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Subcommittee on International Development and Foreign Assistance,
Economic Affairs, and International Environmental Protection
Hearing on ITU Treaty Ratification

Chairman Menendez, Ranking Member Hagel, Members of the Subcommittee, I am pleased to be here to testify in support of the five telecommunications treaties before you this morning, and to urge the Senate's advice and consent to ratification by the President. These treaties flow from the work of the International Telecommunication Union (ITU), the United Nations' (UN) specialized agency for telecommunication matters. They are contained in the Final Acts of:

- The ITU World Administrative Radio Conference – 1992
- The ITU World Radiocommunication Conference – 1995
- The ITU Plenipotentiary Conference – 1998
- The ITU Plenipotentiary Conference – 2002
- The ITU Plenipotentiary Conference – 2006

Ratification of these treaties will advance the interests of U.S. businesses, consumers and the U.S. Government. These treaties have enabled U.S. businesses to secure valuable radio spectrum and allowed them to offer innovative products and services to U.S. and foreign markets. They

also have protected U.S. Government spectrum interests and ensured that critical government programs ranging from the International Space Station to essential equipment for weather sensing and forecasting can operate without interference. Furthermore, these treaties have ensured that first responders can more quickly and effectively coordinate their response to natural disasters and other emergencies. These treaties also have helped make the ITU a more transparent, nimble and accountable international organization that better serves the interests of its Member States.

As a result, these treaties are strongly supported by U.S. businesses and by the U.S. Government, subject to the declarations and reservations outlined in each of the treaty packages. In fact, a very broad range of representatives from U.S. businesses, and government agencies were involved at every step in establishing and pursuing U.S. negotiating objectives for these treaties. By becoming a party to these five ITU instruments, we will convey to the other members of the Union our commitment to these important decisions and our continuing strong support for the mission of the ITU.

Before I summarize what each of the treaties does, it might be helpful for me to quickly share with you some background about the ITU and how the United States organizes its participation in the negotiations that led to these treaties.

The International Telecommunication Union was formed in 1865 when European countries saw the need to work together to facilitate telegraphic communications across their borders. Today, the ITU is involved in every phase of global telecommunications, working to maintain international cooperation among its 191 Member States for management of global spectrum use, and the adoption of international telecommunication standards, and to foster the expansion of telecommunication systems and services in developing countries. ITU's purposes and activities are governed by several international instruments, including the Constitution, the Convention, and the Administrative Regulations.

The organization is unusual among UN agencies in that its membership also includes 715 Sector Members (86 of which are from the United States) and 164 Associates, representing companies and organizations with an interest in telecommunications. This feature is particularly vital to U.S. interests, in view of our reliance on the private sector for the provision of telecommunications networks and services on

both the national and international levels, and in view of the dependence of many U.S. companies on effective communications to support their multinational operations.

As a result of the 1992 Plenipotentiary Conference, the ITU was reorganized to give it greater flexibility to adapt to today's increasingly complex, interactive, and competitive environment. Consequently, the Union is organized into three Sectors, corresponding to its three main areas of activity: (1) Telecommunication Standardization (ITU-T); (2) Radiocommunication (ITU-R); and (3) Telecommunication Development (ITU-D). The reorganization also introduced a regular cycle of conferences to help the Union rapidly respond to new technological advances.

The Union's three sectors represent an extremely diverse community, ranging from regulators to users, manufacturers to service providers, as well as consumers. In one form or another, international telecommunications involve every government agency and touch most aspects of American business and the public in general. Hence, the work of the ITU is of great importance and interest to the United States.

The Union convenes Plenipotentiary Conferences to set the Union's general policies, which often are reflected in amendments to the ITU Constitution and Convention, and World Radiocommunication Conferences

(WRCs) to revise international Radio Regulations. Three of the treaties before the Committee are the result of the Union's top policy making body, the Plenipotentiary Conference, and the remaining two treaties are the result of WRCs.

The Department of State's responsibility is to coordinate U.S. participation in the activities of the Union. This includes the presentation of U.S. proposals to the ITU and its member countries, development of strategies and positions relating to conference issues, and assembly of well-qualified delegations from both the public and private sector to carry out the complex and often technical negotiations. For these five treaties which amend the ITU Constitution and Convention, and the Radio Regulations, the Department is assisted in the detailed preparations for the ITU conferences by the Federal Communications Commission (FCC) and the National Telecommunications and Information Administration (NTIA) in the Department of Commerce. The FCC regulates all non-Federal use of the radio spectrum and all interstate telecommunications as well as all international communications that originate or terminate in the United States. The NTIA manages Federal use of the radio spectrum and is the President's principal adviser on telecommunications and information policy

issues, representing the Executive Branch in both domestic and international telecommunications and information policy activities.

One important advantage of this extensive national effort is that it ensures the United States is well prepared to negotiate at the conferences. Moreover, private groups and individuals have the opportunity to express their views at each stage of the process, from initial conception of ideas to the eventual adoption of the national regulations.

I will now give a summary of the treaties that fall into two main categories, corresponding to the WRCs and the Plenipotentiary Conferences.

The first category involves amendments to the Radio Regulations which are treaties governing the use of the radio-frequency spectrum and the geostationary and non-geostationary satellite orbits. At the 1992 World Administrative Radio Conference (WARC), the United States was successful in obtaining a considerable amount of additional spectrum to relieve frequency congestion in the existing broadcasting bands used by Voice of America. Allocation for Low Earth Orbit (LEO) satellite systems to enable voice-grade telephony and data was one of the most difficult and complex debates during WARC-92 and one of the highest U.S. priorities and achievements. The conference essentially adopted the U.S. allocation proposal. The United States also secured a Satellite Digital Audio Radio

Service frequency allocation. In support of NASA's communication needs, the United States obtained additional spectrum for such programs as the International Space Station, lunar and Mars missions, and NASA's next-generation robotic deep space exploration programs.

At the 1995 World Radiocommunication Conference (WRC), the United States achieved a new spectrum allocation that would permit global deployment of new satellite technologies, specifically, Mobile Satellite Systems. This allocation was critical to the future operation of LEO satellite systems, which are used for expanding communications and observation networks. WRC-95 also acted favorably on the U.S. spectrum proposal for non-geostationary fixed satellites. This new technology paved the way for U.S. industry to provide satellite based global broadband Internet to remote regions. All these achievements are reflected in the proposed amendments to the Radio Regulations for which we are seeking advice and consent.

The second category of treaties are proposed amendments to the ITU Constitution and Convention which are the result of ITU Plenipotentiary Conferences, which are the principal administrative and policy conferences of the ITU. In 1998, the United States hosted its first Plenipotentiary Conference since 1947. The United States achieved several objectives at this Conference, including enhancing the status of public and private

companies that participate in ITU activities, adding a provision in the Constitution to convene WRCs every two to three years to meet the challenges of a dynamic telecom environment, and improving the ITU's accountability through changes in the budget process. All of these changes improved the function of the ITU and strengthened the role of the private sector within the ITU.

The 2002 Plenipotentiary Conference in Marrakesh, Morocco, adopted several amendments supported by the United States to improve management, functioning and finances of the ITU. Because of ITU's serious budget shortfalls, the United States led in the effort to develop a financial plan that balanced the ITU budget and reduced 10% of program expenditures. One of the U.S. proposed amendments allows private companies to be represented as observers at ITU Council meetings. Another broadened the field of potential candidates to the ITU's Radio Regulation Board (RRB). These and other amendments approved by the 2002 Plenipotentiary Conference have made it easier for the ITU to respond to changes in the telecommunications environment.

The 2006 Plenipotentiary Conference held in Antalya, Turkey, adopted new provisions to enhance the ITU budgetary process by requiring that the ITU Council carry out an annual review of income and expenditures

and by advancing the deadline for budget contributions. The Conference also adopted another fiscally responsible measure by lengthening the dates between ITU's established Conferences and Assemblies so as to hold down costs. The United States achieved many of its objectives at this Conference, including enhancing Member State oversight of ITU financial and administrative activities, promoting budgetary transparency, and preserving the role of the private sector in the ITU.

Mr. Chairman, this completes my summary of the treaties.

Telecommunication is growing at an incredible pace and U.S. companies are introducing new services here and abroad on a steady basis. They are looking for a quick response from the U.S. Government as they conduct business in this fast-moving world. The United States understands that the ITU must encourage rapid progress in telecommunications; the ITU must be a partner in progress and a catalyst to technological innovation. The United States Government stands ready to move forward as rapidly as possible to bring the benefits of international telecommunications to our citizens.

Mr. Chairman, it was my pleasure and honor to present this testimony, and to discuss the International Telecommunication Union. In conclusion, I recommend that the Senate act favorably on these treaties. I stand ready to answer any questions that the Committee may have.