

110TH CONGRESS
1ST SESSION

S. 744

To provide greater public safety by making more spectrum available to public safety, to establish the Public Safety Interoperable Communications Working Group to provide standards for public safety spectrum needs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2007

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide greater public safety by making more spectrum available to public safety, to establish the Public Safety Interoperable Communications Working Group to provide standards for public safety spectrum needs, 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 “Spectrum Availability for Emergency-Response and Law-
6 Enforcement to Improve Vital Emergency Services Act”
7 or the “SAVE LIVES Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—USER-DRIVEN APPROACH TO SOLVING PUBLIC SAFETY
 INTEROPERABILITY

Sec. 101. Establishment of the Public Safety Interoperable Communications
 Working Group.

TITLE II—STATE, LOCAL, AND REGIONAL INTEROPERABLE
 VOICE AND DATA NETWORK

Sec. 201. Sense of the Congress.

Sec. 202. Allowing for data transmission on the public safety bands.

TITLE III—NATIONAL INTEROPERABLE BROADBAND NETWORK

Sec. 301. Sense of the Congress.

Sec. 302. Preparing for auction.

Sec. 303. Responsibilities of successful bidders for certain spectrum.

Sec. 304. Reversionary license to Public Safety Broadband Trust.

Sec. 305. Loan guarantees.

Sec. 306. Rule of construction.

TITLE IV—LONG-TERM STRATEGY FOR INTEROPERABILITY

Sec. 401. Report on efficient use of public safety band.

Sec. 402. Report on long-term interoperability by consolidating band use.

Sec. 403. Report on long-term interoperability using IP-based solutions.

3 **TITLE I—USER-DRIVEN AP-**
 4 **PROACH TO SOLVING PUBLIC**
 5 **SAFETY INTEROPERABILITY**

6 **SEC. 101. ESTABLISHMENT OF THE PUBLIC SAFETY INTER-**
 7 **OPERABLE COMMUNICATIONS WORKING**
 8 **GROUP.**

9 (a) ESTABLISHMENT.—Not later than 30 days after
 10 the date of the enactment of this Act, the Chairman of
 11 the Federal Communications Commission and the Sec-
 12 retary of Homeland Security shall jointly establish a Pub-
 13 lic Safety Interoperable Communications Working Group

1 (in this Act referred to as the “Working Group”) to pro-
2 vide continuing advice and counsel to the Chairman and
3 the Secretary with respect to public safety interoperable
4 communications.

5 (b) MEMBERSHIP.—The Working Group established
6 under subsection (a) shall consist of the following:

7 (1) NON-FEDERAL MEMBERS.—The following
8 individuals, or their respective designees, shall serve
9 as non-federal members:

10 (A) The President of the Association of
11 Public-Safety Communications Officials—Inter-
12 national.

13 (B) The President of the Fraternal Order
14 of Police National Lodge.

15 (C) The President of the International As-
16 sociation of Chiefs of Police.

17 (D) The President of the International As-
18 sociation of Fire Fighters.

19 (E) The President of the International As-
20 sociation of Fire Chiefs, Inc.

21 (F) The President of the National Associa-
22 tion of Counties.

23 (G) The President of the Major Cities
24 Chiefs Association.

1 (H) The President of the Major County
2 Sheriffs' Association.

3 (I) The President of the National Emer-
4 gency Number Association.

5 (J) The President of the National Associa-
6 tion of State EMS Officials.

7 (K) The Chair of the National Governors
8 Association.

9 (L) The President of the National League
10 of Cities.

11 (M) The President of the National Sher-
12 iffs' Association.

13 (N) The Chair of the National Volunteer
14 Fire Council.

15 (O) The President of the United States
16 Conference of Mayors.

17 (P) The President of the Metropolitan Fire
18 Chiefs Association.

19 (Q) The President of the International
20 Municipal Signal Association.

21 (R) 4 members to be elected by a majority
22 of members described in subparagraphs (A)
23 through (Q)—

1 (i) at least 1 of whom shall be a rep-
2 resentative of the critical infrastructure in-
3 dustry; and

4 (ii) at least 2 of whom shall be a per-
5 sons with experience in the commercial
6 wireless industry.

7 (2) FEDERAL MEMBERS.—

8 (A) IN GENERAL.—The following individ-
9 uals, or their respective designees, shall serve as
10 Federal members:

11 (i) The Chairman of the Federal
12 Communications Commission.

13 (ii) The Secretary of Commerce.

14 (iii) The Secretary of Homeland Secu-
15 rity.

16 (iv) The Secretary of Defense.

17 (v) The Secretary of Transportation.

18 (vi) The Attorney General of the
19 United States.

20 (B) ATTENDANCE AT MEETINGS.—Any
21 Federal member may appoint a subordinate of-
22 ficer of their agency to attend meetings of the
23 Working Group on the behalf of such member.

24 (c) DUTIES OF THE WORKING GROUP.—The duties
25 of the Working Group are as follows:

1 (1) To create, and report to the Federal Com-
2 munications Commission, not later than August 1,
3 2007, specifications for the development of a na-
4 tional public safety broadband network on the
5 30MHz band of recovered analog spectrum (encom-
6 passing that part of the electromagnetic spectrum
7 between 747 megahertz and 762 megahertz and 777
8 megahertz and 792 megahertz) reclaimed by the
9 Federal Communications Commission under section
10 3003 of the Digital Television Transition and Public
11 Safety Act of 2005 (Public Law 109–171; 120 Stat.
12 22) in preparation for the auction of such spectrum
13 by January 28, 2008, including—

14 (A) establishing appropriate build time-
15 tables, coverage areas, service levels, perform-
16 ance criteria, and other similar matters for the
17 deployment of such network to ensure that such
18 network will meet mission-critical public safety
19 communications requirements;

20 (B) setting forth specific performance cri-
21 teria that ensures such network will receive
22 support reliability along with security and re-
23 dundancy at every level of network perform-
24 ance;

1 (C) reviewing and approving open stand-
2 ards for equipment and usage that will support
3 upgrade and technology development on such
4 network;

5 (D) considering the use of “commercial
6 off-the-shelf” solutions that may promote com-
7 petition between multiple equipment vendors
8 that may result in lower prices for public safety
9 users of such network;

10 (E) establishing terms of service for the
11 use of such network that—

12 (i) permits public safety users to pre-
13 empt use on such network in the event of
14 a national emergency;

15 (ii) provides capacity throughput la-
16 tency; and

17 (iii) allows such network the ability to
18 support large numbers of users in a cell in
19 the event of a national emergency;

20 (F) providing that any equipment or appli-
21 cations used on such network is interoperable
22 with broadband equipment or applications used
23 on the 24 MHz band of spectrum (encom-
24 passing that part of the electromagnetic spec-
25 trum between 764 megahertz and 776 mega-

1 hertz and 794 megahertz and 806 megahertz)
2 allocated to public safety services under section
3 337(a)(1) of the Communications Act of 1934
4 (47 U.S.C. 337(a)(1));

5 (G) establishing a user fee schedule that
6 takes into consideration the limited resources of
7 State, local, and tribal governments;

8 (H) assessing, in partnership with any li-
9 censee of any part of such network, network
10 construction and testing; and

11 (I) performing compliance review and mon-
12 itoring of such network, in partnership with the
13 licensee of any part of such network.

14 (2) To assess the performance of the licensee of
15 any part of such network over the term of the li-
16 cense granted to such licensee.

17 (3) To advise and report to the Federal Com-
18 munications Commission whether such licensee is
19 complying with the requirements of the license
20 granted to such licensee.

21 (4) To take such other action as the Working
22 Group may from time to time determine to be nec-
23 essary, appropriate, or advisable to accomplish the
24 purposes of this Act.

25 (d) MANAGEMENT OF WORKING GROUP.—

1 (1) CHAIRPERSON.—

2 (A) IN GENERAL.—The representatives of
3 the non-federal members appointed under sub-
4 section (b)(1) shall elect 1 non-federal member
5 to serve as Chairperson of the Working Group.

6 (B) TERM OF CHAIRPERSON.—The Chair-
7 person elected under subparagraph (A) shall
8 serve a 1-year term, with the representative of
9 the Association of Public-Safety Communica-
10 tions Officials—International serving the initial
11 term of Chairperson until the first election
12 under subparagraph (A) occurs.

13 (C) NON-ELIGIBLE MEMBERS.—Non-fed-
14 eral members appointed pursuant to subsection
15 (b)(1)(R) are not eligible to serve as Chair-
16 person of the Working Group.

17 (2) PERIOD OF APPOINTMENT.—

18 (A) IN GENERAL.—Each member of the
19 Working Group shall be appointed for the life
20 of the Working Group.

21 (B) VACANCIES.—A vacancy on the Work-
22 ing Group shall not affect its powers, but shall
23 be filled in the same manner as the original ap-
24 pointment was made.

1 (3) MEETINGS.—After its initial meeting, the
2 Working Group shall meet at the call of its Chair-
3 person or a majority of its members at any time.

4 (4) QUORUM.—

5 (A) MAJORITY.—12 members of the Work-
6 ing Group shall constitute a quorum, but a less-
7 er number may hold hearings.

8 (B) APPROVAL ACTIONS.—All rec-
9 ommendations and reports of the Working
10 Group required by this Act shall be approved
11 only by a majority vote of a quorum of the
12 Working Group.

13 (5) TRAVEL EXPENSES.—Members of the
14 Working Group shall be allowed travel expenses, in-
15 cluding per diem in lieu of subsistence, at rates au-
16 thorized for persons employed intermittently by the
17 Federal Government under section 5703(b) of title
18 5, United States Code, while away from their homes
19 or regular places of business in the performance of
20 services for the Working Group.

21 (6) ASSISTANCE FROM FEDERAL AGENCIES.—

22 (A) IN GENERAL.—The Federal Commu-
23 nications Commission and the Department of
24 Homeland Security shall, jointly, furnish to the
25 Working Group clerical, administrative, and

1 other assistance for the performance of the
2 functions of the Working Group.

3 (B) OTHER DEPARTMENTS AND AGEN-
4 CIES.—In addition to the assistance prescribed
5 under subparagraph (A), departments and
6 agencies of the United States may provide to
7 the Working Group such services, funds, facili-
8 ties, staff, and other support services as they
9 may determine advisable and as may be author-
10 ized by law.

11 (7) FACA NOT APPLICABLE.—The Working
12 Group shall not be subject to the Federal Advisory
13 Committee Act (5 U.S.C. App. 2).

14 (8) PUBLIC MEETINGS AND REPORTS.—The
15 Working Group shall—

16 (A) to the extent appropriate, and in the
17 discretion of the Working Group, open its hear-
18 ings and meetings to the public; and

19 (B) make broadly available to the public at
20 no cost any report of the Working Group.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out the provi-
23 sions of this section \$500,000 for each of fiscal years 2008
24 through 2013.

1 **TITLE II—STATE, LOCAL, AND**
2 **REGIONAL INTEROPERABLE**
3 **VOICE AND DATA NETWORK**

4 **SEC. 201. SENSE OF THE CONGRESS.**

5 It is the sense of Congress that the 24 MHz band
6 of spectrum (encompassing that part of the electro-
7 magnetic spectrum between 764 megahertz and 776 mega-
8 hertz and 794 megahertz and 806 megahertz) allocated
9 to public safety services under section 337(a)(1) of the
10 Communications Act of 1934 (47 U.S.C. 337(a)(1))
11 should be used by State, local, and regional public safety
12 organizations for interoperable voice and data communica-
13 tions.

14 **SEC. 202. ALLOWING FOR DATA TRANSMISSION ON THE**
15 **PUBLIC SAFETY BANDS.**

16 (a) FCC PROCEEDING ON DATA TRANSMISSION.—
17 Not later than 30 days after the date of enactment of this
18 Act, the Federal Communications Commission shall—

19 (1) complete its Eighth Notice of Proposed
20 Rulemaking In the Matter of Implementing a Na-
21 tionwide, Broadband, Interoperable Public Safety
22 Network in the 700MHz Band; Development of
23 Operational, Technical and Spectrum Requirements
24 for Meeting Federal, State and Local Public Safety
25 Communication Requirements Through the Year

1 2010 (PS Docket No. 06–229; WT Docket No. 96–
2 86); and

3 (2) issue rules allowing certain channels within
4 the current 24 MHz band of public safety spectrum
5 (encompassing that part of the electromagnetic spec-
6 trum between 764 megahertz and 776 megahertz
7 and 794 megahertz and 806 megahertz) to accom-
8 modate data communications.

9 **TITLE III—NATIONAL INTER-**
10 **OPERABLE BROADBAND NET-**
11 **WORK**

12 **SEC. 301. SENSE OF THE CONGRESS.**

13 It is the sense of Congress that the 30MHz band of
14 recovered analog spectrum (encompassing that part of the
15 electromagnetic spectrum between 747 megahertz and 762
16 megahertz and 777 megahertz and 792 megahertz) re-
17 claimed by the Federal Communications Commission
18 under section 3003 of the Digital Television Transition
19 and Public Safety Act of 2005 (Public Law 109–171; 120
20 Stat. 22) in preparation for the auction of such spectrum
21 by January 28, 2008, should be available to Federal,
22 State, local, and regional public safety organizations (in-
23 cluding all Federal agencies, such as the Department of
24 Defense, the Federal Bureau of Investigation, the Federal
25 Emergency Management Agency, the United States Secret

1 Service, and the United States Marshals Service) for a na-
2 tional, interoperable broadband network.

3 **SEC. 302. PREPARING FOR AUCTION.**

4 (a) IN GENERAL.—Not later than 45 days after the
5 date of enactment of this Act, the Federal Communica-
6 tions Commission shall issue a notice of proposed rule-
7 making to determine how the spectrum described in sec-
8 tion 301 should be allocated for auction. The rulemaking
9 shall be completed by July 1, 2007.

10 (b) CONTENT OF NOTICE.—In the notice required
11 under subsection (a), the Federal Communications Com-
12 mission shall—

13 (1) ask for comments on the proposed auction;

14 and

15 (2) consider—

16 (A) the financial, technical, competitive,
17 and public safety merits of re-banding such
18 spectrum into three 10 MHz bands of paired 5
19 MHz channels for auction; and

20 (B) whether such spectrum is better auc-
21 tioned—

22 (i) as one band of 30 MHz with two
23 paired channels of 15 MHz; or

24 (ii) any other configuration not de-
25 scribed in clause (i) or subparagraph (A).

1 (c) REPORT OF THE WORKING GROUP.—Not later
2 than August 2, 2007, the Federal Communications Com-
3 mission shall make available to the public, for notice and
4 comment, the report of the Working Group (relating to
5 specifications for a national public safety broadband net-
6 work) required under section 101(c)(1).

7 (d) FINAL SPECIFICATIONS.—

8 (1) IN GENERAL.—Not later than November 1,
9 2007, the Federal Communications Commission
10 shall issue, based on the report received from the
11 Working Group described in subsection (c), a final
12 report establishing the specifications for a national
13 public safety broadband network.

14 (2) REQUIRED CONTENT.—The final specifica-
15 tions required under paragraph (1) shall set forth
16 the rules of any auction of the spectrum described
17 in section 301, including that any license granted by
18 the Federal Communications Commission for the use
19 of any part of such spectrum is conditioned on the
20 bidder for such spectrum agreeing to implement and
21 comply with the specifications established under
22 paragraph (1).

1 **SEC. 303. RESPONSIBILITIES OF SUCCESSFUL BIDDERS**
2 **FOR CERTAIN SPECTRUM.**

3 (a) **REQUIRED USE OF SPECIFICATIONS PRODUCED**
4 **BY WORKING GROUP.**—Any successful bidder for any part
5 of the spectrum described in section 301 shall, prior to
6 making a bid for such spectrum, agree to implement and
7 comply with the specifications concerning the development
8 of a national public safety broadband network established
9 by the Federal Communications Commission under section
10 302(d)(1).

11 (b) **DUTY OF THE FCC.**—The Federal Communica-
12 tions Commission shall enforce the requirement under
13 subsection (a) in order to ensure compliance by any suc-
14 cessful bidder.

15 (c) **REPORTS BY FCC.**—

16 (1) **DEVELOPMENT OF NETWORK.**—Not later
17 than January 28, 2010, the Federal Communica-
18 tions Commission, in conjunction with the Secretary
19 of Homeland Security, shall report to Congress on
20 the development of such a national public safety
21 broadband network, including a description of the
22 successes and failures of the successful bidder in im-
23 plementing the provisions of this section.

24 (2) **COMPLIANCE BY WINNING BIDDER.**—Not
25 later than 2 years after the date of enactment of
26 this Act, and every 2 years thereafter, the Federal

1 Communications Commission shall report to Con-
2 gress on the compliance of the successful bidder for
3 the spectrum described under section 301 in imple-
4 menting and adhering to the specifications estab-
5 lished by the Commission under section 302(d)(1).

6 **SEC. 304. REVERSIONARY LICENSE TO PUBLIC SAFETY**
7 **BROADBAND TRUST.**

8 (a) IN GENERAL.—In the event that the auction of
9 the 30MHz band of recovered analog spectrum (encom-
10 passing that part of the electromagnetic spectrum between
11 747 megahertz and 762 megahertz and 777 megahertz
12 and 792 megahertz) reclaimed by the Federal Commu-
13 nications Commission under section 3003 of the Digital
14 Television Transition and Public Safety Act of 2005 (Pub-
15 lic Law 109–171; 120 Stat. 22) does not produce a suc-
16 cessful bidder, the Federal Communications Commission
17 may grant a license for the use of such spectrum to the
18 Public Safety Broadband Trust Corporation established
19 under subsection (b).

20 (b) PUBLIC SAFETY BROADBAND TRUST CORPORA-
21 TION.—

22 (1) ESTABLISHMENT.—There is authorized to
23 be established a private, nonprofit corporation, to be
24 known as the “Public Safety Broadband Trust Cor-
25 poration” (referred to in this Act as the “Corpora-

1 tion”), which is neither an agency nor establishment
2 of the United States Government or the District of
3 Columbia Government.

4 (2) APPLICATION OF PROVISIONS.—The Cor-
5 poration shall be subject to the provisions of this
6 section, and, to the extent consistent with this sec-
7 tion, to the District of Columbia Nonprofit Corpora-
8 tion Act (sec. 29–301.01 et seq., D.C. Official
9 Code).

10 (3) RESIDENCE.—The Corporation shall have
11 its place of business in the District of Columbia and
12 shall be considered, for purposes of venue in civil ac-
13 tions, to be a resident of the District of Columbia.

14 (4) POWERS UNDER DC ACT.—In order to carry
15 out the duties and activities of the Corporation, the
16 Corporation shall have the usual powers conferred
17 upon a nonprofit corporation by the District of Co-
18 lumbia Nonprofit Corporation Act.

19 (5) BOARD OF DIRECTORS.—

20 (A) IN GENERAL.—The Corporation shall
21 have a Board of Directors (referred to in this
22 Act as the “Board”), which shall consist of the
23 following members:

24 (i) NON-FEDERAL MEMBERS.—The
25 following individuals, or their respective

1 designees, shall serve as non-federal mem-
2 bers:

3 (I) The President of the Associa-
4 tion of Public-Safety Communications
5 Officials—International.

6 (II) The President of the Fra-
7 ternal Order of Police National
8 Lodge.

9 (III) The President of the Inter-
10 national Association of Chiefs of Po-
11 lice.

12 (IV) The President of the Inter-
13 national Association of Fire Fighters.

14 (V) The President of the Inter-
15 national Association of Fire Chiefs,
16 Inc.

17 (VI) The President of the Na-
18 tional Association of Counties.

19 (VII) The President of the Major
20 Cities Chiefs Association.

21 (VIII) The President of the
22 Major County Sheriffs' Association.

23 (IX) The President of the Na-
24 tional Emergency Number Associa-
25 tion.

1 (X) The President of the Na-
2 tional Association of State EMS Offi-
3 cials.

4 (XI) The Chair of the National
5 Governors Association.

6 (XII) The President of the Na-
7 tional League of Cities.

8 (XIII) The President of the Na-
9 tional Sheriffs' Association.

10 (XIV) The Chair of the National
11 Volunteer Fire Council.

12 (XV) The President of the
13 United States Conference of Mayors.

14 (XVI) The President of the Met-
15 ropolitan Fire Chiefs Association.

16 (XVII) The President of the
17 International Municipal Signal Asso-
18 ciation.

19 (XVIII) 4 members to be elected
20 by a majority of members described in
21 subclauses (I) through (XVII)—

22 (aa) at least 1 of whom shall
23 be a representative of the critical
24 infrastructure industry; and

1 (bb) at least 2 of whom shall
2 be a persons with experience in
3 the commercial wireless industry.

4 (ii) FEDERAL MEMBERS.—

5 (I) IN GENERAL.—The following
6 individuals, or their respective des-
7 ignees, shall serve as Federal mem-
8 bers:

9 (aa) The Chairman of the
10 Federal Communications Com-
11 mission.

12 (bb) The Secretary of Com-
13 merce.

14 (cc) The Secretary of Home-
15 land Security.

16 (dd) The Secretary of De-
17 fense.

18 (ee) The Secretary of Trans-
19 portation.

20 (ff) The Attorney General of
21 the United States.

22 (B) TERM.—

23 (i) LENGTH.—The term of office of
24 each non-federal member of the Board
25 shall be 4 years. Each Federal member of

1 the Board shall serve as member of the
2 Board for the life of the Corporation.

3 (ii) EXPIRATION OF TERM.—Any
4 member whose term has expired may serve
5 until such member's successor has taken
6 office, or until the end of the calendar year
7 in which such member's term has expired,
8 whichever is earlier.

9 (iii) VACANCIES.—Any member ap-
10 pointed to fill a vacancy prior to the expi-
11 ration of the term for which such mem-
12 ber's predecessor was appointed shall be
13 appointed for the remainder of such term.

14 (C) VACANCIES NOT TO AFFECT POWER OF
15 BOARD.—A vacancy on the Board shall not af-
16 fect its powers, but shall be filled in the same
17 manner as the original appointment was made.

18 (D) ELECTION OF CHAIRMAN; ELECTION
19 OF EXECUTIVE COMMITTEE; COMPENSATION OF
20 BOARD MEMBERS.—

21 (i) CHAIRMAN.—All members of the
22 Board shall annually elect one of their
23 members to be Chairman, and elect one or
24 more of their members as a Vice Chairman
25 or Vice Chairmen.

1 (ii) EXECUTIVE COMMITTEE.—

2 (I) IN GENERAL.—All members
3 of the Board shall elect, on annual
4 basis, 7 of their members to serve on
5 an Executive Committee.

6 (II) REQUIRED REPRESENTA-
7 TION.—Of the 7 members elected
8 under subclause (I), at least one rep-
9 resentative shall be elected from—

10 (aa) the law enforcement
11 community;

12 (bb) the fire services com-
13 munity; and

14 (cc) the community of State
15 and local government entities.

16 (III) LIMITATION.—No more
17 than 2 of the members of the Execu-
18 tive Committee may be Federal mem-
19 bers of the Board.

20 (E) NOT OFFICERS OR EMPLOYEES.—The
21 non-federal members of the Board shall not, by
22 reason of such membership, be considered to be
23 officers or employees of the United States Gov-
24 ernment or of the District of Columbia Govern-
25 ment.

1 (F) TRAVEL EXPENSES.—While away from
2 home or regular place of business in the per-
3 formance of duties for the Board, each member
4 of the Board may receive reasonable travel, sub-
5 sistence, and other necessary expenses.

6 (G) OFFICERS AND EMPLOYEES.—

7 (i) PRESIDENT.—The Corporation
8 shall have a President, and such other offi-
9 cers as may be named and appointed by
10 the Board for terms, and at rates of com-
11 pensation fixed by the Board.

12 (ii) LIMITATION ON RATE OF PAY.—
13 No officer or employee of the Corporation
14 may be compensated by the Corporation at
15 an annual rate of pay which exceeds the
16 rate of basic pay in effect from time to
17 time for level I of the Executive Schedule
18 under section 5312 of title 5, United
19 States Code.

20 (iii) CITIZENSHIP REQUIREMENT.—
21 No individual other than a citizen of the
22 United States may be an officer of the
23 Corporation.

24 (iv) OUTSIDE SOURCES OF COMPENSA-
25 TION.—No officer of the Corporation,

1 other than the Chairman or a Vice Chair-
2 man, may receive any salary or other com-
3 pensation (except for compensation for
4 services on boards of directors of other or-
5 ganizations that do not receive funds from
6 the Corporation, on committees of such
7 boards, and in similar activities for such
8 organizations) from any sources other than
9 the Corporation for services rendered dur-
10 ing the period of his or her employment by
11 the Corporation.

12 (v) ADVANCE APPROVAL FOR OUTSIDE
13 SERVICE.—Service by any officer on boards
14 of directors of other organizations, on com-
15 mittees of such boards, and in similar ac-
16 tivities for such organizations shall be sub-
17 ject to—

18 (I) annual advance approval by
19 the Board; and

20 (II) the provisions of the Cor-
21 poration's Statement of Ethical Con-
22 duct.

23 (vi) AT WILL EMPLOYMENT.—All offi-
24 cers shall serve at the pleasure of the
25 Board.

1 (vii) QUALIFICATION.—No political
2 test or qualification may be used in select-
3 ing, appointing, promoting, or taking other
4 personnel actions with respect to officers,
5 agents, or employees of the Corporation.

6 (H) NONPROFIT AND NONPOLITICAL NA-
7 TURE OF THE CORPORATION.—

8 (i) NO POWER TO ISSUE STOCK OR
9 DECLARE DIVIDENDS.—The Corporation
10 shall have no power to issue shares of
11 stock, or to declare or pay any dividends.

12 (ii) NO BENEFIT.—No part of the in-
13 come or assets of the Corporation shall
14 inure to the benefit of any officer, em-
15 ployee, or any other individual associated
16 with the Corporation, except as salary or
17 reasonable compensation for services.

18 (iii) POLITICAL ACTIVITY.—The Cor-
19 poration may not contribute to or other-
20 wise support any political party or can-
21 didate for elective public office.

22 (I) INCORPORATION.—The members of the
23 initial Board shall serve as incorporators and
24 shall take whatever steps are necessary to es-
25 tablish the Corporation under the District of

1 Columbia Nonprofit Corporation Act (sec. 29–
2 301.01 et seq., D.C. Official Code).

3 (J) MEETINGS OF THE BOARD.—All meet-
4 ings of the Board, including any committee of
5 the Board, shall be open to the public, except
6 for meetings—

7 (i) regarding personnel matters; and
8 (ii) that, in the discretion of the
9 Board or the Executive Committee, should
10 be conducted in closed session for the pur-
11 pose of guarding sensitive commercial in-
12 formation or national security interests.

13 (c) DUTIES OF THE CORPORATION.—The Corpora-
14 tion may—

15 (1) obtain, through purchase, a license from the
16 Federal Communications Commission for the use of
17 the 30MHz band of recovered analog spectrum (en-
18 compassing that part of the electromagnetic spec-
19 trum between 747 megahertz and 762 megahertz
20 and 777 megahertz and 792 megahertz) reclaimed
21 by the Federal Communications Commission under
22 section 3003 of the Digital Television Transition
23 and Public Safety Act of 2005 (Public Law 109–
24 171; 120 Stat. 22) and reserved for the public safe-
25 ty;

1 (2) facilitate the development of a national pub-
2 lic safety broadband network, including by the pro-
3 motion of a single, open, advanced technology stand-
4 ard for such network;

5 (3) hold and commit to use any license obtained
6 under paragraph (1) for the benefit of the public
7 safety community throughout the United States;

8 (4) establish such arrangements as the Board
9 may determine appropriate to afford public safety
10 entities priority in the use of such network over all
11 other network users;

12 (5) assist in the development of a business
13 model that stimulates competition and innovation
14 while attempting to achieve self-sustenance through
15 the auctioning, in conjunction with the Federal
16 Communications Commission, of spectrum relating
17 to the license obtained under paragraph (1) to com-
18 mercial entities, provided that 10 percent of the rev-
19 enues from any such auction be deposited in any re-
20 serve accounts established under paragraph (9);

21 (6) require such commercial entities to con-
22 struct, manage, and operate a network—

23 (A) that meets specifications established by
24 the Working Group under section 101(c); and

1 (B) that shall be subject to the approval of
2 the Federal Communications Commission;

3 (7) encourage such commercial entities to invest
4 in and improve advanced mobile broadband services;

5 (8) incur indebtedness to carry out the pur-
6 poses of this Act;

7 (9) establish reserve accounts with funds that
8 the Corporation may receive from time to time that
9 exceed the amounts required by the Corporation to
10 timely pay its debt service and other obligations;

11 (10) expend the funds placed in any reserve ac-
12 counts established under paragraph (9) (including
13 interest earned on any such amounts) in a manner
14 authorized by the Board, but only for purposes
15 that—

16 (A) will advance or enhance public safety
17 communications; or

18 (B) are otherwise approved by an Act of
19 Congress; and

20 (11) accept donations, contributions, and grants
21 from supporters and providers of public safety serv-
22 ices.

23 (d) AUTHORIZED ACTIVITIES.—In order to carry out
24 the duties required under subsection (c), the Corporation
25 may—

1 (1) issue notes or bonds to purchasers of such
2 instruments in the private capital markets;

3 (2) take such steps as the Corporation deter-
4 mines necessary or appropriate to discharge its re-
5 sponsibilities and perform its tasks relating to the
6 intended construction, operation, and oversight of a
7 national broadband network for public safety, includ-
8 ing—

9 (A) establishing appropriate build time-
10 tables, coverage areas, service levels, perform-
11 ance criteria, and other similar matters for the
12 deployment of such network;

13 (B) reviewing and approving the terms of
14 any licenses for use of the spectrum relating to
15 the license obtained from the Federal Commu-
16 nications Commission under subsection (c)(1);

17 (C) conducting and supervising system and
18 network testing; and

19 (D) engaging in, or arranging for, ongoing
20 compliance review and monitoring of the—

21 (i) network; and

22 (ii) practices and procedures of the
23 commercial entities operating on such net-
24 work;

1 (3) select, and contract for the services of, an
2 agent which, on behalf of the Corporation, and sub-
3 ject to the direction, policy oversight, and super-
4 vision of the Corporation (through its Board), would
5 be empowered to conduct any and all aspects of the
6 process that the Corporation determines to be nec-
7 essary, appropriate, or advisable to establish and
8 enter into commercial arrangements to build, oper-
9 ate, and manage the network, including leases by
10 commercial service providers for usage rights in that
11 part of the spectrum relating to the license obtained
12 from the Federal Communications Commission
13 under subsection (c)(1);

14 (4) hire or accept the voluntary services of con-
15 sultants, experts, agents (in addition to the agent
16 described in paragraph (3)), advisory boards, and
17 panels to aid the Corporation in carrying out the
18 purpose of this section; and

19 (5) take such other actions as the Board may
20 from time to time determine necessary, appropriate,
21 or advisable to accomplish the purposes of this sec-
22 tion.

23 (e) SELECTION OF AGENTS, CONSULTANTS, AND EX-
24 PERTS.—The Corporation shall select parties to serve as

1 its agents, consultants, or experts in a fair, transparent,
2 and objective manner.

3 (f) RULE OF CONSTRUCTION.—Nothing in this sub-
4 section shall be construed to commit the Federal Govern-
5 ment to provide any sums for the payment of any obliga-
6 tion of the Corporation which exceeds amounts provided
7 in advance in a relevant appropriations Act.

8 (g) CIVIL LIABILITY.—

9 (1) LIMITED LIABILITY.—The liability of the
10 Corporation, its employees and volunteers, in any
11 court of any State or the United States, shall be lim-
12 ited as provided in the District of Columbia Non-
13 profit Corporation Act.

14 (2) EXTENSION OF LIMITATION.—

15 (A) IN GENERAL.—Any director, officer,
16 employee, or agent of the Corporation not oth-
17 erwise provided for under paragraph (1), in-
18 cluding any agent described in subsection
19 (d)(3), is entitled to the same limitations of li-
20 ability afforded under paragraph (1).

21 (B) COMMERCIAL ENTITIES.—Any com-
22 mercial entity described in subsection (d)(3), in-
23 cluding the directors, officers, and employees of
24 such entity, shall not be liable in any court of
25 any State or the United States in connection

1 with any injury or damages arising out of the
2 use of that part of spectrum reserved for public
3 safety services, except to the extent that the
4 public safety personnel using such spectrum
5 would be liable for such injury or damages.

6 (h) REPORT TO CONGRESS.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this Act, and each year
9 thereafter, the Corporation shall submit, directly to
10 the President for review and transmittal to Congress
11 on or before the 15th day of May of each year, an
12 annual report covering the preceding fiscal year.

13 (2) REQUIRED CONTENT.—The report required
14 under paragraph (1) shall include—

15 (A) a comprehensive and detailed report of
16 the operations, activities, financial condition,
17 and accomplishments of the Corporation under
18 this section; and

19 (B) such recommendations or proposals for
20 legislative or administrative action as the Cor-
21 poration deems appropriate.

22 (3) AVAILABILITY TO TESTIFY.—The directors,
23 officers, employees, and agents of the Corporation
24 shall be available to testify before the appropriate
25 committees of the Congress with respect to—

1 (A) the report required under paragraph
2 (1);

3 (B) the report of any audit made by the
4 Comptroller General under subsection (i); or

5 (C) any other matter which such commit-
6 tees may determine appropriate.

7 (i) FINANCIAL MANAGEMENT AND RECORDS.—

8 (1) IN GENERAL.—The accounts of the Cor-
9 poration shall be audited annually in accordance
10 with generally accepted auditing standards by inde-
11 pendent certified public accountants or independent
12 licensed public accountants, certified or licensed by
13 a regulatory authority of a State or other political
14 subdivision of the United States. The audit shall be
15 conducted at the place or places where the accounts
16 of the Corporation are normally kept. All books, ac-
17 counts, financial records, files, and other papers,
18 things, and property belonging to or in use by the
19 Corporation and necessary to facilitate the audit
20 shall be made available to the person or persons con-
21 ducting the audit, and full facilities for verifying
22 transactions with the balances or securities held by
23 depositories, fiscal agents, and custodians shall be
24 afforded to such person or persons.

25 (2) REPORT ON ACCOUNTS.—

1 (A) INCLUSION WITH ANNUAL REPORT.—

2 The report of each such independent audit un-
3 dertaken pursuant to paragraph (1) shall be in-
4 cluded in the annual report required under sub-
5 section (h).

6 (B) REQUIRED CONTENT.—The audit re-
7 port required under this subsection shall set
8 forth the scope of the audit and include—

9 (i) such statements as are necessary
10 to present fairly the assets and liabilities,
11 surplus or deficit of the Corporation;

12 (ii) an analysis of the changes to any
13 such assets and liabilities, or surplus or
14 deficit during the year;

15 (iii) reasonably detailed statement of
16 the Corporation's income and expenses
17 during the year; and

18 (iv) a statement of the sources and
19 application of funds, together with the
20 independent auditor's opinion of those
21 statements.

22 (3) GAO AUDIT.—

23 (A) IN GENERAL.—The financial trans-
24 actions of the Corporation, for any fiscal year
25 during which Federal funds are available to fi-

1 nance any portion of its operations, shall be au-
2 dited by the Comptroller General of the United
3 States in accordance with the principles and
4 procedures applicable to commercial corporate
5 transactions and under such rules and regula-
6 tions as may be prescribed by the Comptroller
7 General. Any such audit shall be conducted at
8 the place or places where accounts of the Cor-
9 poration are normally kept. The representative
10 of the Comptroller General shall have access to
11 all books, accounts, records, reports, files, and
12 all other papers, things, or property belonging
13 to or in use by the Corporation pertaining to its
14 financial transactions and necessary to facilitate
15 the audit, and they shall be afforded full facili-
16 ties for verifying transactions with the balances
17 or securities held by depositories, fiscal agents,
18 and custodians. All such books, accounts,
19 records, reports, files, papers and property of
20 the Corporation shall remain in possession and
21 custody of the Corporation.

22 (B) REPORT.—

23 (i) IN GENERAL.—A report of each
24 such audit undertaken pursuant to sub-

1 paragraph (A) shall be made by the Comp-
2 troller General to the Congress.

3 (ii) REQUIRED CONTENT.—The report
4 required under clause (i) shall—

5 (I) contain such comments and
6 information as the Comptroller Gen-
7 eral may deem necessary to inform
8 Congress of the financial operations
9 and condition of the Corporation, to-
10 gether with such recommendations the
11 Comptroller General may deem advis-
12 able; and

13 (II) show specifically any pro-
14 gram, expenditure, or other financial
15 transaction or undertaking observed
16 in the course of the audit, which, in
17 the opinion of the Comptroller Gen-
18 eral, has been carried on or made
19 without authority of law.

20 (iii) COPIES.—A copy of each report
21 required under clause (i) shall be furnished
22 to the President of the United States, to
23 the Chairman of the Federal Communica-
24 tions Commission, and to the Corporation

1 at the time such report is submitted to the
2 Congress.

3 (j) PURCHASE OF LICENSE.—Notwithstanding any
4 other provision of law, the license that may be made available
5 for purchase by the Corporation in the manner authorized
6 by this section, shall be at a price determined by the Fed-
7 eral Communications Commission not to exceed
8 \$5,000,000,000.

9 **SEC. 305. LOAN GUARANTEES.**

10 (a) AUTHORIZATION.—

11 (1) IN GENERAL.—The Federal Communica-
12 tions Commission shall have the authority to enter
13 into an agreement with the Corporation to provide,
14 and to issue, guarantees of loans to the Corporation
15 to provide funds for—

16 (A) the acquisition of the license for the
17 construction, management, and operation of the
18 advanced broadband public safety network au-
19 thorized by this Act;

20 (B) the establishment of a broadband pub-
21 lic safety network in less densely populated,
22 rural areas; and

23 (C) for other operating funds of the Cor-
24 poration.

1 (2) FULL FAITH AND CREDIT.—The full faith
2 and credit of the United States is pledged to the
3 payment of all guarantees made under subsection
4 (a) with respect to both principal and interest, in-
5 cluding—

6 (A) interest that is capitalized and added
7 to the outstanding principal balance of any loan
8 (subject to the aggregate principal amount limi-
9 tation of all outstanding guaranteed loans, as
10 set forth in subsection (d)); and

11 (B) interest, as may be provided for in any
12 such guarantee, accruing between the date of
13 default under a guaranteed loan and the pay-
14 ment in full of such guarantee.

15 (b) ELIGIBILITY.—To be eligible to obtain a loan
16 guarantee under subsection (a), the Corporation shall sub-
17 mit a proposal to the Federal Communications Commis-
18 sion, at such time and in such manner as the Commission
19 may require. Each proposal submitted shall meet the re-
20 quirements of this Act.

21 (c) TERMS AND CONDITIONS.—A loan guaranteed
22 under subsection (a) shall—

23 (1) bear interest at market rates for United
24 States guaranteed loans of comparable maturity;
25 and

1 (2) have a term not to exceed 30 years from the
2 date the relevant indebtedness is incurred.

3 (d) LIMITATIONS ON AMOUNTS.—

4 (1) IN GENERAL.—The principal amount of all
5 outstanding loans guaranteed under this section at
6 any one time shall not exceed, in the aggregate,
7 \$10,000,000,000, not more than \$5,000,000,000 of
8 which shall be used to fund the purchase price to be
9 paid by the Corporation for the license for the spec-
10 trum to be auctioned under this title.

11 (2) VARYING AMOUNTS FOR LOANS.—Loans
12 guaranteed under this section may be incurred in
13 different amounts and at different times, and may
14 be refinanced from time to time, provided that no
15 such loan refinancing shall result in the term of the
16 loan being extended.

17 (e) SECURITY INTEREST.—For any loan guaranteed
18 under this section, the Corporation shall grant the United
19 States Government a security interest in any license for
20 use of spectrum held by the Corporation, or other com-
21 parable arrangements, satisfactory to the Federal Com-
22 munications Commission.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—In addi-
24 tion to any amounts otherwise made available under this
25 section, there are authorized to be appropriated such sums

1 as necessary to carry out this section for each of the fiscal
2 years 2008 through 2013.

3 (g) **TERMINATION OF LOAN PROGRAM.**—No loan
4 guarantee may be made under this section after December
5 31, 2020.

6 **SEC. 306. RULE OF CONSTRUCTION.**

7 Nothing in this Act shall affect, or be construed to
8 affect, the spectrum auction date of January 28, 2008,
9 as such date was established under the Digital Television
10 Transition and Public Safety Act of 2005 (Public Law
11 109–171; 120 Stat. 21).

12 **TITLE IV—LONG-TERM STRAT-**
13 **EGY FOR INTEROPERABILITY**

14 **SEC. 401. REPORT ON EFFICIENT USE OF PUBLIC SAFETY**
15 **BAND.**

16 Not later than 2 years after February 18, 2009, and
17 every February 18th of each odd-numbered year there-
18 after, the Federal Communications Commission, the Sec-
19 retary of Homeland Security, and either the Working
20 Group established in section 101 or the Corporation estab-
21 lished in section 304(b), shall, jointly, after allowing time
22 for notice and comment, prepare and submit a report to
23 the Senate Committee on Commerce, Science, and Trans-
24 portation and the House of Representatives Committee on
25 Energy and Commerce, on the efficiency and effectiveness

1 of the public safety use of the 24 MHz band of spectrum
2 (encompassing that part of the electromagnetic spectrum
3 between 764 megahertz and 776 megahertz and 794
4 megahertz and 806 megahertz) allocated to public safety
5 services under section 337(a)(1) of the Communications
6 Act of 1934 (47 U.S.C. 337(a)(1)).

7 **SEC. 402. REPORT ON LONG-TERM INTEROPERABILITY BY**
8 **CONSOLIDATING BAND USE.**

9 Not later than 3 years after the date of enactment
10 of this Act, the Federal Communications Commission, the
11 Secretary of Homeland Security, and the Working Group
12 established in section 101, shall, jointly, prepare and sub-
13 mit a report to the Senate Committee on Commerce,
14 Science, and Transportation and the House of Represent-
15 atives Committee on Energy and Commerce, on how dur-
16 ing the next 15 years public safety organizations can—

17 (1) end their use of Land Mobile radio spec-
18 trum below 512 MHz; and

19 (2) begin to use either—

20 (A) the 30MHz band of recovered analog
21 spectrum (encompassing that part of the elec-
22 tromagnetic spectrum between 747 megahertz
23 and 762 megahertz and 777 megahertz and
24 792 megahertz) reclaimed by the Federal Com-
25 munications Commission under section 3003 of

1 the Digital Television Transition and Public
2 Safety Act of 2005 (Public Law 109–171; 120
3 Stat. 22) in preparation for the auction of such
4 spectrum by January 28, 2008;

5 (B) the 24 MHz band of spectrum (encom-
6 passing that part of the electromagnetic spec-
7 trum between 764 megahertz and 776 mega-
8 hertz and 794 megahertz and 806 megahertz)
9 allocated to public safety services under section
10 337(a)(1) of the Communications Act of 1934
11 (47 U.S.C. 337(a)(1)); or

12 (C) the spectrum in the 800 MHz band.

13 **SEC. 403. REPORT ON LONG-TERM INTEROPERABILITY**
14 **USING IP-BASED SOLUTIONS.**

15 Not later than 1 year after the date of enactment
16 of this Act, the Federal Communications Commission, the
17 Secretary of Homeland Security, and the Working Group
18 established in section 101, shall, jointly, after allowing
19 time for notice and comment, prepare and submit a report
20 to the Senate Committee on Commerce, Science, and
21 Transportation and the House of Representatives Com-
22 mittee on Energy and Commerce, on whether Internet
23 Protocol-enabled solutions could aid interoperability.

○