

taking of the First Responder Network Authority that was observed during the course of the audit, which, in the opinion of the independent auditor, has been carried on or made without the authority of law.

(Pub. L. 112-96, title VI, § 6209, Feb. 22, 2012, 126 Stat. 216.)

#### § 1430. Annual report to Congress

##### (a) In general

Not later than 1 year after February 22, 2012, and each year thereafter, the First Responder Network Authority shall submit an annual report covering the preceding fiscal year to the appropriate committees of Congress.

##### (b) Required content

The report required under subsection (a) shall include—

- (1) a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the First Responder Network Authority under this section; and
- (2) such recommendations or proposals for legislative or administrative action as the First Responder Network Authority deems appropriate.

##### (c) Availability to testify

The members of the Board and employees of the First Responder Network Authority shall be available to testify before the appropriate committees of the Congress with respect to—

- (1) the report required under subsection (a);
- (2) the report of any audit conducted under section 1429<sup>1</sup> of this title; or
- (3) any other matter which such committees may determine appropriate.

(Pub. L. 112-96, title VI, § 6210, Feb. 22, 2012, 126 Stat. 217.)

#### REFERENCES IN TEXT

Section 1429 of this title, referred to in subsec. (c)(2), was in the original a reference to section 6210 of Pub. L. 112-96, this section, and was translated as if it had been a reference to section 6209 of Pub. L. 112-96, which is classified to section 1429 of this title, to reflect the probable intent of Congress. Section 6210 does not relate to audits.

#### § 1431. Public safety roaming and priority access

The Commission may adopt rules, if necessary in the public interest, to improve the ability of public safety networks to roam onto commercial networks and to gain priority access to commercial networks in an emergency if—

- (1) the public safety entity equipment is technically compatible with the commercial network;
- (2) the commercial network is reasonably compensated; and
- (3) such access does not preempt or otherwise terminate or degrade all existing voice conversations or data sessions.

(Pub. L. 112-96, title VI, § 6211, Feb. 22, 2012, 126 Stat. 218.)

<sup>1</sup> See References in Text note below.

#### § 1432. Prohibition on direct offering of commercial telecommunications service directly to consumers

##### (a) In general

The First Responder Network Authority shall not offer, provide, or market commercial telecommunications or information services directly to consumers.

##### (b) Rule of construction

Nothing in this section shall be construed to prohibit the First Responder Network Authority and a secondary user from entering into a covered leasing agreement pursuant to section 1428(a)(2)(B) of this title. Nothing in this section shall be construed to limit the First Responder Network Authority from collecting lease fees related to network equipment and infrastructure pursuant to section 1428(a)(3) of this title.

(Pub. L. 112-96, title VI, § 6212, Feb. 22, 2012, 126 Stat. 218.)

#### § 1433. Provision of technical assistance

The Commission may provide technical assistance to the First Responder Network Authority and may take any action necessary to assist the First Responder Network Authority in effectuating its duties and responsibilities under this subchapter.

(Pub. L. 112-96, title VI, § 6213, Feb. 22, 2012, 126 Stat. 218.)

### SUBCHAPTER III—PUBLIC SAFETY COMMITMENTS

#### § 1441. State and Local Implementation Fund

##### (a) Establishment

There is established in the Treasury of the United States a fund to be known as the State and Local Implementation Fund.

##### (b) Amounts available for State and Local Implementation Grant Program

Any amounts borrowed under subsection (c)(1) and any amounts in the State and Local Implementation Fund that are not necessary to reimburse the general fund of the Treasury for such borrowed amounts shall be available to the Assistant Secretary to implement section 1442 of this title.

##### (c) Borrowing authority

###### (1) In general

Prior to the end of fiscal year 2022, the Assistant Secretary may borrow from the general fund of the Treasury such sums as may be necessary, but not to exceed \$135,000,000, to implement section 1442 of this title.

###### (2) Reimbursement

The Assistant Secretary shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under paragraph (1) as funds are deposited into the State and Local Implementation Fund.

##### (d) Transfer of unused funds

If there is a balance remaining in the State and Local Implementation Fund on September 30, 2022, the Secretary of the Treasury shall

transfer such balance to the general fund of the Treasury, where such balance shall be dedicated for the sole purpose of deficit reduction.

(Pub. L. 112-96, title VI, § 6301, Feb. 22, 2012, 126 Stat. 218.)

#### § 1442. State and local implementation

##### (a) Establishment of State and Local Implementation Grant Program

The Assistant Secretary, in consultation with the First Responder Network Authority, shall take such action as is necessary to establish a grant program to make grants to States to assist State, regional, tribal, and local jurisdictions to identify, plan, and implement the most efficient and effective way for such jurisdictions to utilize and integrate the infrastructure, equipment, and other architecture associated with the nationwide public safety broadband network to satisfy the wireless communications and data services needs of that jurisdiction, including with regards to coverage, siting, and other needs.

##### (b) Matching requirements; Federal share

###### (1) In general

The Federal share of the cost of any activity carried out using a grant under this section may not exceed 80 percent of the eligible costs of carrying out that activity, as determined by the Assistant Secretary, in consultation with the First Responder Network Authority.

###### (2) Waiver

The Assistant Secretary may waive, in whole or in part, the requirements of paragraph (1) for good cause shown if the Assistant Secretary determines that such a waiver is in the public interest.

##### (c) Programmatic requirements

Not later than 6 months after February 22, 2012, the Assistant Secretary, in consultation with the First Responder Network Authority, shall establish requirements relating to the grant program to be carried out under this section, including the following:

- (1) Defining eligible costs for purposes of subsection (b)(1).
- (2) Determining the scope of eligible activities for grant funding under this section.
- (3) Prioritizing grants for activities that ensure coverage in rural as well as urban areas.

##### (d) Certification and designation of officer or governmental body

In carrying out the grant program established under this section, the Assistant Secretary shall require each State to certify in its application for grant funds that the State has designated a single officer or governmental body to serve as the coordinator of implementation of the grant funds.

##### (e) State network

###### (1) Notice

Upon the completion of the request for proposal process conducted by the First Responder Network Authority for the construction, operation, maintenance, and improvement of the nationwide public safety broad-

band network, the First Responder Network Authority shall provide to the Governor of each State, or his designee—

- (A) notice of the completion of the request for proposal process;
- (B) details of the proposed plan for build-out of the nationwide, interoperable broadband network in such State; and
- (C) the funding level for the State as determined by the NTIA.

##### (2) State decision

Not later than 90 days after the date on which the Governor of a State receives notice under paragraph (1), the Governor shall choose whether to—

- (A) participate in the deployment of the nationwide, interoperable broadband network as proposed by the First Responder Network Authority; or
- (B) conduct its own deployment of a radio access network in such State.

##### (3) Process

###### (A) In general

Upon making a decision to opt-out under paragraph (2)(B), the Governor shall notify the First Responder Network Authority, the NTIA, and the Commission of such decision.

###### (B) State request for proposals

Not later than 180 days after the date on which a Governor provides notice under subparagraph (A), the Governor shall develop and complete requests for proposals for the construction, maintenance, and operation of the radio access network within the State.

###### (C) Submission and approval of alternative plan

###### (i) In general

The State shall submit an alternative plan for the construction, maintenance, operation, and improvements of the radio access network within the State to the Commission, and such plan shall demonstrate—

- (I) that the State will be in compliance with the minimum technical interoperability requirements developed under section 1423 of this title; and
- (II) interoperability with the nationwide public safety broadband network.

###### (ii) Commission approval or disapproval

Upon submission of a State plan under clause (i), the Commission shall either approve or disapprove the plan.

###### (iii) Approval

If the Commission approves a plan under this subparagraph, the State—

- (I) may apply to the NTIA for a grant to construct the radio access network within the State that includes the showing described in subparagraph (D); and
- (II) shall apply to the NTIA to lease spectrum capacity from the First Responder Network Authority.

###### (iv) Disapproval

If the Commission disapproves a plan under this subparagraph, the construction,