forward in our increasingly connected world.

NTIA also administers the Spectrum Relocation Fund (SRF). The SRF was established to provide funding for federal agencies for eligible expenses to relocate spectrum systems in order to make spectrum available for commercial auction. Additionally, the Bipartisan Budget Act of 2015 made available $500 million for research and development related to improving federal spectrum systems.[5]

A.   **Spectrum Management**

NTIA, along with the Federal Communications Commission (FCC), is responsible for the management and governance of domestic spectrum use. Currently, the FCC is tasked with the allocation of spectrum as well as the licensing and regulation of commercial use of spectrum, while NTIA has the authority to assign spectrum frequencies to all federal government owned or operated radio stations, pursuant to section 305 of the Communications Act.[6] NTIA, in coordination with the FCC, manages the federal government's use of spectrum, through assigning frequencies, reviewing agencies' systems, and establishing the policies for the use and regulation of federal spectrum allocations.

In 2010, the administration directed NTIA to identify 500 MHz of spectrum that could be used for wireless broadband. In response, the agency released a report that laid out a ten-year plan for achieving that goal, identifying more than 2,000 MHz of spectrum for evaluation, as well as processes for evaluating the suitability of those frequencies for reallocation to non-federal or shared use. NTIA has since released multiple interim reports, including a plan for the

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[3] Telecommunications Authorization Act of 1992, Pub .L. 102-538, 106 Stat. 3533, §151 (1992).
[4] Consolidated Appropriations Act of 2016, Pub. L. 114-133, 129 Stat. 2242 (2015).
[5] Bipartisan Budget Act of 2015, Pub. L. 114-74, 129 Stat. 584, 622, §1004 (codified at 47 U.S.C. 928(g)).
[6] 47 U.S.C. 305.

quantitative assessment of 960 MHz of spectrum. The end result of this work was the identification of several bands as potential targets for sharing.

In the Middle Class Tax Relief and Job Creation Act of 2012, Congress directed NTIA to identify bands for reallocation from federal to non-federal use, and required the agency to promote efficient government use of federal spectrum.[7] In response to these requirements, NTIA worked with agencies to identify spectrum that was later auctioned in two separate auctions of 75 total MHz of spectrum, generating more than $40 billion for public safety communications and deficit reduction.[8] Middle Class Tax Relief also required NTIA to establish a technical panel to review transition plans prepared by federal agencies.[9]

The Bipartisan Budget Act of 2015 further required NTIA to make available 30 MHz of spectrum below 3 GHz currently used by federal agencies for licensing to nonfederal users, as well as to work with the FCC to assist in the identification of additional spectrum for reallocation.[10]

NTIA develops resources on spectrum use and technologies using a variety of tools. NTIA has developed a compendium of reports regarding federal spectrum uses, with detailed reports on the allocation and use of frequencies from 225 MHz to 5 GHz. NTIA works in conjunction with the Commerce Spectrum Management Advisory Committee (CSMAC), comprised of spectrum experts, engineers, lawyers, and stakeholders. The CSMAC provides NTIA with advice and expertise on spectrum issues, including a recent focus on spectrum sharing and 5G systems. NTIA also has a research and engineering component, the Institute for Telecommunications Sciences (ITS).[11] In addition to supporting NTIA, ITS serves as a resource for other federal agencies, state and local governments, and others with telecommunications engineering concerns.

B.   Public Safety Communications

NTIA's public safety office is responsible for the oversight of numerous emergency communications systems, including FirstNet, the nationwide interoperable first responder network established in 2012 as an independent authority within NTIA.[12] NTIA participated in much of the initial work establishing FirstNet and continues to provide oversight of operations and management. Additionally, the agency administers the State and Local Implementation Grant Program to support state and local efforts to work with FirstNet.

Further, NTIA works in coordination with the Department of Transportation's National Highway Safety Administration (NHTSA) to develop and implement Next Generation 911

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[7] Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, 126 Stat. 156, §6410 (2012) ("Middle Class Tax Relief") (codified at 47 U.S.C. 902(b)(2)(U)).
[8] *See* Auction 97 Advanced Wireless Services (AWS-3) *available at* http://wireless.fcc.gov/auctions/default.htm?job=auction_summary&id=97; *see also* Auction 96 H Block *available at* http://wireless.fcc.gov/auctions/default.htm?job=auction_summary&id=96.
[9] Middle Class Tax Relief at §6701 (codified at 47 U.S.C. 923(h)(3)).
[10] Bipartsan Budget Act of 2015, Pub. L. 114-74, 129 Stat. 584, 621, §1004 (codified at 47 U.S.C. 921 note).
[11] https://www.its.bldrdoc.gov
[12] Middle Class Tax Relief, at §6204 (codified at 47 U.S.C. 1424).

services (NG911). As communications technologies evolve, NG911 is intended to transition public safety answering points (PSAP) to Internet Protocol based 911 systems. Middle Class Tax Relief established a $115 million grant program to fund the upgrade of these PSAP systems and train public safety personnel to utilize the new technologies.[13] NTIA and NHTSA have developed management plans for the administration of these grants, which were recently submitted to Congress.[14] The management plan lays out the responsibilities of each agency, as well as the funding and timeline for the grant program.

NTIA also has responsibility for a variety of other programs intended to improve public safety communications, including a grant program for first responders and a research program that is a joint effort with the National Institute of Standards and Technology (NIST).

C.   Cyber security

The Department of Commerce, with NTIA leading the effort, has examined the issue of cyber security in a variety of ways. The Internet Policy Task Force (IPTF), comprised of NTIA and NIST, has engaged with stakeholders to develop policies and attempt to reach consensus on issues related to cyber security. The IPTF's activities include a comprehensive review of cyber security and the impact on innovation and economics, an inquiry into incentives for improved cyber security practices, and developing recommendations for the administration on other issues related to information security.

Beginning in 2015, NTIA began its first cyber security multistakeholder process, with a focus on issues raised through a request for comment in the Federal Register.[15] Multistakeholder processes, in general, are groups in which government, industry stakeholders, and the public are engaged in the policy making process. Based on the comments received, the IPTF chose to first address the issue of security vulnerability disclosures. The stated goal of the process was to develop consensus around how to encourage and promote voluntary principles for better collaboration among security researchers and the vendors and owners of vulnerable information technology products. In December 2016, NTIA released three documents detailing the initial findings and recommendations of three working groups focused on various aspects of vulnerability disclosure.[16]

In January 2017, NTIA released a green paper focused on the Internet of Things (IoT) and the Government's role in creating a strategy to enable a secure and innovative IoT ecosystem in the United States.[17] NTIA sought comment from stakeholders on IoT technologies and the role, if any, that the government should play in policy-making related to IoT, including cyber

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[13] Middle Class Tax Relief, Title VI, Subtitle E.
[14] https://www.ntia.doc.gov/files/ntia/publications/nhtsa_ntia_ng911_grant_program_management_plan.pdf
[15] https://www.ntia.doc.gov/files/ntia/publications/fr_09292015_cmp_meeting_notice.pdf
[16] https://www.ntia.doc.gov/files/ntia/publications/2016_ntia_a_a_vulnerability_disclosure_insights_report.pdf; https://www.ntia.doc.gov/files/ntia/publications/ntia_vuln_disclosure_early_stage_template.pdf; https://www.first.org/global/sigs/vulnerability-coordination/multiparty
[17] https://www.ntia.doc.gov/files/ntia/publications/iot_green_paper_01122017.pdf

security policy.[18] The final report outlined potential actions that the government could take to improve the security of networks and devices, through coordination with industry and development and promotion of flexible best practices for various participants in the IoT ecosystem.[19]

IV.   STAFF CONTACTS

If you have any questions regarding this hearing, please contact Grace Koh or Kelsey Guyselman of the Committee staff at (202) 225-2927.

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[18] https://www.federalregister.gov/documents/2016/04/06/2016-07892/the-benefits-challenges-and-potential-roles-for-the-government-in-fostering-the-advancement-of-the

[19] https://www.ntia.doc.gov/files/ntia/publications/iot_green_paper_01122017.pdf, pages 24-30.