

HR 5081
111th CONGRESS
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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Broadband for First Responders Act of 2010'.

SEC. 2. FINDINGS.

The Congress finds the following:

- (1) The communications capabilities of first responders and other public safety agencies directly affect the public safety of the people of the United States and our national security.
- (2) As events such as the terrorist attacks of September 11, 2001, and Hurricane Katrina revealed, the inability of local, State, tribal, and Federal first responders to communicate effectively during an emergency impairs operations and the ability to mitigate terrorist acts and natural disasters.
- (3) Many public safety communications systems rely on commercially available systems that lack broadband capabilities or otherwise fail to provide the level of service necessary to meet the mission-critical needs of public safety agencies.

- (4) A wireless public safety broadband network is needed to guarantee priority access for public safety use and first responder interoperability across the United States.
- (5) Allocating the paired electromagnetic spectrum bands of 758-763 megahertz and 788-793 megahertz, referred to as the D Block, to public safety agencies is the only assured way of meeting public safety's needs for sufficient spectrum and would help reduce the complexity and future operating cost of public safety communications systems.
- (6) Because the communications needs of public safety agencies may differ by geographic region (including whether they require a dedicated communications system or can rely on a system shared with commercial users), each region requires flexibility to develop a model that meets its needs without sacrificing the interoperability of the system as a whole.
- (7) The most timely and cost-effective way to achieve nationwide interoperability in public safety communications will be to leverage commercial infrastructure without compromising the mission-critical needs of public safety agencies.
- (8) The use by public safety agencies of standardized technologies commonly employed in the commercial telecommunications sector will provide significant benefits, including improved capabilities, greater economies of scale, and more rapid adoption of technological innovations.
- (9) When it is in the interest of public safety, the Federal Communications Commission should encourage any public safety licensee or spectrum lessee to consider using existing or planned commercial infrastructure.

SEC. 3. ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY LICENSES.

- (a) Spectrum Allocation- Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended--

- (1) in paragraph (1), by striking `24' and inserting `34'; and
 - (2) in paragraph (2), by striking `36' and inserting `26'.

(b) Assignment- Section 337(b) of such Act (47 U.S.C. 337(b)) is amended to read as follows:

` (b) Assignment-

- ` (1) IN GENERAL- Not later than 60 days after the date of enactment of the Broadband for First Responders Act of 2010, the Commission shall allocate the paired electromagnetic spectrum bands of 758-763 megahertz and 788-793 megahertz for public safety broadband communications and shall assign such paired bands to public safety.

` (2) ESTABLISHMENT OF RULES-

- ` (A) IN GENERAL- The Commission shall establish rules to permit a public safety broadband licensee to authorize providers of public safety services to construct and

operate a wireless public safety broadband network in the spectrum licensed to the public safety broadband licensee if the public safety broadband licensee determines that such authorization would expedite the deployment of public safety broadband communications.

`(B) NETWORK REQUIREMENTS- The Commission shall require that any such wireless public safety broadband network shall--

`(i) be fully interoperable and remain interoperable with, and in conformance with the same broadband technology standards as, all other public safety broadband systems deployed or authorized;

`(ii) provide for roaming by local, State, tribal, and Federal Government and other authorized users of the spectrum licensed to the public safety broadband licensee;

`(iii) provide priority access to public safety agencies;

`(iv) be built to survive most large-scale disasters; and

`(v) ensure that networks of such systems have the appropriate level of cyber security.

`(C) DEADLINE- The Commission shall establish rules under this paragraph not later than 180 days after the date of enactment of the Broadband for First Responders Act of 2010.'.

(c) Network-Sharing Agreements- Section 337 of such Act (47 U.S.C. 337) is amended--

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

`(f) Rulemaking Required- The Commission shall establish regulations to--

`(1) authorize the shared use of the public safety broadband spectrum and network infrastructure by entities that are not defined as public safety services in subsection (g)(1), subject to requirements that public safety services retain priority access to the spectrum, pursuant to procedures adopted by the Commission; and

`(2) allow use of the public safety broadband spectrum by emergency response providers, as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).'

(d) Definition- Section 337(g) of such Act (as so redesignated) is amended--

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

(2) by inserting before paragraph (2), as so redesignated, the following:

`(1) PUBLIC SAFETY BROADBAND SPECTRUM- The term 'public safety broadband spectrum' means the electromagnetic spectrum between 758 megahertz and 768 megahertz, inclusive, and 788 megahertz and 798 megahertz, inclusive and any

additional electromagnetic frequencies allocated for public safety use that the Commission shall designate for public safety broadband use.'

SEC. 4. STANDARDS.

(a) Interoperability Requirements- Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission, in consultation with the Director of the National Institute of Standards and Technology, the Secretary of Homeland Security, the Attorney General, and local, State, tribal, and Federal public safety agencies, shall develop a public safety agency statement of requirements that enables nationwide interoperability and roaming across any communications system using public safety broadband spectrum, as defined in section 337(g) of the Communications Act of 1934.

(b) Specifications- Such requirements shall establish an appropriate standard, or set of standards, to ensure nationwide interoperability and roaming, taking into consideration--

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

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

(3) the ability to evolve with technological developments in the commercial marketplace;

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

(5) the ability to accommodate appropriate security measures for public safety transmissions; and

(6) any other considerations the Federal Communications Commission deems appropriate.