

112TH CONGRESS
1ST SESSION

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.—The 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-
 10 fect 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-
 14 vealed, the inability of local, State, tribal, and Fed-

1 eral first responders to communicate effectively dur-
2 ing an emergency impairs operations to respond to
3 terrorist acts and natural disasters.

4 (3) Many public safety communications systems
5 rely on commercially available systems that lack
6 broadband capabilities or otherwise fail to provide
7 the level of service necessary to meet the mission-
8 critical needs of public safety agencies.

9 (4) A wireless public safety broadband network
10 is needed to guarantee priority access for public
11 safety use and first responder interoperability across
12 the United States.

13 (5) Allocating the paired electromagnetic spec-
14 trum bands of 758–763 megahertz and 788–793
15 megahertz, referred to as the D Block, to public
16 safety agencies will fulfill the needs of public safety
17 agencies for sufficient spectrum and would help re-
18 duce the complexity and future operating cost of
19 public safety communications systems.

20 (6) Because the communications needs of public
21 safety agencies may differ by geographic region (in-
22 cluding whether they require a dedicated commu-
23 nications system or can rely on a system shared with
24 commercial users), each region requires flexibility to
25 develop a model that meets its local needs without

1 sacrificing the interoperability of the nationwide sys-
2 tem.

3 (7) The most timely and cost-effective way to
4 achieve nationwide interoperability in public safety
5 communications will be to leverage commercial infra-
6 structure without compromising the mission-critical
7 needs of public safety agencies.

8 (8) The use by public safety agencies of stand-
9 ardized technologies commonly employed in the com-
10 mercial telecommunications sector will provide sig-
11 nificant benefits, including improved capabilities,
12 greater economies of scale, and more rapid adoption
13 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—

24 (1) in paragraph (1), by striking “24” and in-
25 serting “34”; and

1 (2) in paragraph (2), by striking “36” and in-
2 serting “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:

6 “(b) ASSIGNMENT.—

7 “(1) IN GENERAL.—Not later than 60 days
8 after the date of enactment of the HEROES Act of
9 2011, the Commission shall allocate the paired elec-
10 tromagnetic spectrum bands of 758–763 megahertz
11 and 788–793 megahertz for public safety broadband
12 communications and shall license such paired bands
13 to the public safety broadband licensee.

14 “(2) ESTABLISHMENT OF RULES.—

15 “(A) IN GENERAL.—The Commission shall
16 establish rules to permit the public safety
17 broadband licensee to authorize providers of
18 public safety services to construct and operate
19 a wireless public safety broadband network in
20 the spectrum licensed to the public safety
21 broadband licensee if the public safety
22 broadband licensee determines that such au-
23 thorization would expedite the deployment of
24 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-
22 mission to be the licensee for spectrum between
23 763–768 and 793–798 megahertz.

24 “(2) PUBLIC SAFETY BROADBAND SPEC-
25 TRUM.—The term ‘public safety broadband spec-

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-

1 tion Fund and shall be made available to the Sec-
2 retary 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 remaining 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-
22 ized to be appropriated to the Secretary for deposit
23 in the Construction Fund in and after fiscal year
24 2012 an amount not to exceed the amount set forth
25 in paragraph (4).

1 (2) MAINTENANCE AND OPERATION FUND.—
2 There are authorized to be appropriated to the Sec-
3 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**
17 **NETWORK CONSTRUCTION.**

18 (a) CONSTRUCTION GRANT PROGRAM ESTABLISH-
19 MENT.—The Secretary shall take such action as is nec-
20 essary to establish a grant program to assist public safety
21 entities to establish a nationwide public safety interoper-
22 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.

5 (2) Improvement of the existing public safety
6 and commercial networks and construction of new
7 infrastructure to meet public safety requirements.

8 (c) MATCHING REQUIREMENTS.—

9 (1) FEDERAL SHARE.—The Federal share of
10 the cost of carrying out a project under this section
11 may not exceed 80 percent of the eligible costs of
12 carrying out a project, as determined by the Sec-
13 retary in consultation with the Chairman of the Fed-
14 eral Communications Commission.

15 (2) NON-FEDERAL SHARE.—The non-Federal
16 share of the cost of carrying out a project under this
17 section may be provided through an in-kind con-
18 tribution.

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 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-
17 work Construction Fund established under section
18 202(a)(1);

19 (2) Public Safety Interoperable Broadband Net-
20 work Maintenance and Operation Fund established
21 under section 202(a)(2);

22 (3) construction grant program established
23 under section 203; and

24 (4) maintenance and operation grant program
25 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-**
12 **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.

○