

112TH CONGRESS
1ST SESSION

H. R. 607

To enhance public safety by making more spectrum available to public safety agencies, to facilitate the development of a wireless public safety broadband network, to provide standards for the spectrum needs of public safety agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2011

Mr. KING of New York (for himself, Mr. THOMPSON of Mississippi, Mr. ROGERS of Alabama, Ms. CLARKE of New York, Mrs. MILLER of Michigan, Mr. LONG, and Mr. GRIMM) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To enhance public safety by making more spectrum available to public safety agencies, to facilitate the development of a wireless public safety broadband network, to provide standards for the spectrum needs of public safety agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Broadband for First Responders Act of 2011”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY
 LICENSES

Sec. 101. Findings.

Sec. 102. Allocation and assignment of public safety licenses.

Sec. 103. Standards.

Sec. 104. Rule of construction.

TITLE II—FUNDING

Sec. 201. Definitions.

Sec. 202. Funding.

Sec. 203. Public safety interoperable broadband network construction.

Sec. 204. Public safety interoperable broadband maintenance and operation.

Sec. 205. Audits.

Sec. 206. Auction of spectrum to fund the interoperable broadband network
 construction fund, and the operation and maintenance fund.

Sec. 207. Achieving long-term interoperability by consolidating band use by
 public safety agencies.

Sec. 208. Extension of auction authority and assurance of open auctions.

Sec. 209. Report on efficient use of public safety spectrum.

Sec. 210. Report on long-term interoperability using IP-based solutions.

3 **TITLE I—ALLOCATION AND AS-**
 4 **SIGNMENT OF PUBLIC SAFE-**
 5 **TY LICENSES**

6 **SEC. 101. FINDINGS.**

7 The Congress finds the following:

8 (1) The communications capabilities of first re-
 9 sponders and other public safety agencies directly af-
 10 fect the public safety of the people of the United
 11 States and our national security.

12 (2) As events such as the terrorist attacks of
 13 September 11, 2001, and Hurricane Katrina re-
 14 vealed, the inability of local, State, tribal, and Fed-

1 eral first responders to communicate effectively dur-
2 ing an emergency impairs operations to respond to
3 terrorist acts and natural disasters.

4 (3) Many public safety communications systems
5 rely on commercially available systems that lack
6 broadband capabilities or otherwise fail to provide
7 the level of service necessary to meet the mission-
8 critical needs of public safety agencies.

9 (4) A wireless public safety broadband network
10 is needed to guarantee priority access for public
11 safety use and first responder interoperability across
12 the United States.

13 (5) Allocating the paired electromagnetic spec-
14 trum bands of 758–763 megahertz and 788–793
15 megahertz, referred to as the D Block, to public
16 safety agencies will fulfill public safety agencies
17 needs for sufficient spectrum and would help reduce
18 the complexity and future operating cost of public
19 safety communications systems.

20 (6) Because the communications needs of public
21 safety agencies may differ by geographic region (in-
22 cluding whether they require a dedicated commu-
23 nications system or can rely on a system shared with
24 commercial users), each region requires flexibility to
25 develop a model that meets its local needs without

1 sacrificing the interoperability of the nationwide sys-
2 tem.

3 (7) The most timely and cost-effective way to
4 achieve nationwide interoperability in public safety
5 communications will be to leverage commercial infra-
6 structure without compromising the mission-critical
7 needs of public safety agencies.

8 (8) The use by public safety agencies of stand-
9 ardized technologies commonly employed in the com-
10 mercial telecommunications sector will provide sig-
11 nificant benefits, including improved capabilities,
12 greater economies of scale, and more rapid adoption
13 of technological innovations.

14 (9) When it is in the interest of public safety,
15 the Federal Communications Commission should en-
16 courage any public safety licensee or spectrum lessee
17 to consider using existing or planned commercial in-
18 frastructure.

19 **SEC. 102. ALLOCATION AND ASSIGNMENT OF PUBLIC SAFE-**
20 **TY LICENSES.**

21 (a) SPECTRUM ALLOCATION.—Section 337(a) of the
22 Communications Act of 1934 (47 U.S.C. 337(a)) is
23 amended—

24 (1) in paragraph (1), by striking “24” and in-
25 serting “34”; and

1 (2) in paragraph (2), by striking “36” and in-
2 serting “26”.

3 (b) ASSIGNMENT.—Section 337(b) of the Commu-
4 nications Act of 1934 (47 U.S.C. 337(b)) is amended to
5 read as follows:

6 “(b) ASSIGNMENT.—

7 “(1) IN GENERAL.—Not later than 60 days
8 after the date of enactment of the Broadband for
9 First Responders Act of 2011, the Commission shall
10 allocate the paired electromagnetic spectrum bands
11 of 758–763 megahertz and 788–793 megahertz for
12 public safety broadband communications and shall li-
13 cense such paired bands to the public safety
14 broadband licensee.

15 “(2) ESTABLISHMENT OF RULES.—

16 “(A) IN GENERAL.—The Commission shall
17 establish rules to permit the public safety
18 broadband licensee to authorize providers of
19 public safety services to construct and operate
20 a wireless public safety broadband network in
21 the spectrum licensed to the public safety
22 broadband licensee if the public safety
23 broadband licensee determines that such au-
24 thorization would expedite the deployment of
25 public safety broadband communications.

1 “(B) NETWORK REQUIREMENTS.—The
2 Commission shall require that any such wireless
3 public safety broadband network shall—

4 “(i) be fully interoperable and remain
5 interoperable with, and in conformance
6 with the same broadband technology stand-
7 ards as, all other public safety broadband
8 systems deployed or authorized;

9 “(ii) provide for roaming by local,
10 State, tribal, and Federal governments and
11 other authorized users of the spectrum li-
12 censed to the public safety broadband li-
13 censee;

14 “(iii) provide priority access to public
15 safety agencies;

16 “(iv) be built to survive most large-
17 scale disasters;

18 “(v) ensure that networks of such sys-
19 tems have the appropriate level of cyber se-
20 curity;

21 “(vi) ensure that authorized users
22 have control over all local network uses
23 consistent with rules established by the
24 Commission; and

1 “(vii) be consistent with the Statewide
2 Interoperable Communications Plans
3 adopted by each State and the National
4 Emergency Communications Plan, as
5 adopted by the Department of Homeland
6 Security.

7 “(C) DEADLINES.—

8 “(i) RULES.—The Commission shall
9 establish rules under this paragraph not
10 later than 9 months after the date of en-
11 actment of the Broadband for First Re-
12 sponders Act of 2011.

13 “(ii) REPORT.—

14 “(I) IN GENERAL.—Not later
15 than 60 days after the date of enact-
16 ment of the Broadband for First Re-
17 sponders Act of 2011, the public safe-
18 ty broadband licensee shall submit a
19 report to the appropriate committees
20 of Congress on the phased network
21 deployment plan of such spectrum
22 bands.

23 “(II) DEFINITIONS.—For pur-
24 poses of subclause (I), the term ‘ap-

1 appropriate committees of Congress’
2 means—

3 “(aa) the Committee on
4 Homeland Security and Govern-
5 mental Affairs of the Senate;

6 “(bb) the Committee on
7 Commerce, Science, and Trans-
8 portation of the Senate;

9 “(cc) the Committee on En-
10 ergy and Commerce of the House
11 of Representatives; and

12 “(dd) the Committee on
13 Homeland Security of the House
14 of Representatives.”.

15 (c) NETWORK-SHARING AGREEMENTS.—Section 337
16 of the Communications Act of 1934 (47 U.S.C. 337) is
17 amended—

18 (1) by redesignating subsection (f) as sub-
19 section (g); and

20 (2) by inserting after subsection (e) the fol-
21 lowing:

22 “(f) RULEMAKING REQUIRED.—The Commission
23 shall establish regulations to—

24 “(1) authorize the shared use of the public safe-
25 ty broadband spectrum and network infrastructure

1 by entities that are not defined as public safety serv-
2 ices in subsection (g)(1), subject to the requirement
3 that public safety services retain priority access to
4 the spectrum, pursuant to procedures adopted by the
5 Commission, so long as the needs of other govern-
6 mental entities needs are considered before commer-
7 cial entities; and

8 “(2) allow use of the public safety broadband
9 spectrum by emergency response providers, as de-
10 fined in section 2 of the Homeland Security Act of
11 2002 (6 U.S.C. 101).”

12 (d) DEFINITION.—Section 337(g) of the Communica-
13 tions Act of 1934 (as so redesignated) is amended—

14 (1) by redesignating paragraphs (1) and (2) as
15 paragraphs (3) and (4), respectively; and

16 (2) by inserting before paragraph (3), as so re-
17 designated, the following:

18 “(1) PUBLIC SAFETY BROADBAND LICENSEE.—
19 The term ‘public safety broadband licensee’ means a
20 licensee as defined by the Commission in its Second
21 Report and Order adopted July 31, 2007 (FCC 07–
22 132), and selected in the Commission’s Order adopt-
23 ed November 19, 2007 (FCC 07–199), by the Com-
24 mission to be the licensee for spectrum between
25 763–768 and 793–798 megahertz.

1 “(2) PUBLIC SAFETY BROADBAND SPEC-
2 TRUM.—The term ‘public safety broadband spec-
3 trum’ means the electromagnetic spectrum between
4 758 megahertz and 768 megahertz, inclusive, and
5 788 megahertz and 798 megahertz, inclusive, and
6 any additional electromagnetic frequencies allocated
7 by the Commission for public safety broadband
8 use.”.

9 **SEC. 103. STANDARDS.**

10 (a) INTEROPERABILITY REQUIREMENTS.—Not later
11 than 180 days after the date of enactment of this Act,
12 the Chairman of the Federal Communications Commis-
13 sion, in consultation with the Director of the National In-
14 stitute of Standards and Technology, the Secretary of
15 Homeland Security, the Attorney General, and local,
16 State, tribal, and Federal public safety agencies, shall de-
17 velop a public safety agency statement of requirements
18 that enables nationwide interoperability and roaming
19 across any communications system using public safety
20 broadband spectrum, as defined in section 337(g) of the
21 Communications Act of 1934.

22 (b) SPECIFICATIONS.—The Secretary of Homeland
23 Security, in coordination with the Director of the National
24 Institute of Standards and Technology, shall establish an
25 appropriate standard, or set of standards, for meeting the

1 public safety agency statement requirements developed
2 under subsection (a), taking into consideration—

3 (1) the extent to which particular technologies
4 and user equipment are, or are likely to be, available
5 in the commercial marketplace;

6 (2) the availability of necessary technologies
7 and equipment on reasonable and nondiscriminatory
8 licensing terms;

9 (3) the ability to evolve with technological devel-
10 opments in the commercial marketplace;

11 (4) the ability to accommodate prioritization for
12 public safety transmissions;

13 (5) the ability to accommodate appropriate se-
14 curity measures for public safety transmissions; and

15 (6) any other considerations the Federal Com-
16 munications Commission deems appropriate.

17 **SEC. 104. RULE OF CONSTRUCTION.**

18 Nothing in this Act, or the amendments made by this
19 Act, shall be construed to overturn, supersede, or other-
20 wise preempt the Federal Communication Commission's
21 Order adopted on November 19, 2007 (FCC 07–199), set-
22 ting forth the roles and responsibilities of the public safety
23 broadband licensee (as such term is defined in section
24 337(g) of the Communications Act of 1934) and the Fed-
25 eral Communications Commission, except that the fol-

1 lowing may, by rule or order, be modified by the Commis-
2 sion:

3 (1) Any organization seeking membership to the
4 board of directors of the public safety broadband li-
5 censee may be voted in by a simple majority of the
6 then serving members of the Board of Directors.

7 (2) The Board of Directors of the Public Safety
8 Broadband Licensee shall include the following orga-
9 nizations:

10 (A) International Association of Chiefs of
11 Police.

12 (B) International Association of Fire
13 Chiefs.

14 (C) National Sheriffs' Association.

15 (D) International Association of Fire
16 Fighters.

17 (E) National Volunteer Fire Council.

18 (F) Fraternal Order of Police.

19 (G) Major Cities Chiefs Association.

20 (H) Metropolitan Fire Chiefs Association.

21 (I) Major County Sheriffs' Association.

22 (J) Association of Public-Safety Commu-
23 nications Officials, International.

24 (K) National Emergency Management As-
25 sociation.

1 (L) International Association of Emer-
2 gency Managers.

3 (M) Police Executive Research Forum.

4 (N) National Criminal Justice Association.

5 (O) National Association of Police Organi-
6 zations.

7 (P) National Organization of Black Law
8 Enforcement Executives.

9 (Q) Association of Air Medical Services.

10 (R) Advocates for Emergency Medical
11 Services.

12 (S) Emergency Nurses Association.

13 (T) National Association of Emergency
14 Medical Services Physicians.

15 (U) National Association of Emergency
16 Medical Technicians.

17 (V) National Association of State Emer-
18 gency Medical Service Officials.

19 (W) National Emergency Medical Services
20 Management Association.

21 (X) International Municipal Signal Asso-
22 ciation.

23 (Y) American Probation and Parole Asso-
24 ciation.

25 (Z) National Governors Association.

- 1 (AA) National Association of Counties.
- 2 (BB) National League of Cities.
- 3 (CC) United States Conference of Mayors.
- 4 (DD) Council of State Governments.
- 5 (EE) International City/County Managers
6 Association.
- 7 (FF) National Conference of State Legis-
8 latures.
- 9 (GG) National Association of Regional
10 Councils.
- 11 (HH) Utilities Telecom Council.
- 12 (II) American Association of State High-
13 way Transportation Officials.
- 14 (JJ) American Hospital Association.
- 15 (KK) Forestry Conservation Communica-
16 tions Association.
- 17 (LL) National Association of State 911
18 Administrators.
- 19 (MM) National Troopers Coalition.
- 20 (NN) National Emergency Numbers Asso-
21 ciation.

22 **TITLE II—FUNDING**

23 **SEC. 201. DEFINITIONS.**

24 In this title—

1 (1) the term “Assistant Secretary” means the
2 Assistant Secretary of Commerce for Communica-
3 tions and Information;

4 (2) the term “appropriate committees of Con-
5 gress” means—

6 (A) the Committee on Homeland Security
7 and Governmental Affairs of the Senate;

8 (B) the Committee on Commerce, Science,
9 and Transportation of the Senate;

10 (C) the Committee on Energy and Com-
11 merce of the House of Representatives; and

12 (D) the Committee on Homeland Security
13 of the House of Representatives;

14 (3) the term “Construction Fund” means the
15 Public Safety Interoperable Broadband Network
16 Construction Fund established under section 202;

17 (4) the term “Maintenance and Operation
18 Fund” means the Public Safety Interoperable
19 Broadband Network Maintenance and Operation
20 Fund established under section 202; and

21 (5) the term “Secretary” means the Secretary
22 of Homeland Security.

23 **SEC. 202. FUNDING.**

24 (a) ESTABLISHMENT OF FUNDS.—

25 (1) CONSTRUCTION FUND.—

1 (A) ESTABLISHMENT.—There is estab-
2 lished in the Treasury of the United States a
3 fund to be known as the Public Safety Inter-
4 operable Broadband Network Construction
5 Fund.

6 (B) PURPOSE.—The Secretary shall estab-
7 lish and administer the grant program under
8 section 203 using the funds deposited in the
9 Construction Fund.

10 (C) CREDIT.—

11 (i) BORROWING AUTHORITY.—The
12 Secretary may borrow from the general
13 fund of the Treasury beginning October 1,
14 2011, such sums as may be necessary, but
15 not to exceed \$2,000,000,000, to imple-
16 ment section 203.

17 (ii) REIMBURSEMENT.—The Secretary
18 of the Treasury shall reimburse the general
19 fund of the Treasury, without interest, for
20 any amounts borrowed under clause (i) as
21 funds are deposited into the Construction
22 Fund, but in no case later than December
23 31, 2014.

24 (2) MAINTENANCE AND OPERATION FUND.—

1 (A) ESTABLISHMENT.—There is estab-
2 lished in the Treasury of the United States a
3 fund to be known as the Public Safety Inter-
4 operable Broadband Network Maintenance and
5 Operation Fund.

6 (B) PURPOSE.—The Secretary shall use
7 the funds deposited in the Maintenance and Op-
8 eration Fund to carry out section 204.

9 (b) INITIAL DISTRIBUTION OF AUCTION PROCEEDS
10 IN FUNDS.—Notwithstanding subparagraphs (A) and (D)
11 of section 309(j)(8) of the Communications Act of 1934
12 (47 U.S.C. 309(j)(8)), the Secretary of the Treasury shall
13 deposit the proceeds (including deposits and upfront pay-
14 ments from successful bidders) from the auction of the
15 spectrum described in section 205 in the following man-
16 ner:

17 (1) All proceeds less than or equal to
18 \$5,500,000,000 shall be deposited in the Construc-
19 tion Fund and shall be made available to the Sec-
20 retary without further appropriations.

21 (2) Any proceeds exceeding \$5,500,000,000
22 shall be deposited in the Maintenance and Operation
23 Fund and shall be made available to the Secretary
24 without further appropriations.

1 (c) TRANSFER OF FUNDS AT COMPLETION OF CON-
2 STRUCTION.—The Secretary of the Treasury shall transfer
3 to the Maintenance and Operation Fund any funds re-
4 maining in the Construction Fund after the date of the
5 completion of the construction phase, as determined by the
6 Secretary.

7 (d) TRANSFER OF FUNDS TO TREASURY.—The Sec-
8 retary of the Treasury shall transfer to the general fund
9 of the Treasury any funds remaining in the Maintenance
10 and Operation Fund after the end of the 10-year period
11 following receipt of notice by the Secretary of Homeland
12 Security that construction of the nationwide system has
13 been completed.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) CONSTRUCTION FUND.—There are author-
16 ized to be appropriated to the Secretary for deposit
17 in the Construction Fund in and after fiscal year
18 2012 an amount not to exceed the amount set forth
19 in paragraph (3).

20 (2) MAINTENANCE AND OPERATION FUND.—
21 There are authorized to be appropriated to the Sec-
22 retary for deposit in the Maintenance and Operation
23 Fund in and after fiscal year 2012 an amount not
24 to exceed the amount set forth in paragraph (3).

1 (3) LIMITATION.—The authorization of appro-
2 priations under paragraphs (1) and (2) may not ex-
3 ceed a total of \$5,500,000,000.

4 **SEC. 203. PUBLIC SAFETY INTEROPERABLE BROADBAND**
5 **NETWORK CONSTRUCTION.**

6 (a) CONSTRUCTION GRANT PROGRAM ESTABLISH-
7 MENT.—The Secretary shall take such action as is nec-
8 essary to establish a grant program to assist public safety
9 entities to establish a nationwide public safety interoper-
10 able broadband network in the 700 megahertz band.

11 (b) PROJECTS.—The projects for which construction
12 grants may be made under this section are the following:

13 (1) Construction of a new public safety inter-
14 operable broadband network using public safety in-
15 frastructure or commercial infrastructure, or both,
16 in the 700 megahertz band.

17 (2) Improvement of the existing public safety
18 and commercial networks and construction of new
19 infrastructure to meet public safety requirements.

20 (c) MATCHING REQUIREMENTS.—

21 (1) FEDERAL SHARE.—The Federal share of
22 the cost of carrying out a project under this section
23 may not exceed 80 percent of the eligible costs of
24 carrying out a project, as determined by the Sec-

1 retary in consultation with the Chairman of the Fed-
2 eral Communications Commission.

3 (2) NON-FEDERAL SHARE.—The non-Federal
4 share of the cost of carrying out a project under this
5 section may be provided through an in-kind con-
6 tribution.

7 (d) REQUIREMENTS.—Not later than 6 months after
8 the date of enactment of this Act, the Secretary shall es-
9 tablish grant program requirements including the fol-
10 lowing:

11 (1) Defining entities that are eligible to receive
12 a grant under this section.

13 (2) Defining eligible costs for purposes of sub-
14 section (c)(1).

15 (3) Determining the scope of network infra-
16 structure eligible for grant funding under this sec-
17 tion.

18 (4) Conditioning grant funding on compliance
19 with the Federal Communications Commission’s li-
20 cense terms.

21 (5) Ensuring that all grant funds are in compli-
22 ance with and support the goals of the National
23 Emergency Communications Plan and the Statewide
24 Communication Interoperability Plans for each State
25 and territory.

1 (e) TECHNICAL ASSISTANCE.—The Secretary will en-
2 hance the Office of Emergency Communications Technical
3 Assistance Program to assist grantees with best practices
4 and guidance in implementing these projects.

5 **SEC. 204. PUBLIC SAFETY INTEROPERABLE BROADBAND**
6 **MAINTENANCE AND OPERATION.**

7 (a) MAINTENANCE AND OPERATION REIMBURSE-
8 MENT PROGRAM.—The Secretary shall administer a pro-
9 gram through which not more than 50 percent of mainte-
10 nance and operational expenses associated with the public
11 safety interoperable broadband network may be reim-
12 bursed from the Maintenance and Operation Fund for
13 those expenses that are attributable to the maintenance,
14 operation, and improvement of the public safety interoper-
15 able broadband network.

16 (b) REPORT.—Not later than 7 years after the com-
17 mencement of the reimbursement program established
18 under subsection (a), the Secretary shall submit to Con-
19 gress a report on whether to continue to provide funding
20 for the Maintenance and Operation Fund following com-
21 pletion of the period provided for under section 202(d).

22 **SEC. 205. AUDITS.**

23 (a) IN GENERAL.—Not later than 3 years after the
24 date of enactment of this Act, and every 3 years there-
25 after, the Comptroller General of the United States shall

1 perform an audit of the financial statements, records, and
2 accounts of the—

3 (1) Public Safety Interoperable Broadband Net-
4 work Construction Fund established under section
5 202(a)(1);

6 (2) Public Safety Interoperable Broadband Net-
7 work Maintenance and Operation Fund established
8 under section 202(a)(2);

9 (3) construction grant program established
10 under section 203; and

11 (4) maintenance and operation grant program
12 established under section 204.

13 (b) GAAP.—Each audit required under subsection
14 (a) shall be conducted in accordance with generally accept-
15 ed accounting procedures.

16 (c) REPORT TO CONGRESS.—A copy of each audit re-
17 quired under subsection (a) shall be submitted to the ap-
18 propriate committees of Congress.

19 **SEC. 206. AUCTION OF SPECTRUM TO FUND THE INTER-**
20 **OPERABLE BROADBAND NETWORK CON-**
21 **STRUCTION FUND, AND THE OPERATION AND**
22 **MAINTENANCE FUND.**

23 (a) IN GENERAL.—

24 (1) REALLOCATION OF SPECTRUM.—Not later
25 than 1 year after the date of enactment of this Act,

1 the Assistant Secretary shall reallocate for commer-
2 cial use electromagnetic spectrum at 1755–1780
3 megahertz.

4 (2) AUCTION.—Not later than 18 months after
5 the date of enactment of this Act, the Federal Com-
6 munications Commission shall establish rules for
7 pairing electromagnetic spectrum bands at 1755–
8 1780 megahertz and 2155–2180 megahertz, inclu-
9 sive, and auction the licenses for such paired spec-
10 trum in accordance of section 309(j).

11 **SEC. 207. ACHIEVING LONG-TERM INTEROPERABILITY BY**
12 **CONSOLIDATING BAND USE BY PUBLIC SAFE-**
13 **TY AGENCIES.**

14 (a) MANDATING MIGRATION OF PUBLIC SAFETY EN-
15 TITIES AND FEDERAL LAW ENFORCEMENT.—

16 (1) REQUIRE MIGRATION BY PUBLIC SAFETY
17 ENTITIES.—Not later than 8 years after the date of
18 enactment of the Act, each public safety entities
19 shall end their use of radio spectrum above 420
20 megahertz and below 512 megahertz and begin to
21 use alternative radio spectrum licensed to public
22 safety services in the 700 megahertz and 800 mega-
23 hertz bands.

24 (2) REQUIRE USE BY FEDERAL LAW ENFORCE-
25 MENT.—Not later than 10 years after the date of

1 enactment of this Act, each Federal law enforcement
2 agency shall move all of their communications, not
3 being carried on commercial networks, to spectrum
4 located in the 700 megahertz and 800 megahertz
5 bands.

6 (b) GAO STUDY.—Not later than 3 years after the
7 date of enactment of this Act, the Comptroller General
8 of the United States shall conduct a study and submit a
9 report to the appropriate committees of Congress that
10 identifies those parts of the radio spectrum above 174
11 megahertz and below 512 megahertz used by public safety
12 entities that should be returned to the Federal Commu-
13 nications Commission for auction in accordance with sub-
14 section (d).

15 (c) MIGRATION PLAN DEVELOPED BY FCC AND
16 DHS.—

17 (1) IN GENERAL.—Not later than 6 years after
18 the date of enactment of this Act, the Federal Com-
19 munications Commission, in consultation with the
20 Secretary, the Assistant Secretary, and Federal,
21 State and local public safety agencies, shall issue a
22 report, detailing the plan for public safety entities to
23 end their use of radio spectrum above 170 mega-
24 hertz and below 512 megahertz and move all use to

1 the radio spectrum licensed to public safety services,
2 in the 700 megahertz and 800 megahertz bands.

3 (2) FACILITATION OF MIGRATION.—The Sec-
4 retary shall make amounts available out of the main-
5 tenance and operation grant program established
6 under section 204 to facilitate the migration of pub-
7 lic safety entity use of the radio spectrum licensed
8 to public safety services in the 700 megahertz and
9 800 megahertz bands in accordance with the plan
10 developed under paragraph (1).

11 (d) RECOVERED PUBLIC SAFETY SPECTRUM.—

12 (1) AUCTION.—Not later than 10 years after
13 the date of enactment of this Act, the paired electro-
14 magnetic spectrum bands of 420–440 megahertz and
15 450–470 megahertz recovered as a result of the re-
16 port and order required under subsection (c) shall be
17 auctioned off by the Federal Communications Com-
18 mission through a system of competitive bidding
19 meeting the requirements of section 309 of the Com-
20 munications Act of 1934.

21 (2) ENCOURAGED USE OF CERTAIN AUTHOR-
22 ITY.—In making the recovered spectrum identified
23 under paragraph (1) available through auction, the
24 Commission is encouraged to use its authority under
25 sections 303 and 316 of the Act to configure the

1 spectrum in a manner that increases the value of the
2 recovered spectrum for commercial use.

3 (3) PROCEEDS.—Notwithstanding any other
4 provision of law, all proceeds (including deposits and
5 upfront payments from successful bidders) from the
6 auction required under this subsection shall be de-
7 posited in the Treasury in accordance with chapter
8 33 of title 31, United States Code.

9 **SEC. 208. EXTENSION OF AUCTION AUTHORITY AND ASSUR-**
10 **ANCE OF OPEN AUCTIONS.**

11 (a) EXTENSION OF AUCTION AUTHORITY.—Section
12 309(j)(11) of the Communications Act of 1934 (47 U.S.C.
13 309(j)(11)) is amended by striking “2012” and inserting
14 “2020”.

15 (b) ELIGIBILITY.—The Commission shall ensure that
16 no bidder is deemed ineligible for or otherwise excluded
17 from an auction specified in this Act, or any other com-
18 petitive bidding process under section 309(j) of the Com-
19 munications Act, on account of its size or amount of its
20 other spectrum holdings.

21 **SEC. 209. REPORT ON EFFICIENT USE OF PUBLIC SAFETY**
22 **SPECTRUM.**

23 Not later than 3 years after the date of enactment
24 of this Act and every 3 years thereafter, the Federal Com-

1 munications Commission shall conduct a study and submit
2 to the appropriate committees of Congress a report—

3 (1) on the spectrum held by the public safety
4 broadband licensee;

5 (2) on how efficiently such spectrum is being
6 used; and

7 (3) that provide a recommendation for whether
8 more spectrum needs to be made available to meet
9 the needs of public safety entities.

10 **SEC. 210. REPORT ON LONG-TERM INTEROPERABILITY**
11 **USING IP-BASED SOLUTIONS.**

12 Not later than 2 years after the date of enactment
13 of this Act, the Federal Communications Commission, in
14 consultation with the Secretary of Homeland Security and
15 the Assistant Secretary, shall issue a report and order,
16 after allowing time for notice and comment, including
17 comment from public safety users, and submit such report
18 the appropriate committees of Congress, on whether Inter-
19 net Protocol-enabled solutions could aid interoperability.

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