would diminish competition, the companies can be required to divest other spectrum before they get a license to the new spectrum.

Prior to introduction of H.R. 3630 in the House, FCC staff was asked to meet with a bipartisan group of staff to review the draft House language. At that meeting, the FCC staff raised concerns regarding flaws in the proposed Republican language on bidder eligibility. Specifically, FCC staff stated that the House Republican language was overly broad and would hinder the Commission's ability to promote competition. Along with other conferees, I worked to correct these problems and provide the Commission appropriate flexibility. The conferees unequivocally rejected the original House language, which Rep. UPTON seeks to resurrect through his interpretive gloss.

The final language in paragraph 17 was not to everyone's liking. The conferees tentatively agreed to the language on Sunday, February 12. As the final language leaked out, one company launched an eleventh-hour campaign to change it. According to an article in Politico on February 15, AT&T was ''furious with proposed language in the deal that could affect its ability to bid for the spectrum'' (David Rogers and Manu Raju, Spectrum Auction a Hold-up on Jobless Benefits Deal, PoliticoPro (Feb. 15, 2012) (online at https://www.politicopro.com/story/tech/?id=9274)). House Republicans, Politico reported, ''would like to appease AT&T by refining language its negotiators have already accepted'' (Id.).

AT&T's effort failed. As Politico reported the following day, ''House Republicans had hoped to appease AT&T by refining language its negotiators have already accepted—but this effort was finally dropped'' (David Rogers and Manu Raju, Payroll Tax Deal Finalized, PoliticoPro (Feb. 16, 2012) (online at http://politi.co/yHTIM4L)). If accepted as accurate legislative history, Rep. UPTON's remarks would give AT&T through the backdoor much of what the company was not able to achieve through the actual legislative process. This effort at revisionism should be rejected by the FCC and reviewing courts interpreting this section.

I also have concerns about the discussion in Rep. UPTON's remarks of section 6407, which addresses unlicensed use of spectrum in guard bands.

Unlicensed spectrum has been an engine of economic innovation and growth. Many advocate that allowing unlicensed use in the frequencies currently occupied by broadcasters could lead to new innovations like ''Super WiFi.'' The final legislation advances this goal in three ways: (1) it gives the FCC the authority to preserve TV white spaces; (2) it gives the FCC the authority to optimize existing TV white spaces for unlicensed use by consolidating the existing white spaces into more optimal configurations through band plans; and (3) it gives the FCC the authority to use part of the spectrum relinquished by TV broadcasters in the incentive auction to establish nationwide ''guard bands,'' including in high value markets that currently have little or no white spaces today, creating additional, new white spaces. Experts believe nationwide, unlicensed access to guard bands will enable innovation and promote investment in new unlicensed technologies.

The relevant language is contained in sections 6402, 6403, and 6407. Section 6402 creates a new subparagraph 309(j)(8) of the Communications Act that authorizes the FCC to pay for the voluntary relinquishment of spectrum ''in order to permit the assignment of new initial licenses.'' Section 6403(a) provides that the reverse auction to relinquish broadcast television spectrum is conducted ''in order to make spectrum available for assignment through a system of competitive bidding.'' Section 6407 in turn permits the FCC to use some of the relinquished spectrum to create guard bands and, as detailed below, to allow unlicensed use in those guard bands.

The final legislation does not require that existing white spaces be auctioned. Section 6403(b) gives the FCC discretion in deciding how much spectrum, if any, the agency should auction in addition to the relinquished spectrum. Section 6403(b)(1)(A) requires the FCC to ''evaluate the broadcast television spectrum (including spectrum made available through the reverse auction).'' Section 6403(b)(1)(B) then specifies that the FCC ''may'' repack the remaining broadcast spectrum, which would include white spaces, by making ''such reassignments of television channels as the Commission considers appropriate.'' Section 6403(b)(1)(B) also provides that the FCC ''may . . . reallocate such portions of such spectrum as the Commission determines are available for reallocation.'' Under section 6403(c), only spectrum that the FCC determines should be ''reallocated'' under section 6403(b)(1)(B) is required to be auctioned.

The savings clause found in section 6407 provides the FCC authority to use ''relinquished or other spectrum'' to create ''guard bands'' in the spectrum to be auctioned and make these guard bands available for ''unlicensed use.'' Under this authority, the FCC could create new TV white spaces in all markets by creating the guard bands out of spectrum that is relinquished by the broadcasters.

In Rep. UPTON's summary of section 6407, he states that the section gives the FCC the authority to ''create guard bands and allow secondary, unlicensed use in spectrum it has cleared with federal funds.'' I agree with Rep. UPTON that the FCC can create guard bands in this spectrum and allow unlicensed use in these guard bands, but such use does not need to be a ''secondary'' use. During the course of negotiations over section 6407, Rep. UPTON's staff proposed that the language in section 6407 include the requirement that any unlicensed use of the guard bands be ''secondary'' to a licensed use of the spectrum in the guard bands. This provision was not accepted by the conferees. As a result, the final language gives the FCC the discretion to decide whether to make unlicensed use the primary or secondary use of the guard bands. Of course, any unlicensed use of the guard bands may not cause harmful interference with licensed uses of the spectrum that is auctioned.

While there are other assertions made by Rep. UPTON's insertion in the CONGRESSIONAL RECORD that are inaccurate, these examples should serve to show that his statement does not fairly reflect the intent of Congress in adopting the provisions. In light of the fact that the conferees chose not to adopt a detailed summary of the provisions in this portion of the Act, it will fall to the FCC's open processes to ultimately inform its implementation of the Act's language.

HONORING GREGORY BLAKE TAYLOR

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Gregory Blake Taylor. Gregory is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 354, and earning the most prestigious award of Eagle Scout.

Gregory has been very active with his troop, participating in many scout activities. Over the many years Gregory has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Gregory has also contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Gregory Blake Taylor for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF BRUCE HAMILTON

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Bruce Hamilton who is retiring as Executive Director of HIP Housing after eight years of outstanding leadership.

I share many things with Bruce: a deep friendship, a birthday and a passion for his organization that has enabled thousands of San Mateo County residents to live independently and self-sufficiently in safe, low-cost homes.

Attending a HIP Housing graduation officiated by Bruce Hamilton is a bit like attending a revivalist meeting. Men, women and children traipse to the microphone for over an hour and tell stories of how HIP Housing and their own will power set them on the straight and narrow. A man just down on his luck found a home in which he can be both an aide and a friend to the homeowner. Rent? Sure, it's important to the homeowner, but in the world of Bruce and HIP Housing, what matters most is that yet another man became a success. A young mother with an abusive husband found a safe haven for herself and her three children. Another woman explained how she came to HIP and developed her life and parenting skills, earned her GED and landed a job. Bruce beamed like a proud dad. We often proclaim that we should ''Make it in America''. Well, Bruce Hamilton and HIP Housing make human dignity by the boatload in America, every day and all year long. Now that's a product worth making.

Before Bruce joined HIP Housing, he held an impressive variety of positions all over the country. He was the Executive Director of the Alliance on Aging in Monterey, California, Administrator at the Unitarian Church in Palo Alto, California; Executive Director of the State Bar of Arizona/Arizona Bar Foundation in