

111TH CONGRESS
2^D SESSION

H. R. 5081

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

APRIL 20, 2010

Mr. KING of New York (for himself, Ms. CLARKE, Mrs. MILLER of Michigan, Mr. CAO, and Mr. ROGERS of Alabama) 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.**

4 This Act may be cited as the “Broadband for First
5 Responders Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) The communications capabilities of first re-
2 sponders and other public safety agencies directly af-
3 fect the public safety of the people of the United
4 States and our national security.

5 (2) As events such as the terrorist attacks of
6 September 11, 2001, and Hurricane Katrina re-
7 vealed, the inability of local, State, tribal, and Fed-
8 eral first responders to communicate effectively dur-
9 ing an emergency impairs operations and the ability
10 to mitigate terrorist acts and natural disasters.

11 (3) Many public safety communications systems
12 rely on commercially available systems that lack
13 broadband capabilities or otherwise fail to provide
14 the level of service necessary to meet the mission-
15 critical needs of public safety agencies.

16 (4) A wireless public safety broadband network
17 is needed to guarantee priority access for public
18 safety use and first responder interoperability across
19 the United States.

20 (5) Allocating the paired electromagnetic spec-
21 trum bands of 758–763 megahertz and 788–793
22 megahertz, referred to as the D Block, to public
23 safety agencies is the only assured way of meeting
24 public safety’s needs for sufficient spectrum and

1 would help reduce the complexity and future oper-
2 ating cost of public safety communications systems.

3 (6) Because the communications needs of public
4 safety agencies may differ by geographic region (in-
5 cluding whether they require a dedicated commu-
6 nications system or can rely on a system shared with
7 commercial users), each region requires flexibility to
8 develop a model that meets its needs without sacri-
9 ficing the interoperability of the system as a whole.

10 (7) The most timely and cost-effective way to
11 achieve nationwide interoperability in public safety
12 communications will be to leverage commercial infra-
13 structure without compromising the mission-critical
14 needs of public safety agencies.

15 (8) The use by public safety agencies of stand-
16 ardized technologies commonly employed in the com-
17 mercial telecommunications sector will provide sig-
18 nificant benefits, including improved capabilities,
19 greater economies of scale, and more rapid adoption
20 of technological innovations.

21 (9) When it is in the interest of public safety,
22 the Federal Communications Commission should en-
23 courage any public safety licensee or spectrum lessee
24 to consider using existing or planned commercial in-
25 frastructure.

1 **SEC. 3. ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY**
2 **LICENSES.**

3 (a) SPECTRUM ALLOCATION.—Section 337(a) of the
4 Communications Act of 1934 (47 U.S.C. 337(a)) is
5 amended—

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

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

10 (b) ASSIGNMENT.—Section 337(b) of such Act (47
11 U.S.C. 337(b)) is amended to read as follows:

12 “(b) ASSIGNMENT.—

13 “(1) IN GENERAL.—Not later than 60 days
14 after the date of enactment of the Broadband for
15 First Responders Act of 2010, the Commission shall
16 allocate the paired electromagnetic spectrum bands
17 of 758–763 megahertz and 788–793 megahertz for
18 public safety broadband communications and shall
19 assign such paired bands to public safety.

20 “(2) ESTABLISHMENT OF RULES.—

21 “(A) IN GENERAL.—The Commission shall
22 establish rules to permit a public safety
23 broadband licensee to authorize providers of
24 public safety services to construct and operate
25 a wireless public safety broadband network in
26 the spectrum licensed to the public safety

1 broadband licensee if the public safety
2 broadband licensee determines that such au-
3 thorization would expedite the deployment of
4 public safety broadband communications.

5 “(B) NETWORK REQUIREMENTS.—The
6 Commission shall require that any such wireless
7 public safety broadband network shall—

8 “(i) be fully interoperable and remain
9 interoperable with, and in conformance
10 with the same broadband technology stand-
11 ards as, all other public safety broadband
12 systems deployed or authorized;

13 “(ii) provide for roaming by local,
14 State, tribal, and Federal Government and
15 other authorized users of the spectrum li-
16 censed to the public safety broadband li-
17 censee;

18 “(iii) provide priority access to public
19 safety agencies;

20 “(iv) be built to survive most large-
21 scale disasters; and

22 “(v) ensure that networks of such sys-
23 tems have the appropriate level of cyber se-
24 curity.

1 “(C) DEADLINE.—The Commission shall
2 establish rules under this paragraph not later
3 than 180 days after the date of enactment of
4 the Broadband for First Responders Act of
5 2010.”.

6 (c) NETWORK-SHARING AGREEMENTS.—Section 337
7 of such Act (47 U.S.C. 337) is amended—

8 (1) by redesignating subsection (f) as sub-
9 section (g); and

10 (2) by inserting after subsection (e) the fol-
11 lowing:

12 “(f) RULEMAKING REQUIRED.—The Commission
13 shall establish regulations to—

14 “(1) authorize the shared use of the public safe-
15 ty broadband spectrum and network infrastructure
16 by entities that are not defined as public safety serv-
17 ices in subsection (g)(1), subject to requirements
18 that public safety services retain priority access to
19 the spectrum, pursuant to procedures adopted by the
20 Commission; and

21 “(2) allow use of the public safety broadband
22 spectrum by emergency response providers, as de-
23 fined in section 2 of the Homeland Security Act of
24 2002 (6 U.S.C. 101).”.

1 (d) DEFINITION.—Section 337(g) of such Act (as so
2 redesignated) is amended—

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

5 (2) by inserting before paragraph (2), as so re-
6 designated, the following:

7 “(1) PUBLIC SAFETY BROADBAND SPEC-
8 TRUM.—The term ‘public safety broadband spec-
9 trum’ means the electromagnetic spectrum between
10 758 megahertz and 768 megahertz, inclusive, and
11 788 megahertz and 798 megahertz, inclusive and
12 any additional electromagnetic frequencies allocated
13 for public safety use that the Commission shall des-
14 ignate for public safety broadband use.”.

15 **SEC. 4. STANDARDS.**

16 (a) INTEROPERABILITY REQUIREMENTS.—Not later
17 than 180 days after the date of enactment of this Act,
18 the Federal Communications Commission, in consultation
19 with the Director of the National Institute of Standards
20 and Technology, the Secretary of Homeland Security, the
21 Attorney General, and local, State, tribal, and Federal
22 public safety agencies, shall develop a public safety agency
23 statement of requirements that enables nationwide inter-
24 operability and roaming across any communications sys-

1 tem using public safety broadband spectrum, as defined
2 in section 337(g) of the Communications Act of 1934.

3 (b) SPECIFICATIONS.—Such requirements shall es-
4 tablish an appropriate standard, or set of standards, to
5 ensure nationwide interoperability and roaming, taking
6 into consideration—

7 (1) the extent to which particular technologies
8 and user equipment are, or are likely to be, available
9 in the commercial marketplace;

10 (2) the availability of necessary technologies
11 and equipment on reasonable and non-discriminatory
12 licensing terms;

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

15 (4) the ability to accommodate prioritization for
16 public safety transmissions;

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

19 (6) any other considerations the Federal Com-
20 munications Commission deems appropriate.

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