H. R. 2976

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

September 20, 2011

Mr. ROTHMAN of New Jersey (for himself and Mr. King of New York) 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.

- 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 "Help Emergency Responders Operate Emergency Sys-
- 6 tems Act of 2011" or the "HEROES Act of 2011".

- 1 (b) Table of Contents for
- 2 this Act is as follows:
 - Sec. 1. Short title; table of contents.

TITLE I—ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY LICENSES

- Sec. 101. Findings.
- Sec. 102. Allocation and assignment of public safety licenses.
- Sec. 103. Standards.
- Sec. 104. Rule of construction.

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 interoperable broadband network construction fund, the operation and maintenance fund, and the narrowbanding compliance assistance program.
- Sec. 207. Narrowbanding assistance.
- Sec. 208. Extension of auction authority and assurance of open auctions.
- Sec. 209. Report on efficient use of public safety spectrum.
- Sec. 210. Report on long-term interoperability using IP-based solutions.

3 TITLE I—ALLOCATION AND AS-

4 SIGNMENT OF PUBLIC SAFE-

5 **TY LICENSES**

- 6 SEC. 101. FINDINGS.
- 7 The Congress finds the following:
- 8 (1) The communications capabilities of first re-
- 9 sponders and other public safety agencies directly af-
- feet the public safety of the people of the United
- 11 States and our national security.
- 12 (2) As events such as the terrorist attacks of
- 13 September 11, 2001, and Hurricane Katrina re-
- vealed, the inability of local, State, tribal, and Fed-

- eral first responders to communicate effectively during an emergency impairs operations to respond to 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 will fulfill the needs of public safety agencies 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 local needs without

- sacrificing the interoperability of the nationwide system.
 - (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.
- 14 (9) When it is in the interest of public safety, 15 the Federal Communications Commission should en-16 courage any public safety licensee or spectrum lessee 17 to consider using existing or planned commercial in-18 frastructure.

19 SEC. 102. ALLOCATION AND ASSIGNMENT OF PUBLIC SAFE-

- 20 TY LICENSES.
- 21 (a) Spectrum Allocation.—Section 337(a) of the
- 22 Communications Act of 1934 (47 U.S.C. 337(a)) is
- 23 amended—

3

5

6

7

8

9

10

11

12

- 24 (1) in paragraph (1), by striking "24" and in-
- serting "34"; and

- 1 (2) in paragraph (2), by striking "36" and inserting "26".
- 3 (b) Assignment.—Section 337(b) of the Commu-4 nications Act of 1934 (47 U.S.C. 337(b)) is amended to
- 5 read as follows:

14

15

16

17

18

19

20

21

22

23

24

- 6 "(b) Assignment.—
- "(1) IN GENERAL.—Not later than 60 days
 after the date of enactment of the HEROES Act of
 2011, the Commission shall allocate the paired electromagnetic spectrum bands of 758–763 megahertz
 and 788–793 megahertz for public safety broadband
 communications and shall license such paired bands
 to the public safety broadband licensee.

"(2) Establishment of rules.—

"(A) IN GENERAL.—The Commission shall establish rules to permit the 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.

1	"(B) NETWORK REQUIREMENTS.—The
2	Commission shall require that any such wireless
3	public safety broadband network shall—
4	"(i) be fully interoperable and remain
5	interoperable with, and in conformance
6	with the same broadband technology stand-
7	ards as, all other public safety broadband
8	systems deployed or authorized;
9	"(ii) provide for roaming by local,
10	State, tribal, and Federal governments and
11	other authorized users of the spectrum li-
12	censed to the public safety broadband li-
13	censee;
14	"(iii) provide priority access to public
15	safety agencies;
16	"(iv) be built to survive most large-
17	scale disasters;
18	"(v) ensure that networks of such sys-
19	tems have the appropriate level of cyber se-
20	curity;
21	"(vi) ensure that authorized users
22	have control over all local network uses
23	consistent with rules established by the
24	Commission; and

1	"(vii) be consistent with the Statewide
2	Interoperable Communications Plans
3	adopted by each State and the National
4	Emergency Communications Plan, as
5	adopted by the Department of Homeland
6	Security.
7	"(C) Deadlines.—
8	"(i) Rules.—The Commission shall
9	establish rules under this paragraph not
10	later than 9 months after the date of en-
11	actment of the HEROES Act of 2011.
12	"(ii) Report.—
13	"(I) IN GENERAL.—Not later
14	than 60 days after the date of enact-
15	ment of the HEROES Act of 2011,
16	the public safety broadband licensee
17	shall submit a report to the appro-
18	priate committees of Congress on the
19	phased network deployment plan of
20	such spectrum bands.
21	"(II) Definitions.—For pur-
22	poses of subclause (I), the term 'ap-
23	propriate committees of Congress'
24	means—

1	"(aa) the Committee on
2	Homeland Security and Govern-
3	mental Affairs of the Senate;
4	"(bb) the Committee on
5	Commerce, Science, and Trans-
6	portation of the Senate;
7	"(cc) the Committee on En-
8	ergy and Commerce of the House
9	of Representatives; and
10	"(dd) the Committee on
11	Homeland Security of the House
12	of Representatives.".
13	(c) Network-Sharing Agreements.—Section 337
14	of the Communications Act of 1934 (47 U.S.C. 337) is
15	amended—
16	(1) by redesignating subsection (f) as sub-
17	section (g); and
18	(2) by inserting after subsection (e) the fol-
19	lowing:
20	"(f) Rulemaking Required.—The Commission
21	shall establish regulations to—
22	"(1) authorize the shared use of the public safe-
23	ty broadband spectrum and network infrastructure
24	by entities that are not defined as public safety serv-
25	ices in subsection $(g)(1)$, subject to the requirement

1	that public safety services retain priority access to
2	the spectrum, pursuant to procedures adopted by the
3	Commission, so long as the needs of other govern-
4	mental entities needs are considered before commer-
5	cial entities; and
6	"(2) allow use of the public safety broadband
7	spectrum by emergency response providers, as de-
8	fined in section 2 of the Homeland Security Act of
9	2002 (6 U.S.C. 101).".
10	(d) Definition.—Section 337(g) of the Communica-
11	tions Act of 1934 (as so redesignated) is amended—
12	(1) by redesignating paragraphs (1) and (2) as
13	paragraphs (3) and (4), respectively; and
14	(2) by inserting before paragraph (3), as so re-
15	designated, the following:
16	"(1) Public safety broadband licensee.—
17	The term 'public safety broadband licensee' means a
18	licensee as defined by the Commission in its Second
19	Report and Order adopted July 31, 2007 (FCC 07–
20	132), and selected in the Commission's Order adopt-
21	ed November 19, 2007 (FCC 07–199), by the Com-

24 "(2) Public safety broadband spec-25 TRUM.—The term 'public safety broadband spec-

 $763\hbox{--}768$ and $793\hbox{--}798$ megahertz.

mission to be the licensee for spectrum between

22

- 1 trum' means the electromagnetic spectrum between
- 2 758 megahertz and 768 megahertz, inclusive, and
- 3 788 megahertz and 798 megahertz, inclusive, and
- 4 any additional electromagnetic frequencies allocated
- 5 by the Commission for public safety broadband
- 6 use.".

7 SEC. 103. STANDARDS.

- 8 (a) Interoperability Requirements.—Not later
- 9 than 180 days after the date of enactment of this Act,
- 10 the Chairman of the Federal Communications Commis-
- 11 sion, in consultation with the Director of the National In-
- 12 stitute of Standards and Technology, the Secretary of
- 13 Homeland Security, the Attorney General, and local,
- 14 State, tribal, and Federal public safety agencies, shall de-
- 15 velop a public safety agency statement of requirements
- 16 that enables nationwide interoperability and roaming
- 17 across any communications system using public safety
- 18 broadband spectrum, as defined in section 337(g) of the
- 19 Communications Act of 1934.
- 20 (b) Specifications.—The Secretary of Homeland
- 21 Security, in coordination with the Director of the National
- 22 Institute of Standards and Technology, shall establish an
- 23 appropriate standard, or set of standards, for meeting the
- 24 public safety agency statement requirements developed
- 25 under subsection (a), taking into consideration—

1	(1) the extent to which particular technologies
2	and user equipment are, or are likely to be, available
3	in the commercial marketplace;
4	(2) the availability of necessary technologies
5	and equipment on reasonable and nondiscriminatory
6	licensing terms;
7	(3) the ability to evolve with technological devel-
8	opments in the commercial marketplace;
9	(4) the ability to accommodate prioritization for
10	public safety transmissions;
11	(5) the ability to accommodate appropriate se-
12	curity measures for public safety transmissions; and
13	(6) any other considerations the Federal Com-
14	munications Commission deems appropriate.
15	SEC. 104. RULE OF CONSTRUCTION.
16	Nothing in this Act, or the amendments made by this
17	Act, shall be construed to overturn, supersede, or other-
18	wise preempt the Federal Communication Commission's
19	Order adopted on November 19, 2007 (FCC 07–199), set-
20	ting forth the roles and responsibilities of the public safety
21	broadband licensee (as such term is defined in section
22	337(g) of the Communications Act of 1934) and the Fed-
23	eral Communications Commission, except that the fol-
24	lowing may, by rule or order, be modified by the Commis-

25 sion:

1	(1) Any organization seeking membership to the
2	board of directors of the public safety broadband li-
3	censee may be voted in by a simple majority of the
4	then serving members of the Board of Directors.
5	(2) The Board of Directors of the public safety
6	broadband licensee shall include the following orga-
7	nizations:
8	(A) International Association of Chiefs of
9	Police.
10	(B) International Association of Fire
11	Chiefs.
12	(C) National Sheriffs' Association.
13	(D) International Association of Fire
14	Fighters.
15	(E) National Volunteer Fire Council.
16	(F) Fraternal Order of Police.
17	(G) Major Cities Chiefs Association.
18	(H) Metropolitan Fire Chiefs Association.
19	(I) Major County Sheriffs' Association.
20	(J) Association of Public-Safety Commu-
21	nications Officials, International.
22	(K) National Emergency Management As-
23	sociation.
24	(L) International Association of Emer-
25	gency Managers.

1	(M) Police Executive Research Forum.
2	(N) National Criminal Justice Association.
3	(O) National Association of Police Organi-
4	zations.
5	(P) National Organization of Black Law
6	Enforcement Executives.
7	(Q) Association of Air Medical Services.
8	(R) Advocates for Emergency Medical
9	Services.
10	(S) Emergency Nurses Association.
11	(T) National Association of Emergency
12	Medical Services Physicians.
13	(U) National Association of Emergency
14	Medical Technicians.
15	(V) National Association of State Emer-
16	gency Medical Service Officials.
17	(W) National Emergency Medical Services
18	Management Association.
19	(X) International Municipal Signal Asso-
20	ciation.
21	(Y) American Probation and Parole Asso-
22	ciation.
23	(Z) National Governors Association.
24	(AA) National Association of Counties.
25	(BB) National League of Cities.

1	(CC) United States Conference of Mayors.
2	(DD) Council of State Governments.
3	(EE) International City/County Managers
4	Association.
5	(FF) National Conference of State Legis-
6	latures.
7	(GG) National Association of Regional
8	Councils.
9	(HH) Utilities Telecom Council.
10	(II) American Association of State High-
11	way Transportation Officials.
12	(JJ) American Hospital Association.
13	(KK) Forestry Conservation Communica-
14	tions Association.
15	(LL) National Association of State 911
16	Administrators.
17	(MM) National Troopers Coalition.
18	(NN) National Emergency Numbers Asso-
19	ciation.
20	TITLE II—FUNDING
21	SEC. 201. DEFINITIONS.
22	In this title—
23	(1) the term "Assistant Secretary" means the
24	Assistant Secretary of Commerce for Communica-
25	tions and Information;

1	(2) the term "appropriate committees of Con-
2	gress" means—
3	(A) the Committee on Homeland Security
4	and Governmental Affairs of the Senate;
5	(B) the Committee on Commerce, Science,
6	and Transportation of the Senate;
7	(C) the Committee on Energy and Com-
8	merce of the House of Representatives; and
9	(D) the Committee on Homeland Security
10	of the House of Representatives;
11	(3) the term "Construction Fund" means the
12	Public Safety Interoperable Broadband Network
13	Construction Fund established under section 202;
14	(4) the term "Maintenance and Operation
15	Fund'' means the Public Safety Interoperable
16	Broadband Network Maintenance and Operation
17	Fund established under section 202; and
18	(5) the term "Secretary" means the Secretary
19	of Homeland Security.
20	SEC. 202. FUNDING.
21	(a) Establishment of Funds.—
22	(1) Construction fund.—
23	(A) Establishment.—There is estab-
24	lished in the Treasury of the United States a
25	fund to be known as the Public Safety Inter-

1	operable Broadband Network Construction
2	Fund.
3	(B) Purpose.—The Secretary shall estab-
4	lish and administer the grant program under
5	section 203 using the funds deposited in the
6	Construction Fund.
7	(C) Credit.—
8	(i) Borrowing authority.—The
9	Secretary may borrow from the general
10	fund of the Treasury beginning October 1,
11	2011, such sums as may be necessary, but
12	not to exceed \$2,000,000,000, to imple-
13	ment section 203.
14	(ii) Reimbursement.—The Secretary
15	of the Treasury shall reimburse the general
16	fund of the Treasury, without interest, for
17	any amounts borrowed under clause (i) as
18	funds are deposited into the Construction
19	Fund, but in no case later than December
20	31, 2014.
21	(2) Maintenance and operation fund.—
22	(A) Establishment.—There is estab-
23	lished in the Treasury of the United States a
24	fund to be known as the Public Safety Inter-

1	operable Broadband Network Maintenance and
2	Operation Fund.
3	(B) Purpose.—The Secretary shall use
4	the funds deposited in the Maintenance and Op-
5	eration Fund to carry out section 204.
6	(3) Narrowbanding compliance assistance
7	PROGRAM.—
8	(A) ESTABLISHMENT.—There is estab-
9	lished in the Treasury of the United States a
10	fund to be known as the Narrowbanding Com-
11	pliance Assistance Program.
12	(B) Purpose.—The Secretary shall use
13	the funds deposited in the Narrowbanding Com-
14	pliance Assistance Program to carry out section
15	207.
16	(b) Initial Distribution of Auction Proceeds
17	IN FUNDS.—Notwithstanding subparagraphs (A) and (D)
18	of section 309(j)(8) of the Communications Act of 1934
19	(47 U.S.C. 309(j)(8)), the Secretary of the Treasury shall
20	deposit the proceeds (including deposits and upfront pay-
21	ments from successful bidders) from the auction of the
22	spectrum described in section 205 in the following man-
23	ner:
24	(1) All proceeds less than or equal to
25	\$5,500,000,000 shall be deposited in the Construc-

- tion Fund and shall be made available to the Secretary without further appropriations.
- 3 (2) Any proceeds exceeding \$5,500,000,000 4 shall be deposited in the Maintenance and Operation 5 Fund and shall be made available to the Secretary
- 6 without further appropriations.
- 7 (c) Transfer of Funds at Completion of Con-
- 8 STRUCTION.—The Secretary of the Treasury shall transfer
- 9 to the Maintenance and Operation Fund any funds re-
- 10 maining in the Construction Fund after the date of the
- 11 completion of the construction phase, as determined by the
- 12 Secretary.
- 13 (d) Transfer of Funds to Treasury.—The Sec-
- 14 retary of the Treasury shall transfer to the general fund
- 15 of the Treasury any funds remaining in the Maintenance
- 16 and Operation Fund after the end of the 10-year period
- 17 following receipt of notice by the Secretary of Homeland
- 18 Security that construction of the nationwide system has
- 19 been completed.
- 20 (e) Authorization of Appropriations.—
- 21 (1) Construction fund.—There are author-
- ized to be appropriated to the Secretary for deposit
- in the Construction Fund in and after fiscal year
- 24 2012 an amount not to exceed the amount set forth
- in paragraph (4).

- 1 (2) Maintenance and operation fund.—
 2 There are authorized to be appropriated to the Sec3 retary for deposit in the Maintenance and Operation
 4 Fund in and after fiscal year 2012 an amount not
 5 to exceed the amount set forth in paragraph (4).
- 6 (3) Narrowbanding compliance assistance
 7 Program.—There are authorized to be appropriated
 8 to the Secretary for deposit in the Narrowbanding
 9 Compliance Assistance Program in and after fiscal
 10 year 2012 an amount not to exceed the amount set
 11 forth in paragraph (4).
- 12 (4) LIMITATION.—The authorization of appro-13 priations under paragraphs (1) and (2) may not ex-14 ceed a total of \$5,500,000,000 and paragraph (3) 15 may not exceed \$400,000,000.

16 SEC. 203. PUBLIC SAFETY INTEROPERABLE BROADBAND NETWORK CONSTRUCTION.

- 18 (a) Construction Grant Program Establish19 Ment.—The Secretary shall take such action as is nec20 essary to establish a grant program to assist public safety
 21 entities to establish a nationwide public safety interoper22 able broadband network in the 700 megahertz band.
- 23 (b) Projects.—The projects for which construction 24 grants may be made under this section are the following:

- 1 (1) Construction of a new public safety inter-2 operable broadband network using public safety in-3 frastructure or commercial infrastructure, or both, 4 in the 700 megahertz band.
 - (2) Improvement of the existing public safety and commercial networks and construction of new infrastructure to meet public safety requirements.

8 (c) Matching Requirements.—

6

7

9

10

11

12

13

14

15

16

17

- (1) Federal share.—The Federal share of the cost of carrying out a project under this section may not exceed 80 percent of the eligible costs of carrying out a project, as determined by the Secretary in consultation with the Chairman of the Federal Communications Commission.
- (2) Non-federal share.—The non-federal share of the cost of carrying out a project under this section may be provided through an in-kind contribution.
- 19 (d) Requirements.—Not later than 6 months after 20 the date of enactment of this Act, the Secretary shall es-21 tablish grant program requirements including the fol-22 lowing:
- 23 (1) Defining entities that are eligible to receive 24 a grant under this section.

	- *
1	(2) Defining eligible costs for purposes of sub-
2	section $(c)(1)$.
3	(3) Determining the scope of network infra-
4	structure eligible for grant funding under this sec-
5	tion.
6	(4) Conditioning grant funding on compliance
7	with the Federal Communications Commission's li-
8	cense terms.
9	(5) Ensuring that all grant funds are in compli-
10	ance with and support the goals of the National
11	Emergency Communications Plan and the Statewide
12	Communication Interoperability Plans for each State
13	and territory.
14	(e) Technical Assistance.—The Secretary will en-
15	hance the Office of Emergency Communications Technical
16	Assistance Program to assist grantees with best practices
17	and guidance in implementing these projects.

- 18 SEC. 204. PUBLIC SAFETY INTEROPERABLE BROADBAND
- 19 MAINTENANCE AND OPERATION.
- 20 (a) Maintenance and Operation Reimburse-
- 21 MENT PROGRAM.—The Secretary shall administer a pro-
- 22 gram through which not more than 50 percent of mainte-
- 23 nance and operational expenses associated with the public
- 24 safety interoperable broadband network may be reim-
- 25 bursed from the Maintenance and Operation Fund for

- 1 those expenses that are attributable to the maintenance,2 operation, and improvement of the public safety interoper-
- 3 able broadband network.
- 4 (b) Report.—Not later than 7 years after the com-
- 5 mencement of the reimbursement program established
- 6 under subsection (a), the Secretary shall submit to Con-
- 7 gress a report on whether to continue to provide funding
- 8 for the Maintenance and Operation Fund following com-
- 9 pletion of the period provided 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) Public Safety Interoperable Broadband Net-
- work Construction Fund established under section
- 18 202(a)(1);
- 19 (2) Public Safety Interoperable Broadband Net-
- work Maintenance and Operation Fund established
- 21 under section 202(a)(2);
- 22 (3) construction grant program established
- under section 203; and
- 24 (4) maintenance and operation grant program
- established under section 204.

- 1 (b) GAAP.—Each audit required under subsection
- 2 (a) shall be conducted in accordance with generally accept-
- 3 ed 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 INTER-
- 8 OPERABLE BROADBAND NETWORK CON-
- 9 STRUCTION FUND, THE OPERATION AND
- 10 MAINTENANCE FUND, AND THE NARROW-
- 11 BANDING COMPLIANCE ASSISTANCE PRO-
- GRAM.
- 13 (a) Reallocation of Spectrum.—Not later than
- 14 1 year after the date of enactment of this Act, the Assist-
- 15 ant Secretary shall reallocate for commercial use electro-
- 16 magnetic spectrum at 1755–1780 megahertz.
- 17 (b) Auction.—Not later than 18 months after the
- 18 date of enactment of this Act, the Federal Communica-
- 19 tions Commission shall establish rules for pairing electro-
- 20 magnetic spectrum bands at 1755–1780 megahertz and
- 21 2155–2180 megahertz, inclusive, frequencies between
- 22 1780–1800 megahertz and 2180–2200 megahertz, and
- 23 the frequencies between 1915–1920 megahertz and 2020–
- 24 2025 megahertz, and auction the licenses for such paired

- 1 spectrum in accordance with section 309(j) of the Commu-
- 2 nications Act of 1934 (47 U.S.C. 309(j)).
- 3 SEC. 207. NARROWBANDING ASSISTANCE.
- 4 (a) In General.—The Secretary shall establish a
- 5 Narrowbanding Compliance Assistance Program to assist
- 6 eligible recipients in meeting the January 2, 2013,
- 7 narrowbanding deadline established by the Federal Com-
- 8 munications Commission.
- 9 (b) Eligibility.—Public safety jurisdictions oper-
- 10 ating land mobile radio systems in the 150–512 megahertz
- 11 radio bands are eligible to apply for funding from the
- 12 Narrowbanding Compliance Assistance Program. Such ap-
- 13 plications must be submitted to the Secretary not later
- 14 than six months after the completion of narrowbanding.
- 15 (c) Allowable Uses.—Funding under the
- 16 Narrowbanding Compliance Assistance Program may be
- 17 used to reimburse eligible recipients for costs incurred
- 18 from the purchase of 12.5 kHz technology.
- 19 SEC. 208. EXTENSION OF AUCTION AUTHORITY AND ASSUR-
- 20 ANCE OF OPEN AUCTIONS.
- 21 (a) Extension of Auction Authority.—Section
- 22 309(j)(11) of the Communications Act of 1934 (47 U.S.C.
- 23 309(j)(11)) is amended by striking "2012" and inserting
- 24 "2020".

1	(b) Eligibility.—The Federal Communications
2	Commission shall ensure that no bidder is deemed ineli-
3	gible for or otherwise excluded from an auction specified
4	in this Act, or any other competitive bidding process under
5	section 309(j) of the Communications Act of 1934 (47
6	U.S.C. 309(j)), on account of its size or amount of its
7	other spectrum holdings.
8	SEC. 209. REPORT ON EFFICIENT USE OF PUBLIC SAFETY
9	SPECTRUM.
10	Not later than 3 years after the date of enactment
11	of this Act and every 3 years thereafter, the Federal Com-
12	munications Commission shall conduct a study and submit
13	to the appropriate committees of Congress a report—
14	(1) on the spectrum held by the public safety
15	broadband licensee;
16	(2) on how efficiently such spectrum is being
17	used; and
18	(3) that provides a recommendation for whether
19	more spectrum needs to be made available to meet
20	the needs of public safety entities.
21	SEC. 210. REPORT ON LONG-TERM INTEROPERABILITY
22	USING IP-BASED SOLUTIONS.
23	Not later than 2 years after the date of enactment
24	of this Act, the Federal Communications Commission, in
25	consultation with the Secretary and the Assistant Sec-

- 1 retary, shall issue a report and order, after allowing time
- 2 for notice and comment, including comment from public
- 3 safety users, and shall submit such report to the appro-
- 4 priate committees of Congress, on whether Internet Pro-
- 5 tocol-enabled solutions could aid interoperability.

 \bigcirc