To establish a permanent grant program to improve public safety communications and the interoperability of emergency communications equipment.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2005

Mr. STUPAK (for himself, Mr. FOSSELLA, Mr. ENGEL, Mrs. MCCARTHY, Mr. OBERSTAR, Mr. TOWNS, Mr. NADLER, Mr. ACKERMAN, Mr. MCNULTY, Ms. BERKLEY, and Mr. GORDON) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish a permanent grant program to improve public safety communications and the interoperability of emergency communications equipment.

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 “Public Safety Interoperability Implementation Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Following the tragic events of September 11, 2001, the need for interoperable communications
(2) The inability of many firefighters and police to communicate with each other in the World Trade Centers led to some loss of lives that perhaps could have been prevented.

(3) As demonstrated by a hearing by the Committee on Energy and Commerce of the House of Representatives, Subcommittee on Telecommunications and the Internet, on June 11, 2003, interoperability problems and spectrum and equipment shortages continue to plague our nation’s first responders, and without additional funding these problems will continue.

(4) Action is critical to address these shortages not only to ensure readiness in the event of another terrorist attack, but also to address daily communications needs that are essential.

(5) Each day this Nation’s public safety officers put their lives on the line to serve this country and immediate increases in funding are essential.

(6) According to the report by the Council on Foreign Relations, the United States is drastically underfunding local emergency responders, and re-
mains dangerously unprepared to handle a cata-

3 strophic attack on American soil.

SEC. 3. PUBLIC SAFETY TRUST FUND.

Part A of the National Telecommunications and In-
formation Administration Organization Act (47 U.S.C.
901 et seq.) is amended by adding at the end the following
new section:

"SEC. 106. PUBLIC SAFETY TRUST FUND.

“(a) Establishment.—

“(1) Fund established.—There is hereby es-
tablished in the Treasury of the United States the
Public Safety Communications Trust Fund.

“(2) Deposits.—The Fund shall consist of—

“(A) the amounts appropriated pursuant
to subsection (f); and

“(B) 50 percent of the proceeds of any
auction conducted pursuant to section 309(j) of
the Communications Act of 1934 for any bands
of frequencies other than those described in
paragraph (3), except that such percentage may
be reduced in accordance with paragraph (4).

“(3) Excepted Frequencies.—The bands of
frequencies described in this paragraph are the fol-
owing:
“(A) the 216–220 megahertz band, the
1432–1435 megahertz band, the 1710–1755
megahertz band, and the 2385–2390 megahertz
band of frequencies; and

“(B) any other band of frequencies reallo-
cated from Federal use to non-Federal use after
January 1, 2003, that is assigned by competi-
tive bidding pursuant to section 309(j) of the
Communications Act of 1934 (47 U.S.C.
309(j)), except for bands of frequencies pre-
viously identified by the National Telecommu-
cations and Information Administration in the
Spectrum Reallocation Final Report, NTIA

“(4) REDUCTION OF PERCENTAGE.—If the
board of directors submits to the Congress a state-
ment that—

“(A) projects that the future needs for
grants under subsection (c) has been reduced to
the extent that the percentage specified in para-
graph (2) is likely to yield a surplus in the fund
beyond the amounts needed to meet such needs,
and
“(B) specifies a lower percentage that the board estimates to be sufficient to meet such needs (without yielding a surplus), paragraph (2) shall be applied to any auction subject to such paragraph that is conducted after the date of submission of such statement by substituting such lower percentage for 50 percent.

“(5) FUND AVAILABILITY.—

“(A) APPROPRIATION.—There are hereby appropriated from the Fund such sums as are authorized by the board to be disbursed for grants under this section.

“(B) REVERSION OF UNUSED FUNDS.—Any grant proceeds that remain unexpended at the end of the grant period as determined under subsection (c)(3) shall revert to and be deposited in the Fund.

“(b) BOARD OF DIRECTORS.—

“(1) ESTABLISHMENT.—The Fund shall be administered by the Administrator of the NTIA, in consultation with a board of directors comprised of 5 members, appointed by the Secretary, with experience in one or more of the following fields: grant and investment management; communications equipment and software applications; and public safety
and emergency response. The board shall consult with, or include a member or members from, the Department of Homeland Security.

“(2) FUNCTIONS.—The board shall—

“(A) establish the reasonable and prudent criteria for the selection of the grant recipients under this section;

“(B) determine the amount of the grants awarded; and

“(C) review the use of funds made by such grant recipients.

“(3) COMPENSATION PROHIBITED; EXPENSES PROVIDED.—The members of the board shall serve without compensation, but may, from appropriated funds available for the administrative expenses of the NTIA, receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

“(c) PURPOSE AND ACTIVITIES OF THE TRUST.—

“(1) GRANT PURPOSES.—In order to achieve the objectives and carry out the purposes of this part, the Administrator is authorized to make grants, from amounts deposited pursuant to subsection (a)(2) and from the interest or other income
on the Fund, to implement interoperability and mod-
ernization (including equipment upgrades) for the
communications needs of public safety, fire, emer-
gency, law enforcement, and crisis management by
State and local government agencies and instrument-
alities and nonprofit organizations.

“(2) Grant preference for broader scope
of interoperability.—In making grants from the
Fund, the Administrator shall give preference to eli-
gible entities that are proposing inter-agency or re-
gional and multi-jurisdictional interoperability.

“(3) Grant availability.—Grants from the
Fund shall be made available on a single or multi-
year basis to facilitate long term planning and train-
ing.

“(d) Eligible entities.—The following organiza-
tions and entities are eligible to apply for funds under this
section:

“(1) an agency or instrumentality of a State or
local government of the United States (including an
agency or instrumentality of a territory or posses-
sion of the United States); and

“(2) a nonprofit agency or organization that is
exempt from taxes under section 501(c)(3) of the In-
ternal Revenue Code of 1986 and that performs a
public safety function, as determined by the Administrator.

“(e) **PERMISSIBLE USES OF FUNDS.**—Amounts made available by grant from the fund may be used by eligible entities for equipment, training, planning, and research for the purposes of upgrading communications and the interoperability of communications used in public safety, fire, emergency, law enforcement, and crisis management.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Fund $500,000,000 for fiscal year 2004 and each of the 2 succeeding fiscal years.

“(g) **REPORTS.**—

“(1) **BY GRANT RECIPIENTS.**—Each grant recipient shall submit to the Administrator and the board a report on the use of the funds provided by the grant, and on the progress made with respect to the improvement of the grant recipient’s communications capabilities.

“(2) **BY ADMINISTRATOR.**—The Administrator shall annually submit to the Congress a report on the operations of the Fund and the grants made by the Funds. Such report shall include—
“(A) an identification of the grants made, the recipients thereof, and the planned uses of the amounts made available;

“(B) a financial report on the operations and condition of the Fund; and

“(C) a description of the results of the use of funds provided by grants under this section, including the status of interoperability implementation by the grant recipients.

“(h) REGULATIONS.—The Administrator may prescribe such regulations as may be necessary and appropriate to carry out this section.

“(i) DEFINITIONS.—As used in this section—

“(1) the term ‘the Fund’ means the Public Safety Communications Trust Fund established pursuant to subsection (a); and

“(2) the term ‘the board’ means the board of directors established pursuant to subsection (b).”.

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