

## REFERENCES IN TEXT

The Broadband Data Improvement Act, referred to in subsec. (k)(3), is title I of Pub. L. 110-385, Oct. 10, 2008, 122 Stat. 4096, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

## CODIFICATION

Section was enacted as part of the American Recovery and Reinvestment Act of 2009, and not as part of the Broadband Data Improvement Act which comprises this chapter.

### CHAPTER 13—PUBLIC SAFETY COMMUNICATIONS AND ELECTROMAGNETIC SPECTRUM AUCTIONS

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## § 1401. Definitions

In this chapter:

**(1) 700 MHz band**

The term “700 MHz band” means the portion of the electromagnetic spectrum between the frequencies from 698 megahertz to 806 megahertz.

**(2) 700 MHz D block spectrum**

The term “700 MHz D block spectrum” means the portion of the electromagnetic spectrum between the frequencies from 758 megahertz to 763 megahertz and between the frequencies from 788 megahertz to 793 megahertz.

**(3) Appropriate committees of Congress**

Except as otherwise specifically provided, the term “appropriate committees of Congress” means—

- (A) the Committee on Commerce, Science, and Transportation of the Senate; and
- (B) the Committee on Energy and Commerce of the House of Representatives.

**(4) Assistant Secretary**

The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

**(5) Board**

The term “Board” means the Board of the First Responder Network Authority established under section 1424(b) of this title.

**(6) Broadcast television licensee**

The term “broadcast television licensee” means the licensee of—

- (A) a full-power television station; or
- (B) a low-power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.

**(7) Broadcast television spectrum**

The term “broadcast television spectrum” means the portions of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, from 174 megahertz to 216 megahertz, and from 470 megahertz to 698 megahertz.

**(8) Commercial mobile data service**

The term “commercial mobile data service” means any mobile service (as defined in section 153 of this title) that is—

- (A) a data service;
- (B) provided for profit; and
- (C) available to the public or such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission.

**(9) Commercial mobile service**

The term “commercial mobile service” has the meaning given such term in section 332 of this title.

**(10) Commercial standards**

The term “commercial standards” means the technical standards followed by the commercial mobile service and commercial mobile

data service industries for network, device, and Internet Protocol connectivity. Such term includes standards developed by the Third Generation Partnership Project (3GPP), the Institute of Electrical and Electronics Engineers (IEEE), the Alliance for Telecommunications Industry Solutions (ATIS), the Internet Engineering Task Force (IETF), and the International Telecommunication Union (ITU).

**(11) Commission**

The term “Commission” means the Federal Communications Commission.

**(12) Core network**

The term “core network” means the core network described in section 1422(b)(1) of this title.

**(13) Emergency call**

The term “emergency call” means any real-time communication with a public safety answering point or other emergency management or response agency, including—

(A) through voice, text, or video and related data; and

(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

**(14) Existing public safety broadband spectrum**

The term “existing public safety broadband spectrum” means the portion of the electromagnetic spectrum between the frequencies—

(A) from 763 megahertz to 768 megahertz;

(B) from 793 megahertz to 798 megahertz;

(C) from 768 megahertz to 769 megahertz; and

(D) from 798 megahertz to 799 megahertz.

**(15) First Responder Network Authority**

The term “First Responder Network Authority” means the First Responder Network Authority established under section 1424 of this title.

**(16) Forward auction**

The term “forward auction” means the portion of an incentive auction of broadcast television spectrum under section 1452(c) of this title.

**(17) Incentive auction**

The term “incentive auction” means a system of competitive bidding under subparagraph (G) of section 309(j)(8) of this title, as added by section 6402.

**(18) Interoperability Board**

The term “Interoperability Board” means the Technical Advisory Board for First Responder Interoperability established under section 1423 of this title.

**(19) Multichannel video programming distributor**

The term “multichannel video programming distributor” has the meaning given such term in section 522 of this title.

**(20) Narrowband spectrum**

The term “narrowband spectrum” means the portion of the electromagnetic spectrum be-

tween the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

**(21) Nationwide public safety broadband network**

The term “nationwide public safety broadband network” means the nationwide, interoperable public safety broadband network described in section 1422 of this title.

**(22) Next Generation 9–1–1 services**

The term “Next Generation 9–1–1 services” means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

(A) provides standardized interfaces from emergency call and message services to support emergency communications;

(B) processes all types of emergency calls, including voice, text, data, and multimedia information;

(C) acquires and integrates additional emergency call data useful to call routing and handling;

(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

(E) supports data or video communications needs for coordinated incident response and management; and

(F) provides broadband service to public safety answering points or other first responder entities.

**(23) NIST**

The term “NIST” means the National Institute of Standards and Technology.

**(24) NTIA**

The term “NTIA” means the National Telecommunications and Information Administration.

**(25) Public safety answering point**

The term “public safety answering point” has the meaning given such term in section 222 of this title.

**(26) Public safety entity**

The term “public safety entity” means an entity that provides public safety services.

**(27) Public safety services**

The term “public safety services”—

(A) has the meaning given the term in section 337(f) of this title; and

(B) includes services provided by emergency response providers, as that term is defined in section 101 of title 6.

**(28) Public Safety Trust Fund**

The term “Public Safety Trust Fund” means the trust fund established under section 1457(a)(1) of this title.

**(29) Radio access network**

The term “radio access network” means the radio access network described in section 1422(b)(2) of this title.

**(30) Reverse auction**

The term “reverse auction” means the portion of an incentive auction of broadcast tele-

vision spectrum under section 1452(a) of this title, in which a broadcast television licensee may submit bids stating the amount it would accept for voluntarily relinquishing some or all of its broadcast television spectrum usage rights.

**(31) State**

The term “State” has the meaning given such term in section 153 of this title.

**(32) Ultra high frequency**

The term “ultra high frequency” means, with respect to a television channel, that the channel is located in the portion of the electromagnetic spectrum between the frequencies from 470 megahertz to 698 megahertz.

**(33) Very high frequency**

The term “very high frequency” means, with respect to a television channel, that the channel is located in the portion of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, or from 174 megahertz to 216 megahertz.

(Pub. L. 112-96, title VI, §6001, Feb. 22, 2012, 126 Stat. 201.)

REFERENCES IN TEXT

Section 6402, referred to in par. (17), is section 6402 of Pub. L. 112-96, which amended section 309 of this title.

SHORT TITLE

Pub. L. 112-96, title VI, §6501, Feb. 22, 2012, 126 Stat. 237, provided that: “This subtitle [subtitle E (§§6501-6509) of title VI of Pub. L. 112-96, enacting sections 1471 to 1473 of this title and amending section 942 of this title] may be cited as the ‘Next Generation 9-1-1 Advancement Act of 2012.’”

**§ 1402. Rule of construction**

Each range of frequencies described in this chapter shall be construed to be inclusive of the upper and lower frequencies in the range.

(Pub. L. 112-96, title VI, §6002, Feb. 22, 2012, 126 Stat. 204.)

**§ 1403. Enforcement**

**(a) In general**

The Commission shall implement and enforce this chapter as if this chapter is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.). A violation of this chapter, or a regulation promulgated under this chapter, shall be considered to be a violation of the Communications Act of 1934, or a regulation promulgated under such Act, respectively.

**(b) Exceptions**

**(1) Other agencies**

Subsection (a) does not apply in the case of a provision of this chapter that is expressly required to be carried out by an agency (as defined in section 551 of title 5) other than the Commission.

**(2) NTIA regulations**

The Assistant Secretary may promulgate such regulations as are necessary to implement and enforce any provision of this chapter

that is expressly required to be carried out by the Assistant Secretary.

(Pub. L. 112-96, title VI, §6003, Feb. 22, 2012, 126 Stat. 204.)

REFERENCES IN TEXT

The Communications Act of 1934, referred to in subsec. (a), is act June 19, 1934, ch. 652, 48 Stat. 1064, which is classified principally to chapter 5 (§ 151 et seq.) of this title. For complete classification of this Act to the Code, see section 609 of this title and Tables.

**§ 1404. National security restrictions on use of funds and auction participation**

**(a) Use of funds**

No funds made available by subchapter II or III may be used to make payments under a contract to a person described in subsection (c).

**(b) Auction participation**

A person described in subsection (c) may not participate in a system of competitive bidding under section 309(j) of this title—

(1) that is required to be conducted by this chapter; or

(2) in which any spectrum usage rights for which licenses are being assigned were made available under clause (i) of subparagraph (G) of paragraph (8) of such section, as added by section 6402.

**(c) Person described**

A person described in this subsection is a person who has been, for reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant.

(Pub. L. 112-96, title VI, §6004, Feb. 22, 2012, 126 Stat. 205.)

REFERENCES IN TEXT

Section 6402, referred to in subsec. (b)(2), is section 6402 of Pub. L. 112-96, which amended section 309 of this title.

SUBCHAPTER I—REALLOCATION OF PUBLIC SAFETY SPECTRUM

**§ 1411. Reallocation of D block to public safety**

**(a) In general**

The Commission shall reallocate the 700 MHz D block spectrum for use by public safety entities in accordance with the provisions of this chapter.

**(b) Omitted**

(Pub. L. 112-96, title VI, §6101, Feb. 22, 2012, 126 Stat. 205.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, and was translated as reading “this title”, meaning title VI of Pub. L. 112-96, Feb. 22, 2012, 126 Stat. 201, to reflect the probable intent of Congress. Title VI enacted this chapter and section 929 of this title, amended sections 309, 337, 614, 902, 923, 928, and 942 of this title, and enacted provisions set out as a note under section 1401 of this title.

CODIFICATION

Section is comprised of section 6101 of Pub. L. 112-96. Subsec. (b) of section 6101 of Pub. L. 112-96 amended section 337 of this title.