

112TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mr. LIEBERMAN (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To enhance public safety by making more spectrum available to public safety entities, to facilitate the development of a public safety broadband network, to provide standards for the spectrum needs of public safety entities, 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”.

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

Sec. 1. Short title; table of contents.

TITLE I—ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY  
LICENSES AND ESTABLISHMENT OF RULES

Sec. 101. Definitions relating to public safety broadband.

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

Sec. 103. Establishment of rules governing public safety broadband network.

Sec. 104. Establishment of standards.

Sec. 105. Submission and approval of interoperability communications plans by  
States.

Sec. 106. Rule of construction for public safety broadband licensee.

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 Construction and Maintenance and  
Operation Funds.

Sec. 207. Achieving long-term interoperability and efficient use of public safety  
spectrum.

Sec. 208. Report on long-term interoperability using IP-based solutions.

**1 TITLE I—ALLOCATION AND AS-**  
**2 SIGNMENT OF PUBLIC SAFE-**  
**3 TY LICENSES AND ESTAB-**  
**4 LISHMENT OF RULES**

**5 SEC. 101. DEFINITIONS RELATING TO PUBLIC SAFETY**  
**6 BROADBAND.**

7 Section 337(f) of the Communications Act of 1934  
8 (47 U.S.C. 337(f)) is amended—

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

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

13 “(1) PUBLIC SAFETY BROADBAND LICENSEE.—

14 The term ‘public safety broadband licensee’ means a

1 licensee, as defined by the Commission in its Second  
2 Report and Order adopted July 31, 2007 (FCC 07–  
3 132), and selected in the Commission’s Order adopt-  
4 ed November 19, 2007 (FCC 07–199), by the Com-  
5 mission to be the licensee for the 763–768/793–798  
6 MHz.

7 “(2) 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 by the Commission for public safety broadband  
14 use.”.

15 **SEC. 102. ALLOCATION AND ASSIGNMENT OF PUBLIC SAFE-**  
16 **TY LICENSES.**

17 (a) SPECTRUM ALLOCATION.—Section 337(a) of the  
18 Communications Act of 1934 (47 U.S.C. 337(a)) is  
19 amended—

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

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

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

4 “(b) ASSIGNMENT.—

5 “(1) ALLOCATION OF PAIRED BANDS.—Not  
6 later than 30 days after the date of enactment of  
7 the Broadband for First Responders Act of 2011,  
8 the Commission shall allocate the paired electro-  
9 magnetic spectrum bands of 758–763 megahertz and  
10 788–793 megahertz for public safety broadband  
11 communications.

12 “(2) LICENSING OF PAIRED BANDS.—Not later  
13 than 60 days after the date of enactment of the  
14 Broadband for First Responders Act of 2011, the  
15 Commission shall license the paired electromagnetic  
16 spectrum bands described under subparagraph (A)  
17 to the public safety broadband licensee.”.

18 **SEC. 103. ESTABLISHMENT OF RULES GOVERNING PUBLIC**

19 **SAFETY BROADBAND NETWORK.**

20 (a) ESTABLISHMENT OF RULES.—Not later than 180  
21 days after the date of enactment of this Act, the Federal  
22 Communications Commission shall establish the following  
23 rules:

24 (1) AUTHORIZING THE CONSTRUCTION AND OP-  
25 ERATION OF A PUBLIC SAFETY BROADBAND NET-

1       WORK.—The Commission shall permit the public  
2       safety broadband licensee to authorize providers of  
3       public safety services to construct and operate a  
4       wireless public safety broadband network in the pub-  
5       lic safety broadband spectrum.

6               (2)    ESTABLISHING   NETWORK   REQUIRE-  
7       MENTS.—The Commission shall require that the  
8       wireless public safety broadband network described  
9       under paragraph (1) shall—

10               (A) be fully interoperable and remain  
11               interoperable with, and in conformance with the  
12               same broadband technology standards as all  
13               other public safety broadband systems deployed  
14               or authorized;

15               (B) provide for roaming by Federal, State,  
16               local, and tribal governments and other author-  
17               ized users of the spectrum licensed to the public  
18               safety broadband licensee;

19               (C) provide priority access to public safety  
20               entities;

21               (D) be built to survive most disasters;

22               (E) ensure that networks of such systems  
23               have the appropriate level of cyber security; and

24               (F) ensure that authorized users have the  
25               ability to develop a local network, provided that

1 the uses for such network are consistent with  
2 rules established by the Commission.

3 (3) ALLOWING FOR SHARED USE OF PUBLIC  
4 SAFETY BROADBAND SPECTRUM AND NETWORK IN-  
5 FRASTRUCTURE.—The Commission shall—

6 (A) authorize the shared use, sublicensing,  
7 or leasing of the public safety broadband spec-  
8 trum and network infrastructure by entities  
9 that are not defined as public safety services,  
10 subject to the requirements that public safety  
11 services retain priority access to the spectrum,  
12 pursuant to procedures adopted by the Commis-  
13 sion, provided that—

14 (i) the needs of other governmental  
15 entities are considered before commercial  
16 entities; and

17 (ii) such use is approved by the public  
18 safety broadband licensee;

19 (B) allow use of the public safety  
20 broadband spectrum by emergency response  
21 providers;

22 (C) ensure that any revenues derived from  
23 any such shared use, sublicensing, or lease are  
24 deposited in the Public Safety Interoperable  
25 Broadband Network Maintenance and Oper-

1           ation Fund established under section 202(a)(2);  
2           and

3                   (D) ensure that the Commission retains,  
4           for the 60-day period following submission of a  
5           request for such shared use, sublicensing, or  
6           lease the right to review and approve of any  
7           such shared use, sublicensing, or lease.

8           (4) PROVIDING FOR INTEROPERABILITY AND  
9           ROAMING AGREEMENTS.—The Federal Communica-  
10          tions Commission, in consultation with the Director  
11          of the National Institute of Standards and Tech-  
12          nology, the Secretary of Homeland Security, the At-  
13          torney General, and Federal, State, local, and tribal  
14          public safety agencies, shall establish rules that en-  
15          able—

16                   (A) nationwide interoperability between  
17          wireless public safety broadband networks and  
18          commercial broadband networks; and

19                   (B) roaming by public safety entities oper-  
20          ating on a wireless public safety broadband net-  
21          work across any commercial network so as to  
22          gain guaranteed access to a resilient and reli-  
23          able commercial network in times of an emer-  
24          gency.

25          (b) DEFINITIONS.—As used in this section—

1           (1) the term “emergency response provider”  
2           has the same meaning as in section 2 of the Home-  
3           land Security Act of 2002 (6 U.S.C. 101); and

4           (2) the terms “public safety broadband li-  
5           censee”, “public safety broadband spectrum”, and  
6           “public safety services” shall have the same meaning  
7           as in section 337(f) of the Communications Act of  
8           1934 (47 U.S.C. 337(f)).

9   **SEC. 104. ESTABLISHMENT OF STANDARDS.**

10          Not later than 180 days after the date of enactment  
11          of this Act, the Secretary of Homeland Security, in coordi-  
12          nation with the Director of the National Institute of  
13          Standards and Technology, shall establish an appropriate  
14          set of public safety requirements for meeting the inter-  
15          operability and roaming requirements developed under  
16          section 103(a)(4) taking into consideration—

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

20               (2) the availability of necessary technologies  
21               and equipment on reasonable and nondiscriminatory  
22               licensing terms;

23               (3) the ability of such requirements to evolve  
24               with technological developments in the commercial  
25               marketplace;



1           (4) the ability of such requirements to accom-  
2           modate prioritization for public safety transmissions;

3           (5) the ability of such requirements to accom-  
4           modate appropriate security measures for public  
5           safety transmissions; and

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

8 **SEC. 105. SUBMISSION AND APPROVAL OF INTEROPER-**  
9                           **ABILITY COMMUNICATIONS PLANS BY**  
10                           **STATES.**

11           (a) **IN GENERAL.**—Not later than 6 months after the  
12 date of publication in the Federal Register of the rules  
13 required by section 103 and the date of release of the  
14 standards required by section 104, each State shall submit  
15 a plan to the Secretary of Homeland Security and the  
16 Federal Communications Commission detailing the terms  
17 and aspects of the phased deployment for the wireless pub-  
18 lic safety broadband network to be constructed in the pub-  
19 lic safety broadband spectrum pursuant to section  
20 103(a)(1).

21           (b) **APPROVAL.**—Not later than 120 days after the  
22 submission of a plan under subsection (a), the Secretary  
23 of Homeland Security and the Federal Communications  
24 Commission shall either jointly approve or disapprove of  
25 the plan.

1 **SEC. 106. RULE OF CONSTRUCTION FOR PUBLIC SAFETY**  
2 **BROADBAND LICENSEE.**

3 Nothing in this Act, or the amendments made by this  
4 Act, shall be construed to overturn, supercede, or other-  
5 wise preempt the Federal Communications Commission's  
6 Order adopted on November 19, 2007 (FCC 07-199), set-  
7 ting forth the roles and responsibilities of the public safety  
8 broadband licensee (as such term is defined in section  
9 337(f) of the Communications Act of 1934) and the Fed-  
10 eral Communications Commission, except that the fol-  
11 lowing shall, by rule or order, be modified by the Commis-  
12 sion:

13 (1) Any organization seeking membership to the  
14 Board of Directors of the public safety broadband li-  
15 censee shall be voted in by a simple majority of the  
16 then serving members of the Board of Directors.

17 (2) The Board of Directors of the public safety  
18 broadband licensee shall include the following orga-  
19 nizations:

20 (A) International Association of Chiefs of  
21 Police.

22 (B) International Association of Fire  
23 Chiefs.

24 (C) National Sheriffs' Association.

25 (D) International Association of Fire  
26 Fighters.

## 11

- 1 (E) National Volunteer Fire Council.
- 2 (F) Fraternal Order of Police.
- 3 (G) Major Cities Chiefs Association.
- 4 (H) Metropolitan Fire Chiefs Association.
- 5 (I) Major County Sheriffs' Association.
- 6 (J) Association of Public-Safety Commu-  
7 nications Officials, International.
- 8 (K) National Emergency Management As-  
9 sociation.
- 10 (L) International Association of Emer-  
11 gency Managers.
- 12 (M) Police Executive Research Forum.
- 13 (N) National Criminal Justice Association.
- 14 (O) National Association of Police Organi-  
15 zations.
- 16 (P) National Organization of Black Law  
17 Enforcement Executives.
- 18 (Q) Association of Air Medical Services.
- 19 (R) Advocates for Emergency Medical  
20 Services.
- 21 (S) Emergency Nurses Association.
- 22 (T) National Association of Emergency  
23 Medical Services Physicians.
- 24 (U) National Association of Emergency  
25 Medical Technicians.

1 (V) National Association of State Emer-  
2 gency Medical Services Officials.

3 (W) National Emergency Medical Services  
4 Management Association.

5 (X) International Municipal Signal Asso-  
6 ciation.

7 (Y) American Probation and Parole Asso-  
8 ciation.

9 (Z) National Governors Association.

10 (AA) National Association of Counties.

11 (BB) National League of Cities.

12 (CC) United States Conference of Mayors.

13 (DD) Council of State Governments.

14 (EE) International City/County Manage-  
15 ment Association.

16 (FF) National Conference of State Legis-  
17 latures.

18 (GG) National Association of Regional  
19 Councils.

20 (HH) Utilities Telecom Council.

21 (II) American Association of State High-  
22 way Transportation Officials.

23 (JJ) American Hospital Association.

24 (KK) Forestry Conservation Communica-  
25 tions Association.

1 (LL) National Association of State 911  
2 Administrators.

3 (MM) National Troopers Coalition.

4 (NN) National Emergency Number Asso-  
5 ciation.

6 (OO) American Public Works Association.

## 7 **TITLE II—FUNDING**

### 8 **SEC. 201. DEFINITIONS.**

9 In this title—

10 (1) the term “appropriate committees of Con-  
11 gress” means—

12 (A) the Committee on Homeland Security  
13 and Governmental Affairs of the Senate;

14 (B) the Committee on Commerce, Science,  
15 and Transportation of the Senate;

16 (C) the Committee on Energy and Com-  
17 merce of the House of Representatives; and

18 (D) the Committee on Homeland Security  
19 of the House of Representatives;

20 (2) the term “Assistant Secretary” means the  
21 Assistant Secretary of Commerce for Communica-  
22 tions and Information;

23 (3) the term “Commission” means the Federal  
24 Communications Commission;

1           (4) the term “Construction Fund” means the  
2 Public Safety Interoperable Broadband Network  
3 Construction Fund established under section  
4 202(a)(1);

5           (5) the term “Indian tribe” has the same mean-  
6 ing as in section 4 of the Indian Self Determination  
7 Act (25 U.S.C. 450b);

8           (6) the term “Maintenance and Operation  
9 Fund” means the Public Safety Interoperable  
10 Broadband Network Maintenance and Operation  
11 Fund established under section 202(a)(2);

12           (7) the term “NTIA” means the National Tele-  
13 communications and Information Administration;

14           (8) the term “public safety entity” means an  
15 entity that provides public safety services, including  
16 a State, municipality, or locality;

17           (9) the term “public safety services” has the  
18 same meaning as in section 337(f) of the Commu-  
19 nications Act of 1934 (47 U.S.C. 337(f)); and

20           (10) the term “Secretary” means the Secretary  
21 of Homeland Security.

22 **SEC. 202. FUNDING.**

23           (a) ESTABLISHMENT OF FUNDS.—

24           (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 on October  
14           1, 2011, such sums as may be necessary,  
15           but not to exceed \$2,000,000,000, to im-  
16           plement 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 up front pay-  
14 ments from successful bidders) from the auction of the  
15 spectrum described in section 206 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) All proceeds exceeding \$5,500,000,000 but  
22 not more than \$11,000,000,000 shall be deposited in  
23 the Maintenance and Operation Fund and shall be  
24 made available to the Secretary without further ap-  
25 propriations.



1           (3) Any proceeds in excess of \$11,000,000,000  
2           shall be deposited in the General Fund of the Treas-  
3           ury, where such amounts shall be dedicated for the  
4           sole purpose of deficit reduction.

5           (c) TRANSFER OF FUNDS AT COMPLETION OF CON-  
6           STRUCTION.—The Secretary of the Treasury shall transfer  
7           to the Maintenance and Operation Fund any funds re-  
8           maining in the Construction Fund after the date of the  
9           completion of the construction phase of the nationwide  
10          public safety interoperable broadband network to be estab-  
11          lished under section 203, as such completion date is deter-  
12          mined by the Secretary.

13          (d) TRANSFER OF FUNDS TO TREASURY.—Any  
14          funds remaining in the Maintenance and Operation Fund  
15          after the end of the 10-year period following the deter-  
16          mination by the Secretary that construction of the nation-  
17          wide public safety interoperable broadband network to be  
18          established under section 203 has been completed shall be  
19          transferred to the General Fund of the Treasury, where  
20          such amounts shall be dedicated for the sole purpose of  
21          deficit reduction.

22          (e) AUTHORIZATION OF APPROPRIATIONS.—

23                 (1) CONSTRUCTION FUND.—There are author-  
24                 ized to be appropriated to the Secretary for deposit  
25                 in the Construction Fund in and after fiscal year

1       2012 a total amount not to exceed \$5,500,000,000  
2       minus any amounts equal to the amount deposited  
3       in the Construction Fund pursuant to subsection  
4       (b)(1).

5               (2) MAINTENANCE AND OPERATION FUND.—  
6       There are authorized to be appropriated to the Sec-  
7       retary for deposit in the Maintenance and Operation  
8       Fund in and after fiscal year 2012 a total amount  
9       not to exceed \$5,500,000,000 minus any amounts  
10      equal to the amount deposited in the Maintenance  
11      and Operation Fund pursuant to subsection (b)(2).

12 **SEC. 203. PUBLIC SAFETY INTEROPERABLE BROADBAND**  
13                               **NETWORK CONSTRUCTION.**

14       (a) ESTABLISHMENT OF CONSTRUCTION GRANT  
15 PROGRAM.—The Secretary shall take such action as is  
16 necessary to establish a grant program to assist States,  
17 municipalities, and Indian tribes to establish a nationwide  
18 public safety interoperable broadband network in the 700  
19 MHz band.

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

22               (1) Construction of a new public safety inter-  
23 operable broadband network using public safety in-  
24 frastructure in the 700 MHz band.

1           (2) Improvement of the existing public safety  
2 networks and construction of new infrastructure to  
3 meet public safety requirements in the 700 MHz  
4 band, the 800 MHz band, or the 4.9 GHz band.

5           (3) Migration of public safety entity use to the  
6 700 MHz band.

7 (c) MATCHING REQUIREMENTS.—

8           (1) FEDERAL SHARE.—The Federal share of  
9 the cost of carrying out a project under this section  
10 may not exceed 80 percent of the eligible costs of  
11 carrying out a project, as determined by the Sec-  
12 retary in consultation with the Chairman of the  
13 Commission.

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

18 (d) REQUIREMENTS.—Not later than 1 year after the  
19 date of enactment of this Act, the Secretary shall establish  
20 requirements for the grant program established under this  
21 section, including the following:

22           (1) Defining eligible costs for purposes of sub-  
23 section (c)(1).



1 operation, and improvement of the public safety interoper-  
2 able broadband network.

3 (b) REPORT.—Not later than 7 years after the com-  
4 mencement of the reimbursement program established  
5 under subsection (a), the Secretary shall submit to the ap-  
6 propriate committees of Congress a report on whether to  
7 continue to provide funding for the Maintenance and Op-  
8 eration Fund following completion of the period provided  
9 for under section 202(d).

10 **SEC. 205. AUDITS.**

11 (a) IN GENERAL.—Not later than 3 years after the  
12 date of enactment of this Act, and every 3 years there-  
13 after, the Comptroller General of the United States shall  
14 perform an audit of the financial statements, records, and  
15 accounts of the—

16 (1) Construction Fund established under sec-  
17 tion 202(a)(1);

18 (2) Maintenance and Operation Fund estab-  
19 lished under section 202(a)(2);

20 (3) construction grant program established  
21 under section 203; and

22 (4) maintenance and operation grant program  
23 established under section 204.

1 (b) GAAP.—Each audit required under subsection  
2 (a) shall be conducted in accordance with generally accept-  
3 able accounting procedures.

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

7 **SEC. 206. AUCTION OF SPECTRUM TO FUND THE CON-**  
8 **STRUCTION AND MAINTENANCE AND OPER-**  
9 **ATION FUNDS.**

10 (a) IDENTIFICATION OF SPECTRUM.—Not later than  
11 1 year after the date of enactment of this Act, the Assist-  
12 ant Secretary shall identify, at a minimum, 15 megahertz  
13 of contiguous spectrum at frequencies located between  
14 1675 megahertz and 1710 megahertz, inclusive, to be  
15 made available for immediate reallocation.

16 (b) AUCTION.—Not later than January 31, 2014, the  
17 Commission shall conduct the auction of the following li-  
18 censes, by commencing the bidding for:

19 (1) The spectrum between the frequencies of  
20 1915 megahertz and 1920 megahertz, inclusive.

21 (2) The spectrum between the frequencies of  
22 1995 megahertz and 2000 megahertz, inclusive.

23 (3) The spectrum between the frequencies of  
24 2020 megahertz and 2025 megahertz, inclusive.



1 on commercial networks to spectrum located in the 700  
2 MHz and 800 MHz bands.

3 (b) SPECTRUM BELOW 512 MHz.—

4 (1) IN GENERAL.—Beginning on the date of en-  
5 actment of this Act, the Commission shall not renew  
6 any license to use spectrum located on frequencies  
7 above 170 megahertz and below 512 megahertz  
8 granted to a public safety licensee, unless the li-  
9 censee is able to demonstrate—

10 (A) that migration to a different spectrum  
11 band will cause considerable economic hardship  
12 to the State or local government jurisdiction in  
13 which such licensee is located;

14 (B) migration to a different spectrum band  
15 would adversely impact the ability of the li-  
16 censee to protect and serve the community in  
17 which such licensee is located; or

18 (C) there are an insufficient number of fre-  
19 quencies above the 700 MHz band to support  
20 the land-mobile communications needs of the li-  
21 censee.

22 (2) RECOMMENDATION.—Not later than 5  
23 years after date of enactment, the Commission, in  
24 consultation with the Secretary, the NTIA, and Fed-  
25 eral, State, and local public safety agencies, shall



1 issue a recommendation to Congress on the feasi-  
2 bility of public safety entities ending their use of  
3 spectrum located on frequencies above 170 mega-  
4 hertz and below 512 megahertz, and moving all such  
5 use to the spectrum licensed to public safety services  
6 in the 700 MHz and 800 MHz bands.

7 (3) AVAILABILITY OF FUNDS.—The Secretary  
8 may make amounts available from the Maintenance  
9 and Operation Fund to facilitate the migration of  
10 public safety entity use of spectrum located on fre-  
11 quencies above 170 megahertz and below 512 mega-  
12 hertz to use of spectrum licensed to public safety  
13 services in the 700 MHz and 800 MHz bands.

14 (c) SPECTRUM IN THE 4.9 GHZ BAND.—

15 (1) ELIGIBILITY FOR USE OF SPECTRUM.—The  
16 Commission shall modify section 90.1203(b) of sub-  
17 part Y or part 90 of the Code of Federal Regula-  
18 tions (47 C.F.R. 90.1203(b))(relating to eligibility of  
19 use of spectrum frequencies in the 4940—4990  
20 MHz band) to ensure that—

21 (A) governmental entities providing public  
22 safety services retain primary authority to use  
23 such spectrum; and

24 (B) non-governmental entities may use the  
25 spectrum on a secondary basis, provided that—

1 (i) such secondary use does not cause  
2 harmful interference to public safety users  
3 of that spectrum;

4 (ii) the non-governmental entity seek-  
5 ing such secondary use demonstrates to  
6 the Commission that such secondary use  
7 will not cause interference to public safety  
8 users of that spectrum; and

9 (iii) if such secondary use causes any  
10 interference to a public safety user, such  
11 entity shall immediately cease such use  
12 until such interference has been mitigated  
13 to the satisfaction of the public safety user.

14 (2) FEE FOR SECONDARY USE OF SPECTRUM.—

15 (A) IN GENERAL.—The Commission shall  
16 charge a recurring licensing fee to each non-  
17 governmental entity for any secondary use of  
18 spectrum by such entity described under para-  
19 graph (1).

20 (B) TREATMENT OF REVENUES.—Any rev-  
21 enues generated from the recurring licensing  
22 fee charged under subparagraph (A) shall be  
23 deposited in Maintenance and Operation Fund  
24 until the date identified under section 202(d),  
25 after which all such revenues shall be deposited

1           in the General Fund of the Treasury, where  
2           such amounts shall be dedicated for the sole  
3           purpose of deficit reduction.

4           (d) REPORTS ON EFFICIENT USE OF PUBLIC SAFE-  
5   TY SPECTRUM.—

6           (1) GAO STUDY AND REPORT.—Not later than  
7           3 years after the date of enactment of this Act, the  
8           Comptroller General of the United States shall con-  
9           duct a study and submit a report to the appropriate  
10          committees of Congress that identifies—

11                  (A) those parts of the radio spectrum  
12                  above 174 MHz and below 512 MHz used by  
13                  any public safety entity that could be returned  
14                  to the Commission for auction in accordance  
15                  with subsection (d); and

16                  (B) the cost of migrating any such entity  
17                  from use of the returned spectrum to use of al-  
18                  ternative spectrum.

19           (2) FCC STUDY AND REPORT.—Not later than  
20           3 years after the date of enactment of this Act, and  
21           every 3 years thereafter, the Commission shall con-  
22           duct a study and submit to the appropriate commit-  
23           tees of Congress a report—

24                  (A) on the spectrum held by the public  
25                  safety broadband licensee;

1                   (B) on how efficiently such spectrum is  
2                   being used; and

3                   (C) that provides a recommendation for  
4                   whether more spectrum needs to be made avail-  
5                   able to meet the needs of public safety entities.

6 **SEC. 208. REPORT ON LONG-TERM INTEROPERABILITY**  
7                   **USING IP-BASED SOLUTIONS.**

8                   Not later than 2 years after the date of enactment  
9                   of this Act, the Commission, in consultation with the Sec-  
10                  retary and the Assistant Secretary, shall issue a report  
11                  and order, after allowing time for notice and comment,  
12                  including comment from public safety users, and submit  
13                  such report to the appropriate committees of Congress, on  
14                  whether Internet Protocol-enabled solutions could aid  
15                  interoperability.