



Bipartisan Staff - Discussion Draft Summary
THE PUBLIC SAFETY BROADBAND ACT OF 2010
Committee on Energy and Commerce

The Public Safety Broadband Act of 2010 would require the development and implementation of technical requirements to ensure interoperability as well as fund the construction, maintenance, and operation of a nationwide broadband network for public safety.

Title I: Achieving Interoperability

To ensure that public safety broadband communications are interoperable throughout the United States, the legislation specifically provides for the following:

Emergency Response Interoperability Coordination: The legislation directs the Federal Communications Commission (FCC) to take all actions necessary to develop and implement the technical and operational rules needed to achieve interoperability. In meeting this requirement, the FCC is directed to work with an advisory board that, at a minimum, includes state, local, and tribal government leaders, public safety organizations, providers of commercial mobile services, as well as manufacturers of communications equipment.

Increased Flexible Use of Spectrum: The legislation directs the FCC to conduct a rulemaking to facilitate more flexible uses of the public safety narrowband and guard band spectrum, including for public safety broadband communications. Such flexibility allows the FCC and public safety officials to apply sound spectrum management principles to the 24 MHz of spectrum that has been allocated to public safety.

Increased Sharing of Spectrum: The legislation directs the FCC to establish rules permitting public safety to allow secondary use of its networks by non-public safety entities. Public safety would be allowed to charge users for such secondary access, and fees associated with this use would provide public safety agencies with greater resources for construction, maintenance, and equipment expenses associated with the interoperable broadband network.

Title II: Funding

To ensure state, local, and tribal governments have the funds necessary to construct their portion of a nationwide, interoperable public safety broadband network, the legislation creates a matching grant program to help with construction costs and a ten-year funding mechanism to help defray the cost of maintenance and operational expenses.

Comprehensive Revenue Streams: In order to provide adequate funding for the construction and maintenance of a nationwide, interoperable public safety broadband network (estimated to be \$12-16 billion over ten years according to the National Broadband Plan), the legislation directs the following activities to ensure full funding of the network:

- *Auction of the D Block:* Directs the proceeds from the auction of the D Block directly into an account established to provide funding for the construction of a nationwide, interoperable public safety broadband network.
- *Auction of the AWS-3 spectrum:* Directs the FCC to auction 25 megahertz of combined AWS-3 and upper J Block spectrum, with revenue going directly to the construction and maintenance of the public safety network.
- *Auction of additional 25 megahertz of federal spectrum:* Directs the National Telecommunications and Information Administration (NTIA) to identify and auction a minimum of 25 megahertz of contiguous spectrum at frequencies between 1675 – 1710 megahertz to be paired with the AWS-3 spectrum at auction. The revenue would go directly to the construction and maintenance of the public safety network.
- *Authorization of Appropriations:* To ensure public safety agencies have all the resources they need, the legislation authorizes additional funding to cover any shortage in the construction and maintenance of the public safety network.

Funding for Construction: The National Broadband Plan estimates the costs of constructing a nationwide, interoperable public safety broadband network to be approximately \$6.5 billion. The estimate includes costs associated with construction of new cellular towers, equipment, and transmission facilities, and provides funding for upgrading existing public safety and commercial infrastructure. The legislation would provide for an 80% matching grant program to ensure that states and tribal lands have the needed funding to construct this network. \$5.5 billion in auction proceeds and other revenue streams identified in the legislation would go to the Public Safety Interoperable Grant Fund to be administered by NTIA in coordination with the FCC and the Department of Homeland Security's Office of Emergency Communications.

Funding for Ongoing Maintenance and Operations: To provide for the costs associated with maintaining and upgrading the network over the next ten years, the legislation directs the FCC to establish a mechanism to cover recurring funding up to \$5.5 billion. The Public Safety Interoperable Broadband Maintenance and Operation Fund would provide for a 50% matching program to cover recurring maintenance and operational costs as well as device and network upgrades. The legislation directs the FCC to issue a report to Congress in the seventh year of the program on whether to continue to provide funding after the end of 10 years.

Title III: Miscellaneous

Federal Rates and Infrastructure Access: In order to take full advantage of government resources, the legislation requires the Administrator of the Government Services Administration (GSA) to establish rules permitting public safety access to the rates for communications services and devices offered to GSA.

Additionally, GSA is directed to provide public safety access to federal infrastructure to assist in constructing a nationwide, interoperable public safety broadband network.

FCC Report on Spectrum Needs: The legislation requires the FCC to report to Congress every 5 years regarding the spectrum held by public safety entities or dedicated to the public safety interoperable broadband network. The FCC is directed to provide a recommendation as to whether more spectrum needs to be made available to meet the ongoing needs of public safety entities.

GAO Report on Satellite Broadband: The National Broadband Plan notes that “satellites can serve as a communications option and a critical source of redundancy, particularly when terrestrial infrastructure is unavailable.” The legislation therefore requires the Comptroller General of the United States to report to Congress within two years on the current and future capabilities of fixed and mobile satellite broadband to assist public safety entities during an emergency.