

109TH CONGRESS
1ST SESSION

H. R. 1323

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.

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 “Public Safety Inter-
5 operability Implementation Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Following the tragic events of September
9 11, 2001, the need for interoperable communications

1 for public safety became even more apparent, and
2 critical to address.

3 (2) The inability of many firefighters and police
4 to communicate with each other in the World Trade
5 Centers led to some loss of lives that perhaps could
6 have been prevented.

7 (3) As demonstrated by a hearing by the Com-
8 mittee on Energy and Commerce of the House of
9 Representatives, Subcommittee on Telecommuni-
10 cations and the Internet, on June 11, 2003, inter-
11 operability problems and spectrum and equipment
12 shortages continue to plague our nation's first re-
13 sponders, and without additional funding these prob-
14 lems will continue.

15 (4) Action is critical to address these shortages
16 not only to ensure readiness in the event of another
17 terrorist attack, but also to address daily commu-
18 nications needs that are essential.

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

22 (6) According to the report by the Council on
23 Foreign Relations, the United States is drastically
24 underfunding local emergency responders, and re-

1 mains dangerously unprepared to handle a cata-
2 strophic attack on American soil.

3 **SEC. 3. PUBLIC SAFETY TRUST FUND.**

4 Part A of the National Telecommunications and In-
5 formation Administration Organization Act (47 U.S.C.
6 901 et seq.) is amended by adding at the end the following
7 new section:

8 **“SEC. 106. PUBLIC SAFETY TRUST FUND.**

9 “(a) ESTABLISHMENT.—

10 “(1) FUND ESTABLISHED.—There is hereby es-
11 tablished in the Treasury of the United States the
12 Public Safety Communications Trust Fund.

13 “(2) DEPOSITS.—The Fund shall consist of—

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

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

22 “(3) EXCEPTED FREQUENCIES.—The bands of
23 frequencies described in this paragraph are the fol-
24 lowing:

1 “(A) the 216–220 megahertz band, the
2 1432–1435 megahertz band, the 1710–1755
3 megahertz band, and the 2385–2390 megahertz
4 band of frequencies; and

5 “(B) any other band of frequencies reallo-
6 cated from Federal use to non-Federal use after
7 January 1, 2003, that is assigned by competi-
8 tive bidding pursuant to section 309(j) of the
9 Communications Act of 1934 (47 U.S.C.
10 309(j)), except for bands of frequencies pre-
11 viously identified by the National Telecommuni-
12 cations and Information Administration in the
13 Spectrum Reallocation Final Report, NTIA
14 Special Publication 95–32 (1995).

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

18 “(A) projects that the future needs for
19 grants under subsection (c) has been reduced to
20 the extent that the percentage specified in para-
21 graph (2) is likely to yield a surplus in the fund
22 beyond the amounts needed to meet such needs,
23 and

1 “(B) specifies a lower percentage that the
2 board estimates to be sufficient to meet such
3 needs (without yielding a surplus),
4 paragraph (2) shall be applied to any auction subject
5 to such paragraph that is conducted after the date
6 of submission of such statement by substituting such
7 lower percentage for 50 percent.

8 “(5) FUND AVAILABILITY.—

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

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

18 “(b) BOARD OF DIRECTORS.—

19 “(1) ESTABLISHMENT.—The Fund shall be ad-
20 ministered by the Administrator of the NTIA, in
21 consultation with a board of directors comprised of
22 5 members, appointed by the Secretary, with experi-
23 ence in one or more of the following fields: grant
24 and investment management; communications equip-
25 ment and software applications; and public safety

1 and emergency response. The board shall consult
2 with, or include a member or members from, the De-
3 partment of Homeland Security.

4 “(2) FUNCTIONS.—The board shall—

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

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

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

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

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

21 “(1) GRANT PURPOSES.—In order to achieve
22 the objectives and carry out the purposes of this
23 part, the Administrator is authorized to make
24 grants, from amounts deposited pursuant to sub-
25 section (a)(2) and from the interest or other income

1 on the Fund, to implement interoperability and mod-
2 ernization (including equipment upgrades) for the
3 communications needs of public safety, fire, emer-
4 gency, law enforcement, and crisis management by
5 State and local government agencies and instrumen-
6 talities and nonprofit organizations.

7 “(2) GRANT PREFERENCE FOR BROADER SCOPE
8 OF INTEROPERABILITY.—In making grants from the
9 Fund, the Administrator shall give preference to eli-
10 gible entities that are proposing inter-agency or re-
11 gional and multi-jurisdictional interoperability.

12 “(3) GRANT AVAILABILITY.—Grants from the
13 Fund shall be made available on a single or multi-
14 year basis to facilitate long term planning and train-
15 ing.

16 “(d) ELIGIBLE ENTITIES.—The following organiza-
17 tions and entities are eligible to apply for funds under this
18 section:

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

23 “(2) a nonprofit agency or organization that is
24 exempt from taxes under section 501(c)(3) of the In-
25 ternal Revenue Code of 1986 and that performs a

1 public safety function, as determined by the Admin-
2 istrator.

3 “(e) PERMISSIBLE USES OF FUNDS.—Amounts
4 made available by grant from the fund may be used by
5 eligible entities for equipment, training, planning, and re-
6 search for the purposes of upgrading communications and
7 the interoperability of communications used in public safe-
8 ty, fire, emergency, law enforcement, and crisis manage-
9 ment.

10 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Fund
12 \$500,000,000 for fiscal year 2004 and each of the 2 suc-
13 ceeding fiscal years.

14 “(g) REPORTS.—

15 “(1) BY GRANT RECIPIENTS.—Each grant re-
16 cipient shall submit to the Administrator and the
17 board a report on the use of the funds provided by
18 the grant, and on the progress made with respect to
19 the improvement of the grant recipient’s communica-
20 tions capabilities.

21 “(2) BY ADMINISTRATOR.—The Administrator
22 shall annually submit to the Congress a report on
23 the operations of the Fund and the grants made by
24 the Funds. Such report shall include—

1 “(A) an identification of the grants made,
2 the recipients thereof, and the planned uses of
3 the amounts made available;

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

6 “(C) a description of the results of the use
7 of funds provided by grants under this section,
8 including the status of interoperability imple-
9 mentation by the grant recipients.

10 “(h) REGULATIONS.—The Administrator may pre-
11 scribe such regulations as may be necessary and appro-
12 priate to carry out this section.

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

14 “(1) the term ‘the Fund’ means the Public
15 Safety Communications Trust Fund established pur-
16 suant to subsection (a); and

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

○