

106TH CONGRESS  
1ST SESSION

# H. R. 866

To amend the Communications Act of 1934 to protect critical infrastructure radio systems from interference and to promote efficient spectrum management of the private land mobile radio bands, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1999

Mr. JONES of North Carolina (for himself, Mr. HORN, Mr. UNDERWOOD, Mr. GILLMOR, Mr. HALL of Texas, Mr. BURR of North Carolina, Mr. PALLONE, Mr. SHIMKUS, and Mr. WHITFIELD) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To amend the Communications Act of 1934 to protect critical infrastructure radio systems from interference and to promote efficient spectrum management of the private land mobile radio bands, 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.**

4       This Act may be cited as the “Critical Infrastructure  
5       Communications Act of 1999”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

1           (1) Radio systems operated by electric, gas, and  
2           water utilities and natural gas and petroleum pipe-  
3           lines are essential to the protection of the nation’s  
4           critical infrastructure and public safety.

5           (2) Section 309(j)(2)(A) of the Communications  
6           Act of 1934 (47 U.S.C. 309(j)(2)(A)) obligates the  
7           Commission to protect and enhance the communica-  
8           tions capabilities of “public safety radio services,”  
9           including electric, gas, and water utilities and natu-  
10          ral gas and petroleum pipelines.

11          (3) The Commission has provided for the pro-  
12          tection of certain critical infrastructure private land  
13          mobile radio services, including police and fire sup-  
14          pression services, through the establishment of a  
15          separate radio pool for these public safety services.

16 **SEC. 3. LONG-TERM SOLUTION.**

17          Not later than 180 days after the date of enactment  
18          of this Act, the Commission shall adopt rules which ensure  
19          the ongoing protection and promotion of spectrum used  
20          by electric, gas, and water utilities and natural gas and  
21          petroleum pipelines against interference from other users  
22          of spectrum and consistent with the provisions of section  
23          309(j)(2)(A) of the Communications Act of 1934.

1 **SEC. 4. TEMPORARY INTERFERENCE PROTECTION.**

2 (a) **LICENSING MORATORIUM.**—Until the rules pro-  
3 mulgated by the Commission pursuant to section 3 of this  
4 Act become effective, the Commission shall discontinue li-  
5 censing private mobile radio facilities on—

6 (1) any channels that were formerly allocated  
7 by the Commission to the Power Radio Service  
8 (commonly referred to as the “IW Radio Service”)  
9 or Petroleum Radio Service (commonly referred to  
10 as the “IP Radio Service”) on either an exclusive or  
11 shared basis; and

12 (2) any channels less than 15 kHz removed  
13 from such channels.

14 (b) **EXCEPTIONS TO MORATORIUM.**—The Commis-  
15 sion may, notwithstanding the moratorium imposed by  
16 subsection (a), grant a license that is subject to such mor-  
17 atorium if—

18 (1) the license applicant obtains the concur-  
19 rence of the designated frequency advisory commit-  
20 tee for the IW or IP Radio Service, or both, depend-  
21 ing on whether the channel on which the applicant  
22 is seeking to be licensed was formerly shared by 1  
23 or both of these services; or

24 (2) the license applicant obtains and submits  
25 written concurrence of all IW and IP radio services  
26 licensees having a co-channel or adjacent-channel fa-

1 cility within 70 miles of the applicant’s proposed  
2 site.

3 **SEC. 5. DEFINITIONS.**

4 As used in this Act—

5 (1) COMMISSION.—The term “Commission”  
6 means the Federal Communications Commission.

7 (2) PUBLIC SAFETY RADIO SERVICES.—The  
8 term “public safety radio services” means those  
9 radio services described in section 309(j)(2)(A) of  
10 the Communications Act of 1934 which include pri-  
11 vate internal radio services used by State and local  
12 governments and nongovernmental entities such as  
13 electric, gas, and water utilities and natural gas and  
14 petroleum pipelines that are used to protect the safe-  
15 ty of life, health, or property and are not made com-  
16 mercially available to the public.

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