

110TH CONGRESS  
1ST SESSION

# H. R. 3116

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2007

Mr. STUPAK (for himself, Mr. FOSSELLA, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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. PUBLIC SAFETY TRUST FUND.**

7       Part A of the National Telecommunications and In-  
8       formation Administration Organization Act (47 U.S.C.  
9       901 et seq.) is amended by adding at the end the following  
10      new section:

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

2 “(a) ESTABLISHMENT.—

3 “(1) FUND ESTABLISHED.—There is hereby es-  
4 tablished, as a separate Fund in the Digital Tele-  
5 vision Transition and Public Safety Fund (estab-  
6 lished by section 309(j)(8)(E) of the Communica-  
7 tions Act of 1934 (47 U.S.C. 309(j)(8)(E)), the  
8 Public Safety Communications Trust Fund.

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

10 “(A) any amounts deposited in the Digital  
11 Television Transition and Public Safety Fund  
12 that remain after—

13 “(i) the payments required to be made  
14 from the Digital Television Transition and  
15 Public Safety Fund pursuant to sections  
16 3005 through 3012 of the Digital Tele-  
17 vision Transition and Public Safety Act of  
18 2005; and

19 “(ii) the transfer to the general fund  
20 of the Treasury required by section  
21 309(j)(8)(E)(iii) of the Communications  
22 Act of 1934 (47 U.S.C. 309(j)(8)(E)(iii));

23 “(B) the amounts appropriated pursuant  
24 to subsection (f); and

25 “(C) 50 percent of the proceeds of any  
26 auction conducted after the date of enactment

1 of the Public Safety Interoperability Implemen-  
2 tation Act pursuant to section 309(j) of the  
3 Communications Act of 1934 for any bands of  
4 frequencies other than those described in para-  
5 graph (3), except that such percentage may be  
6 reduced in accordance with paragraph (4).

7 “(3) EXCEPTED FREQUENCIES.—The bands of  
8 frequencies described in this paragraph are the fol-  
9 lowing:

10 “(A) the 216–220 megahertz band, the  
11 1432–1435 megahertz band, the 1710–1755  
12 megahertz band, and the 2385–2390 megahertz  
13 band of frequencies;

14 “(B) any other band of frequencies reallo-  
15 cated from Federal use to non-Federal use after  
16 January 1, 2003, that is assigned by competi-  
17 tive bidding pursuant to section 309(j) of the  
18 Communications Act of 1934 (47 U.S.C.  
19 309(j)), except for bands of frequencies pre-  
20 viously identified by the National Telecommuni-  
21 cations and Information Administration in the  
22 Spectrum Reallocation Final Report, NTIA  
23 Special Publication 95–32 (1995); and

24 “(C) the recovered analog spectrum, as  
25 such term is defined in section

1           309(j)(15)(C)(vi) of the Communications Act of  
2           1934.

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

6                   “(A) projects that the future needs for  
7                   grants under subsection (c) has been reduced to  
8                   the extent that the percentage specified in para-  
9                   graph (2) is likely to yield a surplus in the  
10                  Fund beyond the amounts needed to meet such  
11                  needs, and

12                   “(B) specifies a lower percentage that the  
13                   board estimates to be sufficient to meet such  
14                   needs (without yielding a surplus),  
15           paragraph (2) shall be applied to any auction subject  
16           to such paragraph that is conducted after the date  
17           of submission of such statement by substituting such  
18           lower percentage for 50 percent.

19           “(5) FUND AVAILABILITY.—

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

24                   “(B) REVERSION OF UNUSED FUNDS.—

25           Any grant proceeds that remain unexpended at

1 the end of the grant period as determined  
2 under subsection (c)(3) shall revert to and be  
3 deposited in the Fund.

4 “(b) BOARD OF DIRECTORS.—

5 “(1) ESTABLISHMENT.—The Fund shall be ad-  
6 ministered by the Administrator of the NTIA, in  
7 consultation with a board of directors comprised of  
8 5 members, appointed by the Secretary, with experi-  
9 ence in one or more of the following fields: grant  
10 and investment management; communications equip-  
11 ment and software applications; and public safety  
12 and emergency response. The board shall consult  
13 with, or include a member or members from, the De-  
14 partment of Homeland Security.

15 “(2) FUNCTIONS.—The board shall—

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

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

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

23 “(3) COMPENSATION PROHIBITED; EXPENSES  
24 PROVIDED.—The members of the board shall serve  
25 without compensation, but may, from appropriated

1 funds available for the administrative expenses of  
2 the NTIA, receive travel expenses, including per  
3 diem in lieu of subsistence, in accordance with appli-  
4 cable provisions under subchapter I of chapter 57 of  
5 title 5, United States Code.

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

7 “(1) GRANT PURPOSES.—In order to achieve  
8 the objectives and carry out the purposes of this  
9 part, the Administrator is authorized to make  
10 grants, from amounts deposited pursuant to sub-  
11 section (a)(2) and from the interest or other income  
12 on the Fund, to implement interoperability and mod-  
13 ernization (including equipment upgrades) for the  
14 communications needs of public safety, fire, emer-  
15 gency, law enforcement, and crisis management by  
16 State and local government agencies and instrumen-  
17 talities and nonprofit organizations.

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

23 “(3) GRANT AVAILABILITY.—Grants from the  
24 Fund shall be made available on a single or multi-

1 year basis to facilitate long term planning and train-  
2 ing.

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

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

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

15 “(e) PERMISSIBLE USES OF FUNDS.—Amounts  
16 made available by grant from the Fund may be used by  
17 eligible entities for equipment, training, planning, and re-  
18 search for the purposes of upgrading communications and  
19 the interoperability of communications used in public safe-  
20 ty, fire, emergency, law enforcement, and crisis manage-  
21 ment.

22 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to the Fund  
24 \$500,000,000 for fiscal year 2008 and each of the 2 suc-  
25 ceeding fiscal years.

1 “(g) REPORTS.—

2 “(1) BY GRANT RECIPIENTS.—Each grant re-  
3 cipient shall submit to the Administrator and the  
4 board a report on the use of the funds provided by  
5 the grant, and on the progress made with respect to  
6 the improvement of the grant recipient’s communica-  
7 tions capabilities.

8 “(2) BY ADMINISTRATOR.—The Administrator  
9 shall annually submit to the Congress a report on  
10 the operations of the Fund and the grants made by  
11 the Funds. Such report shall include—

12 “(A) an identification of the grants made,  
13 the recipients thereof, and the planned uses of  
14 the amounts made available;

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

17 “(C) a description of the results of the use  
18 of funds provided by grants under this section,  
19 including the status of interoperability imple-  
20 mentation by the grant recipients.

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

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



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

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

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