

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## 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

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## 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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