

§ 1412. Flexible use of narrowband spectrum

The Commission may allow the narrowband spectrum to be used in a flexible manner, including usage for public safety broadband communications, subject to such technical and interference protection measures as the Commission may require.

(Pub. L. 112-96, title VI, §6102, Feb. 22, 2012, 126 Stat. 205.)

§ 1413. 470–512 MHz public safety spectrum

(a) In general

Not later than 9 years after February 22, 2012, the Commission shall—

(1) reallocate the spectrum in the 470–512 MHz band (referred to in this section as the “T-Band spectrum”) currently used by public safety eligibles as identified in section 90.303 of title 47, Code of Federal Regulations; and

(2) begin a system of competitive bidding under section 309(j) of this title to grant new initial licenses for the use of the spectrum described in paragraph (1).

(b) Auction proceeds

Proceeds (including deposits and upfront payments from successful bidders) from the competitive bidding system described in subsection (a)(2) shall be available to the Assistant Secretary to make grants in such sums as necessary to cover relocation costs for the relocation of public safety entities from the T-Band spectrum.

(c) Relocation

Relocation shall be completed not later than 2 years after the date on which the system of competitive bidding described in subsection (a)(2) is completed.

(Pub. L. 112-96, title VI, §6103, Feb. 22, 2012, 126 Stat. 205.)

SUBCHAPTER II—GOVERNANCE OF PUBLIC SAFETY SPECTRUM

§ 1421. Single public safety wireless network licensee

(a) Reallocation and grant of license

Notwithstanding any other provision of law, and subject to the provisions of this chapter, the Commission shall reallocate and grant a license to the First Responder Network Authority for the use of the 700 MHz D block spectrum and existing public safety broadband spectrum.

(b) Term of license

(1) Initial license

The license granted under subsection (a) shall be for an initial term of 10 years from the date of the initial issuance of the license.

(2) Renewal of license

Prior to expiration of the term of the initial license granted under subsection (a) or the expiration of any subsequent renewal of such license, the First Responder Network Authority shall submit to the Commission an application for the renewal of such license. Such renewal application shall demonstrate that, during the

preceding license term, the First Responder Network Authority has met the duties and obligations set forth under this chapter. A renewal license granted under this paragraph shall be for a term of not to exceed 10 years.

(c) Facilitation of transition

The Commission shall take all actions necessary to facilitate the transition of the existing public safety broadband spectrum to the First Responder Network Authority.

(Pub. L. 112-96, title VI, §6201, Feb. 22, 2012, 126 Stat. 206.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b)(2), 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.

§ 1422. Public safety broadband network

(a) Establishment

The First Responder Network Authority shall ensure the establishment of a nationwide, interoperable public safety broadband network.

(b) Network components

The nationwide public safety broadband network shall be based on a single, national network architecture that evolves with technological advancements and initially consists of—

(1) a core network that—

(A) consists of national and regional data centers, and other elements and functions that may be distributed geographically, all of which shall be based on commercial standards; and

(B) provides the connectivity between—

(i) the radio access network; and

(ii) the public Internet or the public switched network, or both; and

(2) a radio access network that—

(A) consists of all cell site equipment, antennas, and backhaul equipment, based on commercial standards, that are required to enable wireless communications with devices using the public safety broadband spectrum; and

(B) shall be developed, constructed, managed, maintained, and operated taking into account the plans developed in the State, local, and tribal planning and implementation grant program under section 1442(a) of this title.

(Pub. L. 112-96, title VI, §6202, Feb. 22, 2012, 126 Stat. 206.)

§ 1423. Public safety Interoperability Board

(a) Establishment

There is established within the Commission an advisory board to be known as the “Technical Advisory Board for First Responder Interoperability”.

(b) Membership

(1) In general

(A) Voting members

Not later than 30 days after February 22, 2012, the Chairman of the Commission shall

appoint 14 voting members to the Interoperability Board, of which—

(i) 4 members shall be representatives of wireless providers, of which—

(I) 2 members shall be representatives of national wireless providers;

(II) 1 member shall be a representative of regional wireless providers; and

(III) 1 member shall be a representative of rural wireless providers;

(ii) 3 members shall be representatives of equipment manufacturers;

(iii) 4 members shall be representatives of public safety entities, of which—

(I) not less than 1 member shall be a representative of management level employees of public safety entities; and

(II) not less than 1 member shall be a representative of employees of public safety entities;

(iv) 3 members shall be representatives of State and local governments, chosen to reflect geographic and population density differences across the United States; and

(v) all members shall have specific expertise necessary to developing technical requirements under this section, such as technical expertise, public safety communications expertise, and commercial network experience.

(B) Non-voting member

The Assistant Secretary shall appoint 1 non-voting member to the Interoperability Board.

(2) Period of appointment

(A) In general

Except as provided in subparagraph (B), members of the Interoperability Board shall be appointed for the life of the Interoperability Board.

(B) Removal for cause

A member of the Interoperability Board may be removed for cause upon the determination of the Chairman of the Commission.

(3) Vacancies

Any vacancy in the Interoperability Board shall not affect the powers of the Interoperability Board, and shall be filled in the same manner as the original appointment.

(4) Chairperson and Vice Chairperson

The Interoperability Board shall select a Chairperson and Vice Chairperson from among the members of the Interoperability Board.

(5) Quorum

A majority of the members of the Interoperability Board shall constitute a quorum.

(c) Duties of the Interoperability Board

(1) Development of technical requirements

Not later than 90 days after February 22, 2012, the Interoperability Board, in consultation with the NTIA, NIST, and the Office of Emergency Communications of the Department of Homeland Security, shall—

(A) develop recommended minimum technical requirements to ensure a nationwide

level of interoperability for the nationwide public safety broadband network; and

(B) submit to the Commission for review in accordance with paragraph (3) recommended minimum technical requirements described in subparagraph (A).

(2) Consideration

In developing recommended minimum technical requirements under paragraph (1), the Interoperability Board shall base the recommended minimum technical requirements on the commercial standards for Long Term Evolution (LTE) service.

(3) Approval of recommendations

(A) In general

Not later than 30 days after the date on which the Interoperability Board submits recommended minimum technical requirements under paragraph (1)(B), the Commission shall approve the recommendations, with any revisions it deems necessary, and transmit such recommendations to the First Responder Network Authority.

(B) Review

Any actions taken under subparagraph (A) shall not be reviewable as a final agency action.

(d) Travel expenses

The members of the Interoperability Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Interoperability Board.

(e) Exemption from FACA

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Interoperability Board.

(f) Termination of authority

The Interoperability Board shall terminate 15 days after the date on which the Commission transmits the recommendations to the First Responder Network Authority under subsection (c)(3)(A).

(Pub. L. 112-96, title VI, §6203, Feb. 22, 2012, 126 Stat. 207.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 1424. Establishment of the First Responder Network Authority

(a) Establishment

There is established as an independent authority within the NTIA the “First Responder Network Authority” or “FirstNet”.

(b) Board

(1) In general

The First Responder Network Authority shall be headed by a Board, which shall consist of—